
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. Caseworkers should have more time to
13 devote to core case management responsibilities;

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

18 (2) The legislature intends:

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

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

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

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

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

1 For purposes of this chapter:

2 (1) "Case management" means (~~(the management of services delivered~~
3 ~~to children and families in the child welfare system, including~~
4 ~~permanency services, caseworker child visits, family visits, the~~)
5 convening (~~(of)~~) family (~~(group conferences, the development and~~
6 ~~revision of the case plan, the coordination and monitoring of services~~
7 ~~needed by the child and family,)~~) meetings, developing, revising, and
8 monitoring implementation of any case plan or individual service and
9 safety plan in collaboration with network administrators, caseworker-
10 child visits, family visits, and the assumption of court-related
11 duties, excluding legal representation, including preparing court
12 reports, attending judicial hearings and permanency hearings, and
13 ensuring that the child is progressing toward permanency within state
14 and federal mandates, including the Indian child welfare 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 has had
11 multiple-site random controlled trials across heterogeneous populations
12 demonstrating that the program or practice is effective for the
13 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 5 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 July 1, 2013, the department shall enter into
33 performance-based contracts with one or more network administrators in
34 each of two initial sites. The sites must include at least one urban
35 and one rural area. Further implementation of performance-based
36 contracting must be phased in, with contracts in place statewide by

1 July 1, 2017, unless the legislature takes affirmative action in law to
2 extend or modify implementation.

3 (2) Beginning July 1, 2013, the department may not renew its
4 current contracts with individuals or entities for the provision of the
5 child welfare services included in performance-based contracts under
6 this section for services in geographic areas served by network
7 administrators under such contracts.

8 (3)(a) The department shall conduct a procurement process to enter
9 into performance-based contracts with one or more network
10 administrators, beginning with the two sites chosen under subsection
11 (1) of this section. Network administrators shall, directly or through
12 subcontracts with service providers:

13 (i) Collaborate with caseworkers to assist caseworkers in meeting
14 their responsibility for development of case plans and individual
15 service and safety plans;

16 (ii) Arrange and provide the child welfare services included in
17 their contract with the department;

18 (iii) Coordinate all services included in the case plans for
19 children and families served by the network administrator, including
20 any court ordered services; and

21 (iv) Provide information on family progress, as requested by
22 department caseworkers, including information necessary for the purpose
23 of caseworker reports to the court.

24 (b) While the department caseworker retains responsibility for case
25 management, nothing in this act limits the ability of the department to
26 continue to contract for the provision of case management services by
27 child-placing agencies, behavioral rehabilitation services agencies, or
28 other entities that provided case management under contract with the
29 department prior to July 1, 2005.

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

36 (5) The procurement process must be developed and implemented in a
37 manner that complies with applicable provisions of intergovernmental

1 agreements between the state of Washington and tribal governments and
2 must provide an opportunity for tribal governments to contract for
3 service delivery through network administrators.

4 (6) The procurement and resulting contracts must include, but are
5 not limited to, the following standards and requirements:

6 (a) The use of family engagement approaches that include disclosure
7 of assessment results to the family, and opportunities for families to
8 work with the caseworker and network providers to identify goals and
9 acquire skills needed to improve family functioning and enable a child
10 to remain safely with his or her family or safely return home;

11 (b) The use of parents and youth who are successful veterans of the
12 child welfare system to act as mentors through activities that include,
13 but are not limited to, helping families navigate the system,
14 facilitating parent engagement, and minimizing distrust of the child
15 welfare system;

16 (c) The establishment of qualifications for service providers
17 participating in provider networks, such as appropriate licensure or
18 certification, education, and accreditation by professional accrediting
19 entities;

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

27 (e) Fiscal solvency of network administrators and providers
28 participating in the network;

29 (f) The use of evidence-based, research-based, and promising
30 practices, where appropriate, including fidelity and quality assurance
31 provisions;

32 (g) Network administrator quality assurance activities, including
33 monitoring of the performance of providers in their provider network,
34 with respect to meeting measurable service outcomes; and

35 (h) Network administrator compliance with applicable provisions of
36 intergovernmental agreements between the state of Washington and tribal
37 governments and the federal and Washington state Indian child welfare
38 act.

