
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2264

State of Washington

62nd Legislature

2012 Regular Session

By House Ways & Means (originally sponsored by Representatives Kagi, Walsh, Hinkle, Carlyle, Darneille, Jinkins, Roberts, Dickerson, and Ryu)

READ FIRST TIME 02/07/12.

1 AN ACT Relating to performance-based contracting for certain
2 services provided to children and families in the child welfare system;
3 amending RCW 74.13.366, 74.13.370, 74.13.010, 74.13.0311, 74.13.042,
4 74.13.045, 74.13.055, 74.13.065, 74.13.170, 74.13.280, 74.13.283,
5 74.13.285, 74.13.289, 74.13.300, 74.13.310, 74.13.315, 74.13.325,
6 74.13.334, 74.13.500, 74.13.515, 74.13.525, 74.13.530, 74.13.560,
7 74.13.590, 74.13.600, 74.13.640, and 74.13.650; reenacting and amending
8 RCW 74.13.020, 74.13.031, 74.13.036, 74.13.333, 13.34.030, and
9 13.36.020; adding new sections to chapter 74.13 RCW; and repealing RCW
10 74.13.360, 74.13.362, 74.13.364, 74.13.368, and 74.13.372.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

12 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW
13 to read as follows:

14 (1) The legislature finds that:

15 (a) The state of Washington and several Indian tribes in the state
16 of Washington assume legal responsibility for abused or neglected
17 children when their parents or caregivers are unable or unwilling to
18 adequately provide for their safety, health, and welfare;

1 (b) Washington state has a strong history of partnership between
2 the department of social and health services and contracted service
3 providers who currently serve children and families in the child
4 welfare system. The department and its contracted service providers
5 have responsibility for providing services to address parenting
6 deficiencies resulting in child maltreatment, and the needs of children
7 impacted by maltreatment;

8 (c) Department caseworkers and contracted service providers each
9 play a critical and complementary role in the child welfare system. A
10 2007 Washington state children's administration workload study found
11 significant gaps in the number of case-carrying social workers relative
12 to the demands of their workload;

13 (d) The current system of contracting for services needed by
14 children and families in the child welfare system is fragmented,
15 inflexible, and lacks incentives for improving outcomes for children
16 and families.

17 (2) The legislature intends:

18 (a) To reform the delivery of certain services to children and
19 families in the child welfare system by creating a flexible,
20 accountable community-based system of care that utilizes
21 performance-based contracting, maximizes the use of evidence-based,
22 research-based, and promising practices, and expands the capacity of
23 community-based agencies to leverage local funding and other resources
24 to benefit children and families served by the department;

25 (b) To phase in implementation of performance-based contracting in
26 order to develop the contracting experience and other capacity
27 necessary for statewide implementation;

28 (c) To achieve improved child safety, child permanency, including
29 reunification, and child well-being outcomes through the collaborative
30 efforts of the department and contracted service providers and the
31 prioritization of these goals in performance-based contracting; and

32 (d) To implement performance-based contracting under this act in a
33 manner that supports and complies with the federal and Washington state
34 Indian child welfare act.

35 **Sec. 2.** RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and
36 amended to read as follows:

37 For purposes of this chapter:

1 (1) "Case management" means (~~the management of services delivered~~
2 ~~to children and families in the child welfare system, including~~
3 ~~permanency services, caseworker child visits, family visits, the~~)
4 convening ((of)) family ((group conferences, the development and
5 revision of the case plan, the coordination and monitoring of services
6 needed by the child and family,)) meetings, developing, revising, and
7 monitoring implementation of any case plan or individual service and
8 safety plan, coordinating and monitoring services needed by the child
9 and family, caseworker-child visits, family visits, and the assumption
10 of court-related duties, excluding legal representation, including
11 preparing court reports, attending judicial hearings and permanency
12 hearings, and ensuring that the child is progressing toward permanency
13 within state and federal mandates, including the Indian child welfare
14 act.

15 (2) "Child" means:

16 (a) A person less than eighteen years of age; or

17 (b) A person age eighteen to twenty-one years who is eligible to
18 receive the extended foster care services authorized under RCW
19 74.13.031.

20 (3) "Child-placing agency" has the same meaning as in RCW
21 74.15.020.

22 (4) "Child protective services" has the same meaning as in RCW
23 26.44.020.

24 (~~(4)~~) (5) "Child welfare services" means social services
25 including voluntary and in-home services, out-of-home care, case
26 management, and adoption services which strengthen, supplement, or
27 substitute for, parental care and supervision for the purpose of:

28 (a) Preventing or remedying, or assisting in the solution of
29 problems which may result in families in conflict, or the neglect,
30 abuse, exploitation, or criminal behavior of children;

31 (b) Protecting and caring for dependent, abused, or neglected
32 children;

33 (c) Assisting children who are in conflict with their parents, and
34 assisting parents who are in conflict with their children, with
35 services designed to resolve such conflicts;

36 (d) Protecting and promoting the welfare of children, including the
37 strengthening of their own homes where possible, or, where needed;

1 (e) Providing adequate care of children away from their homes in
2 foster family homes or day care or other child care agencies or
3 facilities.

4 (~~"Child-welfare-services" does not include child-protection~~
5 ~~services.~~

6 ~~(5) "Committee" means the child-welfare-transformation-design~~
7 ~~committee.))~~

8 (6) "Department" means the department of social and health
9 services.

10 (7) "Evidence-based" means a program or practice that is cost-
11 effective and includes at least two randomized or statistically
12 controlled evaluations that have demonstrated improved outcomes for its
13 intended population.

14 (8) "Extended foster care services" means residential and other
15 support services the department is authorized to provide to foster
16 children. These services include, but are not limited to, placement in
17 licensed, relative, or otherwise approved care, or supervised
18 independent living settings; assistance in meeting basic needs;
19 independent living services; medical assistance; and counseling or
20 treatment.

21 (~~(8) "Measurable effects" means a statistically significant change~~
22 ~~which occurs as a result of the service or services a supervising~~
23 ~~agency is assigned in a performance based contract, in time periods~~
24 ~~established in the contract.))~~

25 (9) "Network administrator" means an entity that contracts with the
26 department to provide defined services to children and families in the
27 child welfare system through its provider network, as provided in
28 section 3 of this act.

29 (10) "Out-of-home care services" means services provided after the
30 shelter care hearing to or for children in out-of-home care, as that
31 term is defined in RCW 13.34.030, and their families, including the
32 recruitment, training, and management of foster parents, the
33 recruitment of adoptive families, and the facilitation of the adoption
34 process, family reunification, independent living, emergency shelter,
35 residential group care, and foster care, including relative placement.

36 (~~(10) (11) "Performance-based contracting" means (the), for~~
37 ~~the purposes of sections 3 through 6 of this act and RCW 74.13.366 and~~
38 ~~74.13.370, structuring (of) all aspects of the procurement of~~

1 services around the purpose of the work to be performed and the desired
2 results with the contract requirements set forth in clear, specific,
3 and objective terms with measurable outcomes and linking payment for
4 services to contractor performance. (~~Contracts shall also include~~
5 ~~provisions that link the performance of the contractor to the level and~~
6 ~~timing of reimbursement.~~

7 ~~(11))~~ (12) "Permanency services" means long-term services provided
8 to secure a child's safety, permanency, and well-being, including
9 foster care services, family reunification services, adoption services,
10 and preparation for independent living services.

11 ~~((12))~~ (13) "Primary prevention services" means services which
12 are designed and delivered for the primary purpose of enhancing child
13 and family well-being and are shown, by analysis of outcomes, to reduce
14 the risk to the likelihood of the initial need for child welfare
15 services.

16 ~~((13) "Supervising agency" means an agency licensed by the state~~
17 ~~under RCW 74.15.090, or licensed by a federally recognized Indian tribe~~
18 ~~located in this state under RCW 74.15.190, that has entered into a~~
19 ~~performance based contract with the department to provide case~~
20 ~~management for the delivery and documentation of child welfare~~
21 ~~services, as defined in this section.))~~ (14) "Promising practice" means
22 a practice that presents, based upon preliminary information, potential
23 for becoming a research-based or consensus-based practice.

24 (15) "Provider network" means those service providers who contract
25 with a network administrator to provide services to children and
26 families in the geographic area served by the network administrator.

27 (16) "Research-based" means a program or practice that has some
28 research demonstrating effectiveness, but that does not yet meet the
29 standard of evidence-based practices.

30 NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW
31 to read as follows:

32 (1) No later than December 1, 2013, the department shall enter into
33 performance-based contracts for the provision of family support and
34 related services. The department may enter into performance-based
35 contracts for additional services, other than case management, in
36 future procurements.

1 (2) Beginning December 1, 2013, the department may not renew its
2 current contracts with individuals or entities for the provision of the
3 child welfare services included in performance-based contracts under
4 this section for services in geographic areas served by network
5 administrators under such contracts, except as mutually agreed upon
6 between the department and the network administrator to allow for the
7 successful transition of services that meet the needs of children and
8 families.

