

# HOUSE BILL REPORT

## HB 1128

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**As Reported by House Committee On:**  
Early Learning & Human Services

**Title:** An act relating to extended foster care services.

**Brief Description:** Providing for extended foster care.

**Sponsors:** Representatives Roberts, Carlyle, Kagi, Walsh, Orwall, Goodman, Reykdal, Kenney, Maxwell, Appleton, Hunt and Pettigrew.

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 1/27/11, 2/17/11 [DPS].

**Brief Summary of Substitute Bill**

- Requires the Department of Social and Health Services to develop a plan to implement the provisions of the Fostering Connections Act to provide extended foster care services for older youth up to age 21 years.

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### HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dickerson, Goodman, Johnson and Orwall.

**Minority Report:** Do not pass. Signed by 1 member: Representative Overstreet.

**Staff:** Linda Merelle (786-7092).

**Background:**

Definition of Juveniles.

The terms "juvenile," "youth," and "child" are synonymous under Washington law. With some exceptions, a juvenile is any individual under the age of 18 years.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

### Foster Care to 21.

For at least the past two decades, the Department of Social and Health Services (DSHS), has been authorized to provide continued foster care or group care for youth between the ages of 18 and 21 years in order to support the youths' completion of high school or vocational school programs. In 2005 the Legislature authorized the DSHS to provide continuing foster care or group care for youth between the ages of 18 and 21 years who are enrolled in post-secondary education or training programs. The practice of providing continuing foster care past age 18 for post-secondary and related purposes is commonly referred to as Foster Care to 21.

The enacting legislation for Washington's Foster Care to 21 program provides that, beginning in 2006, the DSHS is authorized to allow 50 youth to remain in foster care after reaching age 18. In addition to the first 50 youth, an additional 50 youth could also enter the program in 2007 and 2008. In 2010 there were 83 slots available. As of January 2011, 66 youth were enrolled in the program.

### The Fostering Connections to Success and Increasing Adoptions Act of 2008.

In October 2008 the U.S. Congress approved, and the President signed, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Act). The legislation includes a variety of provisions, both mandatory and permissive, intended to reform aspects of child welfare programs. Some of the changes took effect immediately and others are phased in over a period of years. The mandatory provisions in the Act include the following:

- developing health care oversight and coordination plans for children in foster care;
- requiring due diligence in identifying and notifying adult relatives of children placed in foster care;
- ensuring school-age children in foster care are enrolled in school and requiring school stability issues to be addressed in children's case plans;
- negotiating in good faith with Indian tribes seeking to develop their own foster care program using federal moneys;
- notifying prospective adoptive parents of federal adoption tax credits; and
- requiring children's case plans to include a transition plan for youth aging out of foster care.

The DSHS has determined it can, for the time being, implement the mandatory provisions without a change in state law. One of the key changes permitted by the Act includes allowing states to use foster care funds to provide Foster Care to 21 placement services to youth engaged in a broader array of qualifying activities. The federal funding attached to this provision became available October 1, 2010.

### Foster Care to 21 and Other Transitional Supports.

In 2009 the Legislature passed Engrossed Second Substitute House Bill 1961 and clarified the Foster Care to 21 statute to allow continued enrollment in the program, subject to the availability of appropriated funding. Under that bill, eligibility to remain in foster care or group care continued until the youth turned 21 years old if he or she adhered to program rules and remained enrolled in a post-secondary program.

Beginning October 1, 2010, the type of activities necessary to qualify for Foster Care to 21 was expanded to reflect the activities eligible for use of federal funds. The DSHS is

authorized to provide continued foster care or group care up to age 21, within amounts appropriated for this specific purpose, for youth who are:

- enrolled and participating in a post-secondary program;
- participating in a program to promote, or reduce barriers, to employment;
- working 80 or more hours per month; or
- incapable of participating in school, work, or other activities due to a medical condition supported with regularly updated information.

In lieu of Foster Care to 21 placement services and within amounts appropriated for this specific purpose, the DSHS may provide adoption support or relative guardianship benefits on behalf of youth who achieved permanency through adoption or a guardianship after age 16 and who are engaged in one of the activities listed above. Eligibility for continued support or subsidy payments continues until the youth reaches age 21.

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**Summary of Substitute Bill:**

The DSHS must develop a plan to implement the provisions of the Fostering Connections Act to provide extended foster care services for older youth to age 21.

**Substitute Bill Compared to Original Bill:**

The substitute bill removes all of the provisions implementing extended foster care services for juveniles.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 19, 2011.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This is complex legislation and we are trying to move forward in a responsible way. This bill addresses the critical issue of providing safe housing to allow youth a stable foundation to begin their adult life. Youth exiting foster care are at much higher risk of homelessness and ongoing reliance on public assistance than other youth. Provided with an opportunity for safe and stable housing, youth attend college for a longer period of time, receive public assistance for fewer months, and are less likely to be involved in the criminal justice system. Eighteen-year-olds are not ready to be independent. When juveniles turn 18 years old, everything in their world comes to an end. This bill will allow them to have safe housing and a family. It is very difficult to find a job and housing prior to graduating from high school. Homelessness is difficult for youth to live with. Without help from parents, youth aging out of foster care need the Legislature to help as much as possible. Housing is a

fundamental need that precedes all other progress and achievement. Having housing gives youth a chance to make their life their own.

(With concerns) One concern is under section 7(1) of the bill — foster care continues for an additional 6 months after the youth turns 18 years old. If there are youth who do not need to continue with foster care after reaching age 18, the court should not have to expend those funds.

(Opposed) When parental rights are terminated and the foster youth do not have a permanent home, they are owed the kind of support they need beyond the age of 21.

**Persons Testifying:** (In support) Representative Roberts, prime sponsor; Jim Theofelis, Degale Cooper, John Metzger, Bunthy Ream, and Terrell Rosetti, Mockingbird Society; Grace Runyan, Pierce County Alliance; Jacqueline Medina, Independent Youth Housing Program; and Maureen McLemore, Community Youth Services.

(With concerns) Rick Bartholemew, Washington State Bar Association.

(Opposed) Nancy Schrader, Foster Parent Association of Washington State.

**Persons Signed In To Testify But Not Testifying:** None.