1 (7) Performance-based payment methodologies must be used in network
2 administrator contracting. Performance measures should relate to
3 successful engagement by a child or parent in services included in
4 their case plan, and resulting improvement in identified problem
5 behaviors and interactions. For the initial three-year period of
6 implementation of performance-based contracting, the department shall
7 not transfer full risk for the provision of services to network
8 administrators. However, the department may develop a shared savings
9 methodology through which the network administrator will receive a
10 defined share of any savings that result from improved performance. If
11 the department receives a Title IV-E waiver, the shared savings
12 methodology must be consistent with the terms of the waiver. If a
13 shared savings methodology is adopted, the network administrator shall
14 reinvest the savings in enhanced services to better meet the needs of
15 the families and children they serve.

16 (8) The department must actively monitor network administrator
17 compliance with the terms of contracts executed under this section.

18 (9) The use of performance-based contracts under this section must
19 be done in a manner that does not adversely affect the state's ability
20 to continue to obtain federal funding for child welfare-related
21 functions currently performed by the state and with consideration of
22 options to further maximize federal funding opportunities and increase
23 flexibility in the use of such funds, including use for preventive and
24 in-home child welfare services.

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

27 The department and network administrators shall enter into a
28 collaborative relationship as provided in this section.

29 (1) The initial assessment of safety threats or risks to a child,
30 and parents' protective capacity, resources, and needs must be
31 conducted by the department, unless it has been agreed upon by the
32 department that another organization will conduct such assessments.

33 (2) The results of any assessment must be shared with the family
34 and a representative of the network administrator at the first
35 available opportunity to meet to identify the family's service needs
36 and develop a service plan. The process to identify service needs and
37 develop service plans for families must be designed to support

1 engagement and empowerment of families. The meeting must, whenever
2 possible, include the family, a representative of the network
3 administrator, a department caseworker, and others deemed by the
4 family, department caseworker, and network administrator to be
5 appropriate to participate.

6 (3) The department caseworker is responsible for development of the
7 case plan or individual services and safety plan. However, the
8 caseworker must provide the network administrator with an opportunity
9 to provide input into the nature, intensity, and duration of services
10 prescribed. The network administrator must refer families to providers
11 who are qualified to provide court-ordered services or services
12 included in the case plan, and must support engagement of families in
13 needed services.

14 (4) The service providers must be chosen from among those in the
15 network administrator's provider network by the network administrator,
16 in consultation with the department caseworker. If a reasonably
17 qualified provider is not available through the network administrator's
18 provider network, a nonnetwork provider should be offered a provisional
19 contract by the network administrator, pending that provider
20 demonstrating that he or she meets applicable provider qualifications
21 to participate in the administrator's provider network.

22 (5) The department shall develop a dispute resolution process to be
23 used when the department caseworker and network administrator are
24 unable to reach agreement on the nature, intensity, and duration of
25 services prescribed for a child or family, or the appropriate provider.
26 The mediator or decision maker must be a person who is not currently
27 involved in the case. The dispute must not result in a delay of more
28 than two business days in the receipt of needed services by the child
29 or family.

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

32 To achieve the service delivery improvements and efficiencies
33 intended in sections 1, 3, and 4 of this act and in RCW 74.13.366 and
34 74.13.370, and pursuant to RCW 41.06.142(3), contracting with network
35 administrators to arrange, coordinate, and provide services needed by
36 children and families in the child welfare system, pursuant to
37 sections 3 and 4 of this act, and execution and monitoring of

1 individual provider contracts, pursuant to section 3 of this act, are
2 expressly mandated by the legislature and are not subject to the
3 processes set forth in RCW 41.06.142 (1), (4), and (5).

4 **Sec. 6.** RCW 74.13.366 and 2010 c 291 s 6 are each amended to read
5 as follows:

6 For the purposes of the provision of child welfare services by
7 (~~supervising agencies under chapter 291, Laws of 2010, the department~~
8 ~~shall give primary preference for performance based contracts to~~
9 ~~private nonprofit entities, including federally recognized Indian~~
10 ~~tribes located in this state, who otherwise meet the definition of~~
11 ~~supervising agency under RCW 74.13.020. In any continuation or~~
12 ~~expansion of delivery of child welfare services purchased through the~~
13 ~~use of performance based contracts under the provisions of RCW~~
14 ~~74.13.372, when all other elements of the bids are equal, private~~
15 ~~nonprofit entities, federally recognized Indian tribes located in this~~
16 ~~state, and state employees shall receive primary preference over~~
17 ~~private for-profit entities)) provider networks, when all other
18 elements of the responses to any procurement under section 3 of this
19 act are equal, private nonprofit entities, federally recognized Indian
20 tribes located in this state, and state employees must receive primary
21 preference over private for-profit entities.~~

22 **Sec. 7.** RCW 74.13.370 and 2009 c 520 s 9 are each amended to read
23 as follows:

24 (1) (~~Based upon the recommendations of the child welfare~~
25 ~~transformation design committee, including the two sets of outcomes~~
26 ~~developed by the committee under RCW 74.13.368(4)(b), the Washington~~
27 ~~state institute for public policy is to conduct a review of measurable~~
28 ~~effects achieved by the supervising agencies and compare those~~
29 ~~measurable effects with the existing services offered by the state.~~
30 ~~The report on the measurable effects shall be provided to the governor~~
31 ~~and the legislature no later than April 1, 2015.~~

32 (~~2~~) No later than June 30, (~~2011~~) 2014, the Washington state
33 institute for public policy shall provide the legislature and the
34 governor an initial report on the department's conversion to the use of
35 performance-based contracts as provided in (~~RCW 74.13.360(1)~~)
36 sections 3 and 4 of this act. No later than June 30, (~~2012~~) 2016,

1 the Washington state institute for public policy shall provide the
2 governor and the legislature with a second report on the (~~department's~~
3 ~~conversion of its contracts to performance-based contracts~~) extent to
4 which the use of performance-based contracting has resulted in:

5 (a) Increased use of evidence-based, research-based, and promising
6 practices; and

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

9 (~~(+3)~~) (2) The department and network administrators shall respond
10 to the Washington institute for public policy's request for data and
11 other information with which to complete these reports in a timely
12 manner.

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

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

18 The purpose of this chapter is to safeguard, protect, and
19 contribute to the welfare of the children of the state, through a
20 comprehensive and coordinated program of child welfare services
21 provided by both the department and (~~supervising agencies~~) network
22 administrators, as provided in sections 3 and 4 of this act, providing
23 for: Social services and facilities for children who require guidance,
24 care, control, protection, treatment, or rehabilitation; setting of
25 standards for social services and facilities for children; cooperation
26 with public and voluntary agencies, organizations, and citizen groups
27 in the development and coordination of programs and activities in
28 behalf of children; and promotion of community conditions and resources
29 that help parents to discharge their responsibilities for the care,
30 development, and well-being of their children.

31 **Sec. 9.** RCW 74.13.031 and 2011 c 330 s 5 and 2011 c 160 s 2 are
32 each reenacted and amended to read as follows:

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

1 (2) Within available resources, the department and (~~supervising~~)
2 child-placing agencies shall recruit an adequate number of prospective
3 adoptive and foster homes, both regular and specialized, i.e. homes for
4 children of ethnic minority, including Indian homes for Indian
5 children, sibling groups, handicapped and emotionally disturbed, teens,
6 pregnant and parenting teens, and the department shall annually report
7 to the governor and the legislature concerning the department's and
8 (~~supervising agency's~~) child-placing agencies' success in: (a)
9 Meeting the need for adoptive and foster home placements; (b) reducing
10 the foster parent turnover rate; (c) completing home studies for
11 legally free children; and (d) implementing and operating the passport
12 program required by RCW 74.13.285. The report shall include a section
13 entitled "Foster Home Turn-Over, Causes and Recommendations."

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

28 (4) The department or (~~supervising~~) contracted agencies shall
29 offer, on a voluntary basis, family reconciliation services to families
30 who are in conflict.

31 (5) The department or (~~supervising~~) child-placing agencies shall
32 monitor placements of children in out-of-home care and in-home
33 dependencies to assure the safety, well-being, and quality of care
34 being provided is within the scope of the intent of the legislature as
35 defined in RCW 74.13.010 and 74.15.010. Under this section children in
36 out-of-home care and in-home dependencies and their caregivers shall
37 receive a private and individual face-to-face visit each month. The
38 department (~~and the supervising agencies~~) shall randomly select no

1 less than ten percent of the caregivers currently providing care to
2 receive one unannounced face-to-face visit in the caregiver's home per
3 year. No caregiver will receive an unannounced visit through the
4 random selection process for two consecutive years. If the caseworker
5 makes a good faith effort to conduct the unannounced visit to a
6 caregiver and is unable to do so, that month's visit to that caregiver
7 need not be unannounced. The department (~~and supervising agencies~~
8 ~~are~~) is encouraged to group monthly visits to caregivers by geographic
9 area so that in the event an unannounced visit cannot be completed, the
10 caseworker may complete other required monthly visits. The department
11 shall use a method of random selection that does not cause a fiscal
12 impact to the department.

13 The department or (~~supervising~~) child-placing agencies shall
14 conduct the monthly visits with children and caregivers to whom it is
15 providing child welfare services.