9 (3) The department shall conduct a procurement process to enter
10 into performance-based contracts with one or more network
11 administrators for family support and related services. As part of the
12 procurement process, the department shall consult with department
13 caseworkers, the exclusive bargaining representative for employees of
14 the department, tribal representatives, parents who were formerly
15 involved in the child welfare system, youth currently or previously in
16 foster care, child welfare services researchers, and the Washington
17 state institute for public policy to assist in identifying the array of
18 family support and related services that will be included in the
19 procurement. In identifying services, the department must review
20 current data and research related to the effectiveness of family
21 support and related services, and prioritize those services that are
22 most critical to the mitigation of child safety concerns and are
23 evidence-based or research-based. Expenditures for family support and
24 related services purchased under this section must remain within the
25 levels appropriated in the operating budget.

26 (4)(a) Network administrators shall, directly or through
27 subcontracts with service providers:

28 (i) Assist caseworkers in meeting their responsibility for
29 implementation of case plans and individual service and safety plans;
30 and

31 (ii) Provide the family support and related services included in a
32 child or family's case plan or individual service and safety plan
33 within funds available under contract.

34 (b) While the department caseworker retains responsibility for case
35 management, nothing in this act limits the ability of the department to
36 continue to contract for the provision of case management services by
37 child-placing agencies, behavioral rehabilitation services agencies, or

1 other entities that provided case management under contract with the
2 department prior to July 1, 2005.

3 (5) In conducting the procurement, the department shall actively
4 consult with other state agencies with relevant expertise, such as the
5 health care authority, and with philanthropic entities with expertise
6 in performance-based contracting for child welfare services. The
7 director of the office of financial management must approve the request
8 for proposal prior to its issuance.

9 (6) The procurement process must be developed and implemented in a
10 manner that complies with applicable provisions of intergovernmental
11 agreements between the state of Washington and tribal governments and
12 must provide an opportunity for tribal governments to contract for
13 service delivery through network administrators.

14 (7) The procurement and resulting contracts must include, but are
15 not limited to, the following standards and requirements:

16 (a) The use of family engagement approaches to successfully
17 motivate families to engage in services and training of the network's
18 contracted providers to apply such approaches;

19 (b) The use of parents and youth who are successful veterans of the
20 child welfare system to act as mentors through activities that include,
21 but are not limited to, helping families navigate the system,
22 facilitating parent engagement, and minimizing distrust of the child
23 welfare system;

24 (c) The establishment of qualifications for service providers
25 participating in provider networks, such as appropriate licensure or
26 certification, education, and accreditation by professional accrediting
27 entities;

28 (d) Adequate provider capacity to meet the anticipated service
29 needs in the network administrator's contracted service area. The
30 network administrator must be able to demonstrate that its provider
31 network is culturally competent and has adequate capacity to address
32 disproportionality, including utilization of tribal and other ethnic
33 providers capable of serving children and families of color or who need
34 language-appropriate services;

35 (e) Fiscal solvency of network administrators and providers
36 participating in the network;

37 (f) The use of evidence-based, research-based, and promising

1 practices, where appropriate, including fidelity and quality assurance
2 provisions;

3 (g) Network administrator quality assurance activities, including
4 monitoring of the performance of providers in their provider network,
5 with respect to meeting measurable service outcomes;

6 (h) Network administrator data reporting, including data on
7 contracted provider performance and service outcomes; and

8 (i) Network administrator compliance with applicable provisions of
9 intergovernmental agreements between the state of Washington and tribal
10 governments and the federal and Washington state Indian child welfare
11 act.

12 (8) Performance-based payment methodologies must be used in network
13 administrator contracting. Performance measures should relate to
14 successful engagement by a child or parent in services included in
15 their case plan, and resulting improvement in identified problem
16 behaviors and interactions. For the initial three-year period of
17 implementation of performance-based contracting, the department may
18 transfer financial risk for the provision of services to network
19 administrators only to the limited extent necessary to implement a
20 performance-based payment methodology, such as phased payment for
21 services. However, the department may develop a shared savings
22 methodology through which the network administrator will receive a
23 defined share of any savings that result from improved performance. If
24 the department receives a Title IV-E waiver, the shared savings
25 methodology must be consistent with the terms of the waiver. If a
26 shared savings methodology is adopted, the network administrator shall
27 reinvest the savings in enhanced services to better meet the needs of
28 the families and children they serve.

29 (9) The department must actively monitor network administrator
30 compliance with the terms of contracts executed under this section.

31 (10) The use of performance-based contracts under this section must
32 be done in a manner that does not adversely affect the state's ability
33 to continue to obtain federal funding for child welfare-related
34 functions currently performed by the state and with consideration of
35 options to further maximize federal funding opportunities and increase
36 flexibility in the use of such funds, including use for preventive and
37 in-home child welfare services.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.13 RCW
2 to read as follows:

3 (1) For those services included in contracts under section 3 of
4 this act, the service providers must be chosen by the department
5 caseworker from among those in the network administrator's provider
6 network. The criteria for provider selection must include the
7 geographic proximity of the provider to the child or family, and the
8 performance of the provider based upon data collected and provided by
9 the network administrator. If a reasonably qualified provider is not
10 available through the network administrator's provider network, at the
11 request of a department caseworker, a provider who is not currently
12 under contract with the network administrator may be offered a
13 provisional contract by the network administrator, pending that
14 provider demonstrating that he or she meets applicable provider
15 qualifications to participate in the administrator's provider network.

16 (2) The department shall develop a dispute resolution process to be
17 used when the network administrator disagrees with the department
18 caseworker's choice of a service provider due to factors such as the
19 service provider's performance history or ability to serve culturally
20 diverse families. The mediator or decision maker must be a neutral
21 employee of the department who has not been previously involved in the
22 case. The dispute resolution process must not result in a delay of
23 more than two business days in the receipt of needed services by the
24 child or family.

25 (3) The department and network administrator shall collaborate to
26 identify and respond to patterns or trends in service utilization that
27 may indicate overutilization or underutilization of family support and
28 related services, or may indicate a need to enhance service capacity.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.13 RCW
30 to read as follows:

31 (1) On an annual basis, beginning in the 2015-2017 biennium, the
32 department and contracted network administrators shall:

33 (a) Review and update the services offered through performance-
34 based contracts in response to service outcome data for currently
35 contracted services and any research that has identified new evidence-
36 based or research-based services not included in a previous
37 procurement; and

1 (b) Review service utilization and outcome data to determine
2 whether changes are needed in procurement policies or performance-based
3 contracts to better meet the goals established in section 1 of this
4 act.

5 (2) In conducting the review under subsection (1) of this section,
6 the department must consult with department caseworkers, the exclusive
7 bargaining representative for employees of the department, tribal
8 representatives, parents who were formerly involved in the child
9 welfare system, youth currently or previously in foster care, child
10 welfare services researchers, representatives of child welfare service
11 providers, and the Washington state institute for public policy.

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.13 RCW
13 to read as follows:

14 (1) To achieve the service delivery improvements and efficiencies
15 intended in sections 1, 3, and 4 of this act and in RCW 74.13.366 and
16 74.13.370, and pursuant to RCW 41.06.142(3), contracting with network
17 administrators to provide services needed by children and families in
18 the child welfare system, pursuant to sections 3 and 4 of this act,
19 and execution and monitoring of individual provider contracts, pursuant
20 to section 3 of this act, are expressly mandated by the legislature and
21 are not subject to the processes set forth in RCW 41.06.142 (1), (4),
22 and (5).

23 (2) The express mandate in subsection (1) of this section is
24 limited to those services and activities provided in sections 3 and 4
25 of this act. If the department includes services customarily and
26 historically performed by department employees in the classified
27 service in a procurement for network administrators that exceeds the
28 scope of services or activities provided in sections 3 and 4 of this
29 act, such contracting is not specifically mandated and will be subject
30 to all applicable contractual and legal obligations.

31 **Sec. 7.** RCW 74.13.366 and 2010 c 291 s 6 are each amended to read
32 as follows:

33 For the purposes of the provision of child welfare services by
34 ~~((supervising agencies under chapter 291, Laws of 2010, the department~~
35 ~~shall give primary preference for performance based contracts to~~
36 ~~private nonprofit entities, including federally recognized Indian~~

1 ~~tribes located in this state, who otherwise meet the definition of~~
2 ~~supervising agency under RCW 74.13.020. In any continuation or~~
3 ~~expansion of delivery of child welfare services purchased through the~~
4 ~~use of performance-based contracts under the provisions of RCW~~
5 ~~74.13.372, when all other elements of the bids are equal, private~~
6 ~~nonprofit entities, federally recognized Indian tribes located in this~~
7 ~~state, and state employees shall receive primary preference over~~
8 ~~private for-profit entities)) provider networks, when all other~~
9 ~~elements of the responses to any procurement under section 3 of this~~
10 ~~act are equal, private nonprofit entities, federally recognized Indian~~
11 ~~tribes located in this state, and state employees must receive primary~~
12 ~~preference over private for-profit entities.~~

13 **Sec. 8.** RCW 74.13.370 and 2009 c 520 s 9 are each amended to read
14 as follows:

15 (1) ~~((Based upon the recommendations of the child welfare~~
16 ~~transformation design committee, including the two sets of outcomes~~
17 ~~developed by the committee under RCW 74.13.368(4)(b), the Washington~~
18 ~~state institute for public policy is to conduct a review of measurable~~
19 ~~effects achieved by the supervising agencies and compare those~~
20 ~~measurable effects with the existing services offered by the state.~~
21 ~~The report on the measurable effects shall be provided to the governor~~
22 ~~and the legislature no later than April 1, 2015.~~

23 ~~(2))~~ No later than ~~((June 30, 2011))~~ December 1, 2014, the
24 Washington state institute for public policy shall provide the
25 legislature and the governor an initial report on the department's
26 conversion to the use of performance-based contracts as provided in
27 ~~((RCW 74.13.360(1))~~ sections 3 and 4 of this act. No later than June
28 30, ~~((2012))~~ 2016, the Washington state institute for public policy
29 shall provide the governor and the legislature with a second report on
30 the ~~((department's conversion of its contracts to performance-based~~
31 ~~contracts))~~ extent to which the use of performance-based contracting
32 has resulted in:

33 (a) Increased use of evidence-based, research-based, and promising
34 practices; and

35 (b) Improvements in outcomes for children, including child safety,
36 child permanency, including reunification, and child well-being.

1 (~~(3)~~) (2) The department and network administrators shall respond
2 to the Washington institute for public policy's request for data and
3 other information with which to complete these reports in a timely
4 manner.

5 (3) The Washington state institute for public policy must consult
6 with a university-based child welfare research entity to evaluate
7 performance-based contracting.

8 **Sec. 9.** RCW 74.13.010 and 2009 c 520 s 49 are each amended to read
9 as follows:

10 The purpose of this chapter is to safeguard, protect, and
11 contribute to the welfare of the children of the state, through a
12 comprehensive and coordinated program of child welfare services
13 provided by (~~both~~) the department (~~and supervising agencies~~)
14 providing for: Social services and facilities for children who require
15 guidance, care, control, protection, treatment, or rehabilitation;
16 setting of standards for social services and facilities for children;
17 cooperation with public and voluntary agencies, organizations, and
18 citizen groups in the development and coordination of programs and
19 activities in behalf of children; and promotion of community conditions
20 and resources that help parents to discharge their responsibilities for
21 the care, development, and well-being of their children.

22 **Sec. 10.** RCW 74.13.031 and 2011 c 330 s 5 and 2011 c 160 s 2 are
23 each reenacted and amended to read as follows:

24 (1) The department (~~and supervising agencies~~) shall develop,
25 administer, supervise, and monitor a coordinated and comprehensive plan
26 that establishes, aids, and strengthens services for the protection and
27 care of runaway, dependent, or neglected children.

28 (2) Within available resources, the department (~~and supervising~~
29 ~~agencies~~) shall recruit an adequate number of prospective adoptive and
30 foster homes, both regular and specialized, i.e. homes for children of
31 ethnic minority, including Indian homes for Indian children, sibling
32 groups, handicapped and emotionally disturbed, teens, pregnant and
33 parenting teens, and the department shall annually report to the
34 governor and the legislature concerning the department's (~~and~~
35 ~~supervising agency's~~) success in: (a) Meeting the need for adoptive
36 and foster home placements; (b) reducing the foster parent turnover

1 rate; (c) completing home studies for legally free children; and (d)
2 implementing and operating the passport program required by RCW
3 74.13.285. The report shall include a section entitled "Foster Home
4 Turn-Over, Causes and Recommendations."

5 (3) The department shall investigate complaints of any recent act
6 or failure to act on the part of a parent or caretaker that results in
7 death, serious physical or emotional harm, or sexual abuse or
8 exploitation, or that presents an imminent risk of serious harm, and on
9 the basis of the findings of such investigation, offer child welfare
10 services in relation to the problem to such parents, legal custodians,
11 or persons serving in loco parentis, and/or bring the situation to the
12 attention of an appropriate court, or another community agency. An
13 investigation is not required of nonaccidental injuries which are
14 clearly not the result of a lack of care or supervision by the child's
15 parents, legal custodians, or persons serving in loco parentis. If the
16 investigation reveals that a crime against a child may have been
17 committed, the department shall notify the appropriate law enforcement
18 agency.

19 (4) The department (~~(or supervising agencies)~~) shall offer, on a
20 voluntary basis, family reconciliation services to families who are in
21 conflict.

22 (5) The department (~~(or supervising agencies)~~) shall monitor
23 placements of children in out-of-home care and in-home dependencies to
24 assure the safety, well-being, and quality of care being provided is
25 within the scope of the intent of the legislature as defined in RCW
26 74.13.010 and 74.15.010. Under this section children in out-of-home
27 care and in-home dependencies and their caregivers shall receive a
28 private and individual face-to-face visit each month. The department
29 (~~(and the supervising agencies)~~) shall randomly select no less than ten
30 percent of the caregivers currently providing care to receive one
31 unannounced face-to-face visit in the caregiver's home per year. No
32 caregiver will receive an unannounced visit through the random
33 selection process for two consecutive years. If the caseworker makes
34 a good faith effort to conduct the unannounced visit to a caregiver and
35 is unable to do so, that month's visit to that caregiver need not be
36 unannounced. The department (~~(and supervising agencies are)~~) is
37 encouraged to group monthly visits to caregivers by geographic area so
38 that in the event an unannounced visit cannot be completed, the

1 caseworker may complete other required monthly visits. The department
2 shall use a method of random selection that does not cause a fiscal
3 impact to the department.

4 The department (~~(or—supervising—agencies)~~) shall conduct the
5 monthly visits with children and caregivers to whom it is providing
6 child welfare services.

7 (6) The department (~~(and—supervising—agencies)~~) shall have
8 authority to accept custody of children from parents and to accept
9 custody of children from juvenile courts, where authorized to do so
10 under law, to provide child welfare services including placement for
11 adoption, to provide for the routine and necessary medical, dental, and
12 mental health care, or necessary emergency care of the children, and to
13 provide for the physical care of such children and make payment of
14 maintenance costs if needed. Except where required by Public Law 95-
15 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
16 children for adoption from the department shall discriminate on the
17 basis of race, creed, or color when considering applications in their
18 placement for adoption.

19 (7) The department (~~(and—supervising—agency)~~) shall have authority
20 to provide temporary shelter to children who have run away from home
21 and who are admitted to crisis residential centers.

22 (8) The department (~~(and—supervising—agency)~~) shall have authority
23 to purchase care for children.

24 (9) The department shall establish a children's services advisory
25 committee (~~(with—sufficient—members—representing—supervising—agencies)~~)
26 which shall assist the secretary in the development of a partnership
27 plan for utilizing resources of the public and private sectors, and
28 advise on all matters pertaining to child welfare, licensing of child
29 care agencies, adoption, and services related thereto. At least one
30 member shall represent the adoption community.

31 (10) The department (~~(and—supervising—agencies)~~) shall have
32 authority to provide continued extended foster care services to youth
33 ages eighteen to twenty-one years to participate in or complete a
34 secondary education program or a secondary education equivalency
35 program.

36 (11) The department(~~(7—has)~~) shall have authority to provide
37 adoption support benefits, or relative guardianship subsidies on behalf

1 of youth ages eighteen to twenty-one years who achieved permanency
2 through adoption or a relative guardianship at age sixteen or older and
3 who meet the criteria described in subsection (10) of this section.

4 (12) The department shall refer cases to the division of child
5 support whenever state or federal funds are expended for the care and
6 maintenance of a child, including a child with a developmental
7 disability who is placed as a result of an action under chapter 13.34
8 RCW, unless the department finds that there is good cause not to pursue
9 collection of child support against the parent or parents of the child.
10 Cases involving individuals age eighteen through twenty shall not be
11 referred to the division of child support unless required by federal
12 law.

13 (13) The department (~~((and—supervising—agencies))~~) shall have
14 authority within funds appropriated for foster care services to
15 purchase care for Indian children who are in the custody of a federally
16 recognized Indian tribe or tribally licensed child-placing agency
17 pursuant to parental consent, tribal court order, or state juvenile
18 court order; and the purchase of such care shall be subject to the same
19 eligibility standards and rates of support applicable to other children
20 for whom the department purchases care.

21 Notwithstanding any other provision of RCW 13.32A.170 through
22 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
23 services to be provided by the department under subsections (4), (6),
24 and (7) of this section, subject to the limitations of these
25 subsections, may be provided by any program offering such services
26 funded pursuant to Titles II and III of the federal juvenile justice
27 and delinquency prevention act of 1974.

28 (14) Within amounts appropriated for this specific purpose, the
29 (~~((supervising—agency—or))~~) department shall provide preventive services
30 to families with children that prevent or shorten the duration of an
31 out-of-home placement.

32 (15) The department (~~((and—supervising—agencies))~~) shall have
33 authority to provide independent living services to youths, including
34 individuals who have attained eighteen years of age, and have not
35 attained twenty-one years of age who are or have been in foster care.