16 (6) The department (~~and supervising agencies~~) shall have
17 authority to accept custody of children from parents and to accept
18 custody of children from juvenile courts, where authorized to do so
19 under law, to provide child welfare services including placement for
20 adoption, to provide for the routine and necessary medical, dental, and
21 mental health care, or necessary emergency care of the children, and to
22 provide for the physical care of such children and make payment of
23 maintenance costs if needed. Except where required by Public Law 95-
24 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
25 children for adoption from the department shall discriminate on the
26 basis of race, creed, or color when considering applications in their
27 placement for adoption.

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

31 (8) The department (~~and supervising agency~~) shall have authority
32 to purchase care for children.

33 (9) The department shall establish a children's services advisory
34 committee (~~with sufficient members representing supervising agencies~~)
35 which shall assist the secretary in the development of a partnership
36 plan for utilizing resources of the public and private sectors, and
37 advise on all matters pertaining to child welfare, licensing of child

1 care agencies, adoption, and services related thereto. At least one
2 member shall represent the adoption community.

3 (10) The department (~~(and supervising agencies)~~) shall have
4 authority to provide continued extended foster care services to youth
5 ages eighteen to twenty-one years to participate in or complete a
6 secondary education program or a secondary education equivalency
7 program.

8 (11) The department (~~(, has)~~) shall have authority to provide
9 adoption support benefits, or relative guardianship subsidies on behalf
10 of youth ages eighteen to twenty-one years who achieved permanency
11 through adoption or a relative guardianship at age sixteen or older and
12 who meet the criteria described in subsection (10) of this section.

13 (12) The department shall refer cases to the division of child
14 support whenever state or federal funds are expended for the care and
15 maintenance of a child, including a child with a developmental
16 disability who is placed as a result of an action under chapter 13.34
17 RCW, unless the department finds that there is good cause not to pursue
18 collection of child support against the parent or parents of the child.
19 Cases involving individuals age eighteen through twenty shall not be
20 referred to the division of child support unless required by federal
21 law.

22 (13) The department (~~(and supervising agencies)~~) shall have
23 authority within funds appropriated for foster care services to
24 purchase care for Indian children who are in the custody of a federally
25 recognized Indian tribe or tribally licensed child-placing agency
26 pursuant to parental consent, tribal court order, or state juvenile
27 court order; and the purchase of such care shall be subject to the same
28 eligibility standards and rates of support applicable to other children
29 for whom the department purchases care.

30 Notwithstanding any other provision of RCW 13.32A.170 through
31 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
32 services to be provided by the department under subsections (4), (6),
33 and (7) of this section, subject to the limitations of these
34 subsections, may be provided by any program offering such services
35 funded pursuant to Titles II and III of the federal juvenile justice
36 and delinquency prevention act of 1974.

37 (14) Within amounts appropriated for this specific purpose, the

1 ((~~supervising agency or~~)) department shall provide preventive services
2 to families with children that prevent or shorten the duration of an
3 out-of-home placement.

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

8 (16) The department ((~~and supervising agencies~~)) shall consult at
9 least quarterly with foster parents, including members of the foster
10 parent association of Washington state, for the purpose of receiving
11 information and comment regarding how the department ((~~and supervising
12 agencies are~~)) is performing the duties and meeting the obligations
13 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
14 recruitment of foster homes, reducing foster parent turnover rates,
15 providing effective training for foster parents, and administering a
16 coordinated and comprehensive plan that strengthens services for the
17 protection of children. Consultation shall occur at the regional and
18 statewide levels.

19 ((~~+18~~)) (17)(a) The department shall, within current funding
20 levels, place on its public web site a document listing the duties and
21 responsibilities the department has to a child subject to a dependency
22 petition including, but not limited to, the following:

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

25 (ii) Sibling visits subject to the restrictions in RCW
26 13.34.136(2)(b)(ii);

27 (iii) Parent-child visits;

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

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

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

35 **Sec. 10.** RCW 74.13.0311 and 2009 c 520 s 52 are each amended to
36 read as follows:

37 The department ((~~or supervising agencies~~)) may provide child

1 welfare services pursuant to a deferred prosecution plan ordered under
2 chapter 10.05 RCW. Child welfare services provided under this chapter
3 pursuant to a deferred prosecution order may not be construed to
4 prohibit the department (~~(or supervising agencies)~~) from providing
5 services or undertaking proceedings pursuant to chapter 13.34 or 26.44
6 RCW.