36 (16) The department (~~((and—supervising—agencies))~~) shall consult at
37 least quarterly with foster parents, including members of the foster
38 parent association of Washington state, for the purpose of receiving

1 information and comment regarding how the department (~~(and supervising~~
2 ~~agencies are)~~) is performing the duties and meeting the obligations
3 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
4 recruitment of foster homes, reducing foster parent turnover rates,
5 providing effective training for foster parents, and administering a
6 coordinated and comprehensive plan that strengthens services for the
7 protection of children. Consultation shall occur at the regional and
8 statewide levels.

9 ~~((18))~~ (17)(a) The department shall, within current funding
10 levels, place on its public web site a document listing the duties and
11 responsibilities the department has to a child subject to a dependency
12 petition including, but not limited to, the following:

13 (i) Reasonable efforts, including the provision of services, toward
14 reunification of the child with his or her family;

15 (ii) Sibling visits subject to the restrictions in RCW
16 13.34.136(2)(b)(ii);

17 (iii) Parent-child visits;

18 (iv) Statutory preference for placement with a relative or other
19 suitable person, if appropriate; and

20 (v) Statutory preference for an out-of-home placement that allows
21 the child to remain in the same school or school district, if practical
22 and in the child's best interests.

23 (b) The document must be prepared in conjunction with a community-
24 based organization and must be updated as needed.

25 **Sec. 11.** RCW 74.13.0311 and 2009 c 520 s 52 are each amended to
26 read as follows:

27 The department (~~(or supervising agencies)~~) may provide child
28 welfare services pursuant to a deferred prosecution plan ordered under
29 chapter 10.05 RCW. Child welfare services provided under this chapter
30 pursuant to a deferred prosecution order may not be construed to
31 prohibit the department (~~(or supervising agencies)~~) from providing
32 services or undertaking proceedings pursuant to chapter 13.34 or 26.44
33 RCW.

34 **Sec. 12.** RCW 74.13.036 and 2009 c 520 s 54 and 2009 c 518 s 5 are
35 each reenacted and amended to read as follows:

36 (1) The department shall oversee implementation of chapter 13.34

1 RCW and chapter 13.32A RCW. The oversight shall be comprised of
2 working with affected parts of the criminal justice and child care
3 systems as well as with local government, legislative, and executive
4 authorities to effectively carry out these chapters. The department
5 shall work with all such entities to ensure that chapters 13.32A and
6 13.34 RCW are implemented in a uniform manner throughout the state.

7 (2) The department shall develop a plan and procedures, in
8 cooperation with the statewide advisory committee, to insure the full
9 implementation of the provisions of chapter 13.32A RCW. Such plan and
10 procedures shall include but are not limited to:

11 (a) Procedures defining and delineating the role of the department
12 and juvenile court with regard to the execution of the child in need of
13 services placement process;

14 (b) Procedures for designating department (~~(or supervising agency)~~)
15 staff responsible for family reconciliation services;

16 (c) Procedures assuring enforcement of contempt proceedings in
17 accordance with RCW 13.32A.170 and 13.32A.250; and

18 (d) Procedures for the continued education of all individuals in
19 the criminal juvenile justice and child care systems who are affected
20 by chapter 13.32A RCW, as well as members of the legislative and
21 executive branches of government.

22 There shall be uniform application of the procedures developed by
23 the department and juvenile court personnel, to the extent practicable.
24 Local and regional differences shall be taken into consideration in the
25 development of procedures required under this subsection.

26 (3) In addition to its other oversight duties, the department
27 shall:

28 (a) Identify and evaluate resource needs in each region of the
29 state;

30 (b) Disseminate information collected as part of the oversight
31 process to affected groups and the general public;

32 (c) Educate affected entities within the juvenile justice and child
33 care systems, local government, and the legislative branch regarding
34 the implementation of chapters 13.32A and 13.34 RCW;

35 (d) Review complaints concerning the services, policies, and
36 procedures of those entities charged with implementing chapters 13.32A
37 and 13.34 RCW; and

1 (e) Report any violations and misunderstandings regarding the
2 implementation of chapters 13.32A and 13.34 RCW.

3 **Sec. 13.** RCW 74.13.042 and 2009 c 520 s 56 are each amended to
4 read as follows:

5 If the department (~~(or supervising agency)~~) is denied lawful access
6 to records or information, or requested records or information is not
7 provided in a timely manner, the department (~~(or supervising agency)~~)
8 may petition the court for an order compelling disclosure.

9 (1) The petition shall be filed in the juvenile court for the
10 county in which the record or information is located or the county in
11 which the person who is the subject of the record or information
12 resides. If the person who is the subject of the record or information
13 is a party to or the subject of a pending proceeding under chapter
14 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

15 (2) Except as otherwise provided in this section, the persons from
16 whom and about whom the record or information is sought shall be served
17 with a summons and a petition at least seven calendar days prior to a
18 hearing on the petition. The court may order disclosure upon ex parte
19 application of the department (~~(or supervising agency)~~), without prior
20 notice to any person, if the court finds there is reason to believe
21 access to the record or information is necessary to determine whether
22 the child is in imminent danger and in need of immediate protection.

23 (3) The court shall grant the petition upon a showing that there is
24 reason to believe that the record or information sought is necessary
25 for the health, safety, or welfare of the child who is currently
26 receiving child welfare services.

27 **Sec. 14.** RCW 74.13.045 and 2009 c 520 s 57 are each amended to
28 read as follows:

29 The department shall develop and implement an informal,
30 nonadversarial complaint resolution process to be used by clients of
31 the department (~~(or supervising agency)~~), foster parents, and other
32 affected individuals who have complaints regarding a department policy
33 or procedure, the application of such a policy or procedure, or the
34 performance of an entity that has entered into a performance-based
35 contract with the department, related to programs administered under
36 this chapter. The process shall not apply in circumstances where the

1 complainant has the right under Title 13, 26, or 74 RCW to seek
2 resolution of the complaint through judicial review or through an
3 adjudicative proceeding.

4 Nothing in this section shall be construed to create substantive or
5 procedural rights in any person. Participation in the complaint
6 resolution process shall not entitle any person to an adjudicative
7 proceeding under chapter 34.05 RCW or to superior court review.
8 Participation in the process shall not affect the right of any person
9 to seek other statutorily or constitutionally permitted remedies.

10 The department shall develop procedures to assure that clients and
11 foster parents are informed of the availability of the complaint
12 resolution process and how to access it. The department shall
13 incorporate information regarding the complaint resolution process into
14 the training for foster parents and department ~~((and supervising
15 agency))~~ caseworkers.

16 The department shall compile complaint resolution data including
17 the nature of the complaint and the outcome of the process.

18 **Sec. 15.** RCW 74.13.055 and 2009 c 520 s 58 are each amended to
19 read as follows:

20 The department shall adopt rules pursuant to chapter 34.05 RCW
21 which establish goals as to the maximum number of children who will
22 remain in foster care for a period of longer than twenty-four months.
23 ~~((The department shall also work cooperatively with supervising
24 agencies to assure that a partnership plan for utilizing the resources
25 of the public and private sector in all matters pertaining to child
26 welfare is developed and implemented.))~~

27 **Sec. 16.** RCW 74.13.065 and 2009 c 520 s 60 are each amended to
28 read as follows:

29 (1) The department ~~((or supervising agency))~~ shall conduct a social
30 study whenever a child is placed in out-of-home care under the
31 supervision of the department ~~((or supervising agency))~~. The study
32 shall be conducted prior to placement, or, if it is not feasible to
33 conduct the study prior to placement due to the circumstances of the
34 case, the study shall be conducted as soon as possible following
35 placement.

1 (2) The social study shall include, but not be limited to, an
2 assessment of the following factors:

3 (a) The physical and emotional strengths and needs of the child;

4 (b) Emotional bonds with siblings and the need to maintain regular
5 sibling contacts;

6 (c) The proximity of the child's placement to the child's family to
7 aid reunification;

8 (d) The possibility of placement with the child's relatives or
9 extended family;

10 (e) The racial, ethnic, cultural, and religious background of the
11 child;

12 (f) The least-restrictive, most family-like placement reasonably
13 available and capable of meeting the child's needs; and

14 (g) Compliance with RCW 13.34.260 regarding parental preferences
15 for placement of their children.

16 **Sec. 17.** RCW 74.13.170 and 2009 c 520 s 70 are each amended to
17 read as follows:

18 The department may, through performance-based contracts (~~with~~
19 ~~supervising agencies~~), implement a therapeutic family home program for
20 up to fifteen youth in the custody of the department under chapter
21 13.34 RCW. The program shall strive to develop and maintain a mutually
22 reinforcing relationship between the youth and the therapeutic staff
23 associated with the program.

24 **Sec. 18.** RCW 74.13.280 and 2009 c 520 s 72 are each amended to
25 read as follows:

26 (1) Except as provided in RCW 70.24.105, whenever a child is placed
27 in out-of-home care by the department (~~or a supervising agency~~), the
28 department (~~or agency~~) shall share information known to the
29 department (~~or agency~~) about the child and the child's family with
30 the care provider and shall consult with the care provider regarding
31 the child's case plan. If the child is dependent pursuant to a
32 proceeding under chapter 13.34 RCW, the department (~~or supervising~~
33 ~~agency~~) shall keep the care provider informed regarding the dates and
34 location of dependency review and permanency planning hearings
35 pertaining to the child.

1 (2) Information about the child and the child's family shall
2 include information known to the department (~~(or agency)~~) as to whether
3 the child is a sexually reactive child, has exhibited high-risk
4 behaviors, or is physically assaultive or physically aggressive, as
5 defined in this section.

6 (3) Information about the child shall also include information
7 known to the department (~~(or agency)~~) that the child:

8 (a) Has received a medical diagnosis of fetal alcohol syndrome or
9 fetal alcohol effect;

10 (b) Has been diagnosed by a qualified mental health professional as
11 having a mental health disorder;

12 (c) Has witnessed a death or substantial physical violence in the
13 past or recent past; or

14 (d) Was a victim of sexual or severe physical abuse in the recent
15 past.

16 (4) Any person who receives information about a child or a child's
17 family pursuant to this section shall keep the information confidential
18 and shall not further disclose or disseminate the information except as
19 authorized by law. Care providers shall agree in writing to keep the
20 information that they receive confidential and shall affirm that the
21 information will not be further disclosed or disseminated, except as
22 authorized by law.

23 (5) Nothing in this section shall be construed to limit the
24 authority of the department (~~(or supervising agencies)~~) to disclose
25 client information or to maintain client confidentiality as provided by
26 law.

27 (6) As used in this section:

28 (a) "Sexually reactive child" means a child who exhibits sexual
29 behavior problems including, but not limited to, sexual behaviors that
30 are developmentally inappropriate for their age or are harmful to the
31 child or others.

32 (b) "High-risk behavior" means an observed or reported and
33 documented history of one or more of the following:

34 (i) Suicide attempts or suicidal behavior or ideation;

35 (ii) Self-mutilation or similar self-destructive behavior;

36 (iii) Fire-setting or a developmentally inappropriate fascination
37 with fire;

38 (iv) Animal torture;

1 (v) Property destruction; or

2 (vi) Substance or alcohol abuse.

3 (c) "Physically assaultive or physically aggressive" means a child
4 who exhibits one or more of the following behaviors that are
5 developmentally inappropriate and harmful to the child or to others:

6 (i) Observed assaultive behavior;

7 (ii) Reported and documented history of the child willfully
8 assaulting or inflicting bodily harm; or

9 (iii) Attempting to assault or inflict bodily harm on other
10 children or adults under circumstances where the child has the apparent
11 ability or capability to carry out the attempted assaults including
12 threats to use a weapon.

13 **Sec. 19.** RCW 74.13.283 and 2009 c 520 s 73 are each amended to
14 read as follows:

15 (1) For the purpose of assisting foster youth in obtaining a
16 Washington state identicard, submission of the information and
17 materials listed in this subsection from the department (~~or~~
18 ~~supervising agency~~) to the department of licensing is sufficient proof
19 of identity and residency and shall serve as the necessary
20 authorization for the youth to apply for and obtain a Washington state
21 identicard:

22 (a) A written signed statement prepared on department (~~or~~
23 ~~supervising agency~~) letterhead, verifying the following:

24 (i) The youth is a minor who resides in Washington;

25 (ii) Pursuant to a court order, the youth is dependent and the
26 department (~~or supervising agency~~) is the legal custodian of the
27 youth under chapter 13.34 RCW or under the interstate compact on the
28 placement of children;

29 (iii) The youth's full name and date of birth;

30 (iv) The youth's social security number, if available;

31 (v) A brief physical description of the youth;

32 (vi) The appropriate address to be listed on the youth's
33 identicard; and

34 (vii) Contact information for the appropriate person with the
35 department (~~or supervising agency~~).

36 (b) A photograph of the youth, which may be digitized and
37 integrated into the statement.

1 (2) The department (~~(or supervising agency)~~) may provide the
2 statement and the photograph via any of the following methods,
3 whichever is most efficient or convenient:

4 (a) Delivered via first-class mail or electronically to the
5 headquarters office of the department of licensing; or

6 (b) Hand-delivered to a local office of the department of licensing
7 by a department (~~(or supervising agency)~~) caseworker.

8 (3) A copy of the statement shall be provided to the youth who
9 shall provide the copy to the department of licensing when making an
10 in-person application for a Washington state identicard.

11 (4) To the extent other identifying information is readily
12 available, the department (~~(or supervising agency)~~) shall include the
13 additional information with the submission of information required
14 under subsection (1) of this section.

15 **Sec. 20.** RCW 74.13.285 and 2009 c 520 s 74 are each amended to
16 read as follows:

17 (1) Within available resources, the department (~~(or supervising~~
18 ~~agency)~~) shall prepare a passport containing all known and available
19 information concerning the mental, physical, health, and educational
20 status of the child for any child who has been in a foster home for
21 ninety consecutive days or more. The passport shall contain education
22 records obtained pursuant to RCW 28A.150.510. The passport shall be
23 provided to a foster parent at any placement of a child covered by this
24 section. The department (~~(or supervising agency)~~) shall update the
25 passport during the regularly scheduled court reviews required under
26 chapter 13.34 RCW.

27 New placements shall have first priority in the preparation of
28 passports.

29 (2) In addition to the requirements of subsection (1) of this
30 section, the department (~~(or supervising agency)~~) shall, within
31 available resources, notify a foster parent before placement of a child
32 of any known health conditions that pose a serious threat to the child
33 and any known behavioral history that presents a serious risk of harm
34 to the child or others.

35 (3) The department shall hold harmless the provider (~~(including~~
36 ~~supervising agencies)~~) for any unauthorized disclosures caused by the
37 department.

1 (4) Any foster parent who receives information about a child or a
2 child's family pursuant to this section shall keep the information
3 confidential and shall not further disclose or disseminate the
4 information, except as authorized by law. Such individuals shall agree
5 in writing to keep the information that they receive confidential and
6 shall affirm that the information will not be further disclosed or
7 disseminated, except as authorized by law.

8 **Sec. 21.** RCW 74.13.289 and 2009 c 520 s 76 are each amended to
9 read as follows:

10 (1) Upon any placement, the department (~~(or supervising agency)~~)
11 shall inform each out-of-home care provider if the child to be placed
12 in that provider's care is infected with a blood-borne pathogen, and
13 shall identify the specific blood-borne pathogen for which the child
14 was tested if known by the department (~~(or supervising agency)~~).

15 (2) All out-of-home care providers licensed by the department shall
16 receive training related to blood-borne pathogens, including
17 prevention, transmission, infection control, treatment, testing, and
18 confidentiality.

19 (3) Any disclosure of information related to HIV must be in
20 accordance with RCW 70.24.105.

21 (4) The department of health shall identify by rule the term
22 "blood-borne pathogen" as used in this section.

23 **Sec. 22.** RCW 74.13.300 and 2009 c 520 s 77 are each amended to
24 read as follows:

25 (1) Whenever a child has been placed in a foster family home by the
26 department (~~(or supervising agency)~~) and the child has thereafter
27 resided in the home for at least ninety consecutive days, the
28 department (~~(or supervising agency)~~) shall notify the foster family at
29 least five days prior to moving the child to another placement, unless:

30 (a) A court order has been entered requiring an immediate change in
31 placement;

32 (b) The child is being returned home;

33 (c) The child's safety is in jeopardy; or

34 (d) The child is residing in a receiving home or a group home.

35 (2) If the child has resided in a foster family home for less than
36 ninety days or if, due to one or more of the circumstances in

1 subsection (1) of this section, it is not possible to give five days'
2 notification, the department (~~(or supervising agency)~~) shall notify the
3 foster family of proposed placement changes as soon as reasonably
4 possible.

5 (3) This section is intended solely to assist in minimizing
6 disruption to the child in changing foster care placements. Nothing in
7 this section shall be construed to require that a court hearing be held
8 prior to changing a child's foster care placement nor to create any
9 substantive custody rights in the foster parents.

10 **Sec. 23.** RCW 74.13.310 and 2009 c 520 s 78 are each amended to
11 read as follows:

12 Adequate foster parent training has been identified as directly
13 associated with increasing the length of time foster parents are
14 willing to provide foster care and reducing the number of placement
15 disruptions for children. Placement disruptions can be harmful to
16 children by denying them consistent and nurturing support. Foster
17 parents have expressed the desire to receive training in addition to
18 the foster parent training currently offered. Foster parents who care
19 for more demanding children, such as children with severe emotional,
20 mental, or physical handicaps, would especially benefit from additional
21 training. The department (~~(and supervising agency)~~) shall develop
22 additional training for foster parents that focuses on skills to assist
23 foster parents in caring for emotionally, mentally, or physically
24 handicapped children.

25 **Sec. 24.** RCW 74.13.315 and 2009 c 520 s 79 are each amended to
26 read as follows:

27 The department (~~(or supervising agency)~~) may provide child care for
28 all foster parents who are required to attend department-sponsored (~~(or~~
29 ~~supervising agency sponsored)~~) meetings or training sessions. If the
30 department (~~(or supervising agency)~~) does not provide such child care,
31 the department (~~(or supervising agency)~~), where feasible, shall conduct
32 the activities covered by this section in the foster parent's home or
33 other location acceptable to the foster parent.

34 **Sec. 25.** RCW 74.13.325 and 2009 c 520 s 81 are each amended to
35 read as follows:

1 Within available resources, the department (~~(and—supervising~~
2 ~~agencies)~~) shall increase the number of adoptive and foster families
3 available to accept children through an intensive recruitment and
4 retention program. The department (~~(shall)~~) may enter into
5 performance-based contracts with (~~(supervising)~~) one or more private
6 agencies, under which the agencies will coordinate all foster care and
7 adoptive home recruitment activities.

8 **Sec. 26.** RCW 74.13.333 and 2009 c 520 s 82 and 2009 c 491 s 11 are
9 each reenacted and amended to read as follows:

10 (1) A foster parent who believes that a department (~~(or—supervising~~
11 ~~agency)~~) employee has retaliated against the foster parent or in any
12 other manner discriminated against the foster parent because:

13 (a) The foster parent made a complaint with the office of the
14 family and children's ombudsman, the attorney general, law enforcement
15 agencies, or the department, (~~(or—the—supervising—agency,~~) provided
16 information, or otherwise cooperated with the investigation of such a
17 complaint;

18 (b) The foster parent has caused to be instituted any proceedings
19 under or related to Title 13 RCW;

20 (c) The foster parent has testified or is about to testify in any
21 proceedings under or related to Title 13 RCW;

22 (d) The foster parent has advocated for services on behalf of the
23 foster child;

24 (e) The foster parent has sought to adopt a foster child in the
25 foster parent's care; or

26 (f) The foster parent has discussed or consulted with anyone
27 concerning the foster parent's rights under this chapter or chapter
28 74.15 or 13.34 RCW, may file a complaint with the office of the family
29 and children's ombudsman.

30 (2) The ombudsman may investigate the allegations of retaliation.
31 The ombudsman shall have access to all relevant information and
32 resources held by or within the department by which to conduct the
33 investigation. Upon the conclusion of its investigation, the ombudsman
34 shall provide its findings in written form to the department.

35 (3) The department shall notify the office of the family and
36 children's ombudsman in writing, within thirty days of receiving the

1 ombudsman's findings, of any personnel action taken or to be taken with
2 regard to the department employee.

3 (4) The office of the family and children's ombudsman shall also
4 include its recommendations regarding complaints filed under this
5 section in its annual report pursuant to RCW 43.06A.030. The office of
6 the family and children's ombudsman shall identify trends which may
7 indicate a need to improve relations between the department ((~~or~~
8 ~~supervising agency~~)) and foster parents.

9 **Sec. 27.** RCW 74.13.334 and 2009 c 520 s 83 are each amended to
10 read as follows:

11 The department ((~~and supervising agency~~)) shall develop procedures
12 for responding to recommendations of the office of the family and
13 children's ombudsman as a result of any and all complaints filed by
14 foster parents under RCW 74.13.333.

15 **Sec. 28.** RCW 74.13.500 and 2009 c 520 s 84 are each amended to
16 read as follows:

17 (1) Consistent with the provisions of chapter 42.56 RCW and
18 applicable federal law, the secretary, or the secretary's designee,
19 shall disclose information regarding the abuse or neglect of a child,
20 the investigation of the abuse, neglect, or near fatality of a child,
21 and any services related to the abuse or neglect of a child if any one
22 of the following factors is present:

23 (a) The subject of the report has been charged in an accusatory
24 instrument with committing a crime related to a report maintained by
25 the department in its case and management information system;

26 (b) The investigation of the abuse or neglect of the child by the
27 department or the provision of services by the department ((~~or a~~
28 ~~supervising agency~~)) has been publicly disclosed in a report required
29 to be disclosed in the course of their official duties, by a law
30 enforcement agency or official, a prosecuting attorney, any other state
31 or local investigative agency or official, or by a judge of the
32 superior court;

33 (c) There has been a prior knowing, voluntary public disclosure by
34 an individual concerning a report of child abuse or neglect in which
35 such individual is named as the subject of the report; or

1 (d) The child named in the report has died and the child's death
2 resulted from abuse or neglect or the child was in the care of, or
3 receiving services from the department (~~(or a supervising agency)~~) at
4 the time of death or within twelve months before death.

5 (2) The secretary is not required to disclose information if the
6 factors in subsection (1) of this section are present if he or she
7 specifically determines the disclosure is contrary to the best
8 interests of the child, the child's siblings, or other children in the
9 household.

10 (3) Except for cases in subsection (1)(d) of this section, requests
11 for information under this section shall specifically identify the case
12 about which information is sought and the facts that support a
13 determination that one of the factors specified in subsection (1) of
14 this section is present.

15 (4) For the purposes of this section, "near fatality" means an act
16 that, as certified by a physician, places the child in serious or
17 critical condition. The secretary is under no obligation to have an
18 act certified by a physician in order to comply with this section.

19 **Sec. 29.** RCW 74.13.515 and 2009 c 520 s 85 are each amended to
20 read as follows:

21 For purposes of RCW 74.13.500(1)(d), the secretary must make the
22 fullest possible disclosure consistent with chapter 42.56 RCW and
23 applicable federal law in cases of all fatalities of children who were
24 in the care of, or receiving services from, the department (~~(or a~~
25 ~~supervising agency)~~) at the time of their death or within the twelve
26 months previous to their death.

27 If the secretary specifically determines that disclosure of the
28 name of the deceased child is contrary to the best interests of the
29 child's siblings or other children in the household, the secretary may
30 remove personally identifying information.

31 For the purposes of this section, "personally identifying
32 information" means the name, street address, social security number,
33 and day of birth of the child who died and of private persons who are
34 relatives of the child named in child welfare records. "Personally
35 identifying information" shall not include the month or year of birth
36 of the child who has died. Once this personally identifying
37 information is removed, the remainder of the records pertaining to a

1 child who has died must be released regardless of whether the remaining
2 facts in the records are embarrassing to the unidentifiable other
3 private parties or to identifiable public workers who handled the case.

4 **Sec. 30.** RCW 74.13.525 and 2009 c 520 s 86 are each amended to
5 read as follows:

6 The department (~~(or supervising agency)~~), when acting in good
7 faith, is immune from any criminal or civil liability, except as
8 provided under RCW 42.56.550, for any action taken under RCW 74.13.500
9 through 74.13.520.

10 **Sec. 31.** RCW 74.13.530 and 2009 c 520 s 87 are each amended to
11 read as follows:

12 (1) No child may be placed or remain in a specific out-of-home
13 placement under this chapter or chapter 13.34 RCW when there is a
14 conflict of interest on the part of any adult residing in the home in
15 which the child is to be or has been placed. A conflict of interest
16 exists when:

17 (a) There is an adult in the home who, as a result of: (i) His or
18 her employment; and (ii) an allegation of abuse or neglect of the
19 child, conducts or has conducted an investigation of the allegation; or

20 (b) The child has been, is, or is likely to be a witness in any
21 pending cause of action against any adult in the home when the cause
22 includes: (i) An allegation of abuse or neglect against the child or
23 any sibling of the child; or (ii) a claim of damages resulting from
24 wrongful interference with the parent-child relationship of the child
25 and his or her biological or adoptive parent.

26 (2) For purposes of this section, "investigation" means the
27 exercise of professional judgment in the review of allegations of abuse
28 or neglect by: (a) Law enforcement personnel; (b) persons employed by,
29 or under contract with, the state; (c) persons licensed to practice law
30 and their employees; and (d) mental health professionals as defined in
31 chapter 71.05 RCW.

32 (3) The prohibition set forth in subsection (1) of this section may
33 not be waived or deferred by the department (~~(or a supervising agency)~~)
34 under any circumstance or at the request of any person, regardless of
35 who has made the request or the length of time of the requested
36 placement.

1 **Sec. 32.** RCW 74.13.560 and 2009 c 520 s 88 are each amended to
2 read as follows:

3 The administrative regions of the department (~~((and the supervising~~
4 ~~agencies))~~) shall develop protocols with the respective school districts
5 in their regions specifying specific strategies for communication,
6 coordination, and collaboration regarding the status and progress of
7 foster children placed in the region, in order to maximize the
8 educational continuity and achievement for foster children. The
9 protocols shall include methods to assure effective sharing of
10 information consistent with RCW 28A.225.330.

11 **Sec. 33.** RCW 74.13.590 and 2009 c 520 s 89 are each amended to
12 read as follows:

13 The department (~~((and supervising agencies))~~) shall perform the tasks
14 provided in RCW 74.13.550 through 74.13.580 based on available
15 resources.

16 **Sec. 34.** RCW 74.13.600 and 2009 c 520 s 90 are each amended to
17 read as follows:

18 (1) For the purposes of this section, "kin" means persons eighteen
19 years of age or older to whom the child is related by blood, adoption,
20 or marriage, including marriages that have been dissolved, and means:
21 (a) Any person denoted by the prefix "grand" or "great"; (b) sibling,
22 whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or
23 (e) first cousin.

24 (2) The department (~~((and supervising agencies))~~) shall plan, design,
25 and implement strategies to prioritize the placement of children with
26 willing and able kin when out-of-home placement is required.

27 These strategies must include at least the following:

28 (a) Development of standardized, statewide procedures to be used
29 (~~((by supervising agencies))~~) when searching for kin of children prior to
30 out-of-home placement. The procedures must include a requirement that
31 documentation be maintained in the child's case record that identifies
32 kin, and documentation that identifies the assessment criteria and
33 procedures that were followed during all kin searches. The procedures
34 must be used when a child is placed in out-of-home care under authority
35 of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or
36 when a child is placed under a voluntary placement agreement. To

1 assist with implementation of the procedures, the department (~~or~~
2 ~~supervising agencies~~) shall request that the juvenile court require
3 parents to disclose to the agencies all contact information for
4 available and appropriate kin within two weeks of an entered order.
5 For placements under signed voluntary agreements, the department (~~and~~
6 ~~supervising agencies~~) shall encourage the parents to disclose to the
7 department (~~and agencies~~) all contact information for available and
8 appropriate kin within two weeks of the date the parent signs the
9 voluntary placement agreement.

10 (b) Development of procedures for conducting active outreach
11 efforts to identify and locate kin during all searches. The procedures
12 must include at least the following elements:

13 (i) Reasonable efforts to interview known kin, friends, teachers,
14 and other identified community members who may have knowledge of the
15 child's kin, within sixty days of the child entering out-of-home care;

16 (ii) Increased use of those procedures determined by research to be
17 the most effective methods of promoting reunification efforts,
18 permanency planning, and placement decisions;

19 (iii) Contacts with kin identified through outreach efforts and
20 interviews under this subsection as part of permanency planning
21 activities and change of placement discussions;

22 (iv) Establishment of a process for ongoing contact with kin who
23 express interest in being considered as a placement resource for the
24 child; and

25 (v) A requirement that when the decision is made to not place the
26 child with any kin, the department (~~or supervising agency~~) provides
27 documentation as part of the child's individual service and safety plan
28 that clearly identifies the rationale for the decision and corrective
29 action or actions the kin must take to be considered as a viable
30 placement option.

31 (3) Nothing in this section shall be construed to create an
32 entitlement to services or to create judicial authority to order the
33 provision of services to any person or family if the services are
34 unavailable or unsuitable or the child or family is not eligible for
35 such services.

36 **Sec. 35.** RCW 74.13.640 and 2011 c 61 s 2 are each amended to read
37 as follows:

1 (1)(a) The department shall conduct a child fatality review in the
2 event of a fatality suspected to be caused by child abuse or neglect of
3 any minor who is in the care of the department (~~(or a supervising~~
4 ~~agency))~~ or receiving services described in this chapter or who has
5 been in the care of the department (~~(or a supervising agency))~~ or
6 received services described in this chapter within one year preceding
7 the minor's death.

8 (b) The department shall consult with the office of the family and
9 children's ombudsman to determine if a child fatality review should be
10 conducted in any case in which it cannot be determined whether the
11 child's death is the result of suspected child abuse or neglect.

12 (c) The department shall ensure that the fatality review team is
13 made up of individuals who had no previous involvement in the case,
14 including individuals whose professional expertise is pertinent to the
15 dynamics of the case.

16 (d) Upon conclusion of a child fatality review required pursuant to
17 this section, the department shall within one hundred eighty days
18 following the fatality issue a report on the results of the review,
19 unless an extension has been granted by the governor. Reports must be
20 distributed to the appropriate committees of the legislature, and the
21 department shall create a public web site where all child fatality
22 review reports required under this section must be posted and
23 maintained. A child fatality review report completed pursuant to this
24 section is subject to public disclosure and must be posted on the
25 public web site, except that confidential information may be redacted
26 by the department consistent with the requirements of RCW 13.50.100,
27 68.50.105, 74.13.500 through 74.13.525, chapter 42.56 RCW, and other
28 applicable state and federal laws.

29 (e) The department shall develop and implement procedures to carry
30 out the requirements of this section.

31 (2) In the event of a near fatality of a child who is in the care
32 of or receiving services described in this chapter from the department
33 (~~(or a supervising agency))~~ or who has been in the care of or received
34 services described in this chapter from the department (~~(or a~~
35 ~~supervising agency))~~ within one year preceding the near fatality, the
36 department shall promptly notify the office of the family and
37 children's ombudsman. The department may conduct a review of the near

1 fatality at its discretion or at the request of the office of the
2 family and children's ombudsman.

3 ~~(3) ((In any review of a child fatality or near fatality in which
4 the child was placed with or received services from a supervising
5 agency pursuant to a contract with the department, the department and
6 the fatality review team shall have access to all records and files
7 regarding the child or otherwise relevant to the review that have been
8 produced or retained by the supervising agency.~~

9 ~~(4))~~(a) A child fatality or near fatality review completed
10 pursuant to this section is subject to discovery in a civil or
11 administrative proceeding, but may not be admitted into evidence or
12 otherwise used in a civil or administrative proceeding except pursuant
13 to this section.

14 (b) A department employee responsible for conducting a child
15 fatality or near fatality review, or member of a child fatality or near
16 fatality review team, may not be examined in a civil or administrative
17 proceeding regarding (i) the work of the child fatality or near
18 fatality review team, (ii) the incident under review, (iii) his or her
19 statements, deliberations, thoughts, analyses, or impressions relating
20 to the work of the child fatality or near fatality review team or the
21 incident under review, or (iv) the statements, deliberations, thoughts,
22 analyses, or impressions of any other member of the child fatality or
23 near fatality review team, or any person who provided information to
24 the child fatality or near fatality review team, relating to the work
25 of the child fatality or near fatality review team or the incident
26 under review.

27 (c) Documents prepared by or for a child fatality or near fatality
28 review team are inadmissible and may not be used in a civil or
29 administrative proceeding, except that any document that exists before
30 its use or consideration in a child fatality or near fatality review,
31 or that is created independently of such review, does not become
32 inadmissible merely because it is reviewed or used by a child fatality
33 or near fatality review team. A person is not unavailable as a witness
34 merely because the person has been interviewed by or has provided a
35 statement for a child fatality or near fatality review, but if called
36 as a witness, a person may not be examined regarding the person's
37 interactions with the child fatality or near fatality review including,
38 without limitation, whether the person was interviewed during such

1 review, the questions that were asked during such review, and the
2 answers that the person provided during such review. This section may
3 not be construed as restricting the person from testifying fully in any
4 proceeding regarding his or her knowledge of the incident under review.

5 (d) The restrictions set forth in this section do not apply in a
6 licensing or disciplinary proceeding arising from an agency's effort to
7 revoke or suspend the license of any licensed professional based in
8 whole or in part upon allegations of wrongdoing in connection with a
9 minor's death or near fatality reviewed by a child fatality or near
10 fatality review team.

11 **Sec. 36.** RCW 74.13.650 and 2009 c 520 s 92 are each amended to
12 read as follows:

13 A foster parent critical support and retention program is
14 established to retain foster parents who care for sexually reactive
15 children, physically assaultive children, or children with other high-
16 risk behaviors, as defined in RCW 74.13.280. Services shall consist of
17 short-term therapeutic and educational interventions to support the
18 stability of the placement. The department shall enter into
19 performance-based contracts with (~~supervising~~) private agencies to
20 provide this program.

21 **Sec. 37.** RCW 13.34.030 and 2011 1st sp.s. c 36 s 13 are each
22 reenacted and amended to read as follows:

23 For purposes of this chapter:

24 (1) "Abandoned" means when the child's parent, guardian, or other
25 custodian has expressed, either by statement or conduct, an intent to
26 forego, for an extended period, parental rights or responsibilities
27 despite an ability to exercise such rights and responsibilities. If
28 the court finds that the petitioner has exercised due diligence in
29 attempting to locate the parent, no contact between the child and the
30 child's parent, guardian, or other custodian for a period of three
31 months creates a rebuttable presumption of abandonment, even if there
32 is no expressed intent to abandon.

33 (2) "Child," "juvenile," and "youth" means:

34 (a) Any individual under the age of eighteen years; or

35 (b) Any individual age eighteen to twenty-one years who is eligible
36 to receive and who elects to receive the extended foster care services

1 authorized under RCW 74.13.031. A youth who remains dependent and who
2 receives extended foster care services under RCW 74.13.031 shall not be
3 considered a "child" under any other statute or for any other purpose.

4 (3) "Current placement episode" means the period of time that
5 begins with the most recent date that the child was removed from the
6 home of the parent, guardian, or legal custodian for purposes of
7 placement in out-of-home care and continues until: (a) The child
8 returns home; (b) an adoption decree, a permanent custody order, or
9 guardianship order is entered; or (c) the dependency is dismissed,
10 whichever occurs first.

11 (4) "Department" means the department of social and health
12 services.

13 (5) "Dependency guardian" means the person, nonprofit corporation,
14 or Indian tribe appointed by the court pursuant to this chapter for the
15 limited purpose of assisting the court in the supervision of the
16 dependency.

17 (6) "Dependent child" means any child who:

18 (a) Has been abandoned;

19 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
20 person legally responsible for the care of the child;

21 (c) Has no parent, guardian, or custodian capable of adequately
22 caring for the child, such that the child is in circumstances which
23 constitute a danger of substantial damage to the child's psychological
24 or physical development; or

25 (d) Is receiving extended foster care services, as authorized by
26 RCW 74.13.031.

27 (7) "Developmental disability" means a disability attributable to
28 intellectual disability, cerebral palsy, epilepsy, autism, or another
29 neurological or other condition of an individual found by the secretary
30 to be closely related to an intellectual disability or to require
31 treatment similar to that required for individuals with intellectual
32 disabilities, which disability originates before the individual attains
33 age eighteen, which has continued or can be expected to continue
34 indefinitely, and which constitutes a substantial limitation to the
35 individual.

36 (8) "Extended foster care services" means residential and other
37 support services the department is authorized to provide under RCW
38 74.13.031.

1 (9) "Guardian" means the person or agency that: (a) Has been
2 appointed as the guardian of a child in a legal proceeding, including
3 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
4 legal right to custody of the child pursuant to such appointment. The
5 term "guardian" does not include a "dependency guardian" appointed
6 pursuant to a proceeding under this chapter.

7 (10) "Guardian ad litem" means a person, appointed by the court to
8 represent the best interests of a child in a proceeding under this
9 chapter, or in any matter which may be consolidated with a proceeding
10 under this chapter. A "court-appointed special advocate" appointed by
11 the court to be the guardian ad litem for the child, or to perform
12 substantially the same duties and functions as a guardian ad litem,
13 shall be deemed to be guardian ad litem for all purposes and uses of
14 this chapter.

15 (11) "Guardian ad litem program" means a court-authorized volunteer
16 program, which is or may be established by the superior court of the
17 county in which such proceeding is filed, to manage all aspects of
18 volunteer guardian ad litem representation for children alleged or
19 found to be dependent. Such management shall include but is not
20 limited to: Recruitment, screening, training, supervision, assignment,
21 and discharge of volunteers.

22 (12) "Housing assistance" means appropriate referrals by the
23 department (~~(or other supervising agencies)~~) to federal, state, local,
24 or private agencies or organizations, assistance with forms,
25 applications, or financial subsidies or other monetary assistance for
26 housing. For purposes of this chapter, "housing assistance" is not a
27 remedial service or time-limited family reunification service as
28 described in RCW 13.34.025(2).

29 (13) "Indigent" means a person who, at any stage of a court
30 proceeding, is:

31 (a) Receiving one of the following types of public assistance:
32 Temporary assistance for needy families, aged, blind, or disabled
33 assistance benefits, medical care services under RCW 74.09.035,
34 pregnant women assistance benefits, poverty-related veterans' benefits,
35 food stamps or food stamp benefits transferred electronically, refugee
36 resettlement benefits, medicaid, or supplemental security income; or

37 (b) Involuntarily committed to a public mental health facility; or

1 (c) Receiving an annual income, after taxes, of one hundred twenty-
2 five percent or less of the federally established poverty level; or

3 (d) Unable to pay the anticipated cost of counsel for the matter
4 before the court because his or her available funds are insufficient to
5 pay any amount for the retention of counsel.

6 (14) "Out-of-home care" means placement in a foster family home or
7 group care facility licensed pursuant to chapter 74.15 RCW or placement
8 in a home, other than that of the child's parent, guardian, or legal
9 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

10 (15) "Preventive services" means preservation services, as defined
11 in chapter 74.14C RCW, and other reasonably available services,
12 including housing assistance, capable of preventing the need for out-
13 of-home placement while protecting the child.

14 (16) "Shelter care" means temporary physical care in a facility
15 licensed pursuant to RCW 74.15.030 or in a home not required to be
16 licensed pursuant to RCW 74.15.030.

17 (17) "Sibling" means a child's birth brother, birth sister,
18 adoptive brother, adoptive sister, half-brother, or half-sister, or as
19 defined by the law or custom of the Indian child's tribe for an Indian
20 child as defined in RCW 13.38.040.

21 (18) "Social study" means a written evaluation of matters relevant
22 to the disposition of the case and shall contain the following
23 information:

24 (a) A statement of the specific harm or harms to the child that
25 intervention is designed to alleviate;

26 (b) A description of the specific services and activities, for both
27 the parents and child, that are needed in order to prevent serious harm
28 to the child; the reasons why such services and activities are likely
29 to be useful; the availability of any proposed services; and the
30 agency's overall plan for ensuring that the services will be delivered.
31 The description shall identify the services chosen and approved by the
32 parent;

33 (c) If removal is recommended, a full description of the reasons
34 why the child cannot be protected adequately in the home, including a
35 description of any previous efforts to work with the parents and the
36 child in the home; the in-home treatment programs that have been
37 considered and rejected; the preventive services, including housing
38 assistance, that have been offered or provided and have failed to

1 prevent the need for out-of-home placement, unless the health, safety,
2 and welfare of the child cannot be protected adequately in the home;
3 and the parents' attitude toward placement of the child;

4 (d) A statement of the likely harms the child will suffer as a
5 result of removal;

6 (e) A description of the steps that will be taken to minimize the
7 harm to the child that may result if separation occurs including an
8 assessment of the child's relationship and emotional bond with any
9 siblings, and the agency's plan to provide ongoing contact between the
10 child and the child's siblings if appropriate; and

11 (f) Behavior that will be expected before determination that
12 supervision of the family or placement is no longer necessary.

13 ~~((19) "Supervising agency" means an agency licensed by the state
14 under RCW 74.15.090, or licensed by a federally recognized Indian tribe
15 located in this state under RCW 74.15.190, that has entered into a
16 performance based contract with the department to provide case
17 management for the delivery and documentation of child welfare services
18 as defined in RCW 74.13.020.))~~

19 **Sec. 38.** RCW 13.36.020 and 2010 c 272 s 2 are each reenacted and
20 amended to read as follows:

21 The definitions in this section apply throughout this chapter
22 unless the context clearly requires otherwise.

23 (1) "Child" means any individual under the age of eighteen years.

24 (2) "Department" means the department of social and health
25 services.

26 (3) "Dependent child" means a child who has been found by a court
27 to be dependent in a proceeding under chapter 13.34 RCW.

28 (4) "Guardian" means a person who: (a) Has been appointed by the
29 court as the guardian of a child in a legal proceeding under this
30 chapter; and (b) has the legal right to custody of the child pursuant
31 to court order. The term "guardian" does not include a "dependency
32 guardian" appointed pursuant to a proceeding under chapter 13.34 RCW
33 for the purpose of assisting the court in supervising the dependency.

34 (5) "Relative" means a person related to the child in the following
35 ways: (a) Any blood relative, including those of half-blood, and
36 including first cousins, second cousins, nephews or nieces, and persons
37 of preceding generations as denoted by prefixes of grand, great, or

1 great-great; (b) stepfather, stepmother, stepbrother, and stepsister;
2 (c) a person who legally adopts a child or the child's parent as well
3 as the natural and other legally adopted children of such persons, and
4 other relatives of the adoptive parents in accordance with state law;
5 (d) spouses of any persons named in (a), (b), or (c) of this
6 subsection, even after the marriage is terminated; (e) relatives, as
7 named in (a), (b), (c), or (d) of this subsection, of any half sibling
8 of the child; or (f) extended family members, as defined by the law or
9 custom of the Indian child's tribe or, in the absence of such law or
10 custom, a person who has reached the age of eighteen and who is the
11 Indian child's grandparent, aunt or uncle, brother or sister, brother-
12 in-law or sister-in-law, niece or nephew, first or second cousin, or
13 stepparent who provides care in the family abode on a twenty-four hour
14 basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

15 (6) "Suitable person" means a nonrelative with whom the child or
16 the child's family has a preexisting relationship; who has completed
17 all required criminal history background checks and otherwise appears
18 to be suitable and competent to provide care for the child; and with
19 whom the child has been placed pursuant to RCW 13.34.130.

20 ~~((7) "Supervising agency" means an agency licensed by the state
21 under RCW 74.15.090, or licensed by a federally recognized Indian tribe
22 located in this state under RCW 74.15.190, that has entered into a
23 performance based contract with the department to provide case
24 management for the delivery and documentation of child welfare services
25 as defined in RCW 74.13.020.))~~

26 NEW SECTION. **Sec. 39.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 74.13.360 (Performance-based contracts--Child welfare
29 demonstration sites--Department duties--Contracts with tribes) and 2010
30 c 291 s 4 & 2009 c 520 s 3;

31 (2) RCW 74.13.362 (Performance-based contracts--Legislative
32 mandate) and 2009 c 520 s 4;

33 (3) RCW 74.13.364 (Performance-based contracts--State
34 authority--Selection of demonstration sites) and 2010 c 291 s 5 & 2009
35 c 520 s 5;

36 (4) RCW 74.13.368 (Performance-based contracts--Child welfare

1 transformation design committee) and 2010 c 291 s 2 & 2009 c 520 s 8;
2 and

3 (5) RCW 74.13.372 (Performance-based contracts--Determination of
4 expansion of delivery of child welfare services by contractors--
5 Governor's duty) and 2009 c 520 s 10.

--- END ---