7 **Sec. 11.** RCW 74.13.036 and 2009 c 520 s 54 and 2009 c 518 s 5 are
8 each reenacted and amended to read as follows:

9 (1) The department shall oversee implementation of chapter 13.34
10 RCW and chapter 13.32A RCW. The oversight shall be comprised of
11 working with affected parts of the criminal justice and child care
12 systems as well as with local government, legislative, and executive
13 authorities to effectively carry out these chapters. The department
14 shall work with all such entities to ensure that chapters 13.32A and
15 13.34 RCW are implemented in a uniform manner throughout the state.

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

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

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

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

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

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

35 (3) In addition to its other oversight duties, the department
36 shall:

- 1 (a) Identify and evaluate resource needs in each region of the
2 state;
- 3 (b) Disseminate information collected as part of the oversight
4 process to affected groups and the general public;
- 5 (c) Educate affected entities within the juvenile justice and child
6 care systems, local government, and the legislative branch regarding
7 the implementation of chapters 13.32A and 13.34 RCW;
- 8 (d) Review complaints concerning the services, policies, and
9 procedures of those entities charged with implementing chapters 13.32A
10 and 13.34 RCW; and
- 11 (e) Report any violations and misunderstandings regarding the
12 implementation of chapters 13.32A and 13.34 RCW.

13 **Sec. 12.** RCW 74.13.042 and 2009 c 520 s 56 are each amended to
14 read as follows:

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

19 (1) The petition shall be filed in the juvenile court for the
20 county in which the record or information is located or the county in
21 which the person who is the subject of the record or information
22 resides. If the person who is the subject of the record or information
23 is a party to or the subject of a pending proceeding under chapter
24 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

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

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

1 **Sec. 13.** RCW 74.13.045 and 2009 c 520 s 57 are each amended to
2 read as follows:

3 The department shall develop and implement an informal,
4 nonadversarial complaint resolution process to be used by clients of
5 the department (~~(or supervising agency)~~), foster parents, and other
6 affected individuals who have complaints regarding a department policy
7 or procedure, the application of such a policy or procedure, or the
8 performance of an entity that has entered into a performance-based
9 contract with the department, related to programs administered under
10 this chapter. The process shall not apply in circumstances where the
11 complainant has the right under Title 13, 26, or 74 RCW to seek
12 resolution of the complaint through judicial review or through an
13 adjudicative proceeding.

14 Nothing in this section shall be construed to create substantive or
15 procedural rights in any person. Participation in the complaint
16 resolution process shall not entitle any person to an adjudicative
17 proceeding under chapter 34.05 RCW or to superior court review.
18 Participation in the process shall not affect the right of any person
19 to seek other statutorily or constitutionally permitted remedies.

20 The department shall develop procedures to assure that clients and
21 foster parents are informed of the availability of the complaint
22 resolution process and how to access it. The department shall
23 incorporate information regarding the complaint resolution process into
24 the training for foster parents and department (~~(and supervising
25 agency)~~) caseworkers.

26 The department shall compile complaint resolution data including
27 the nature of the complaint and the outcome of the process.

28 **Sec. 14.** RCW 74.13.055 and 2009 c 520 s 58 are each amended to
29 read as follows:

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

1 **Sec. 15.** RCW 74.13.065 and 2009 c 520 s 60 are each amended to
2 read as follows:

3 (1) The department or ((~~supervising~~)) child-placing agency shall
4 conduct a social study whenever a child is placed in out-of-home care
5 under the supervision of the department or ((~~supervising~~)) child-
6 placing agency. The study shall be conducted prior to placement, or,
7 if it is not feasible to conduct the study prior to placement due to
8 the circumstances of the case, the study shall be conducted as soon as
9 possible following placement.

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

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

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

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

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

19 (e) The racial, ethnic, cultural, and religious background of the
20 child;

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

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

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

27 The department may, through performance-based contracts ((~~with~~
28 ~~supervising agencies~~)), implement a therapeutic family home program for
29 up to fifteen youth in the custody of the department under chapter
30 13.34 RCW. The program shall strive to develop and maintain a mutually
31 reinforcing relationship between the youth and the therapeutic staff
32 associated with the program.

33 **Sec. 17.** RCW 74.13.280 and 2009 c 520 s 72 are each amended to
34 read as follows:

35 (1) Except as provided in RCW 70.24.105, whenever a child is placed
36 in out-of-home care by the department or a ((~~supervising~~)) child-

1 placing agency, the department or agency shall share information known
2 to the department or agency about the child and the child's family with
3 the care provider and shall consult with the care provider regarding
4 the child's case plan. If the child is dependent pursuant to a
5 proceeding under chapter 13.34 RCW, the department or (~~supervising~~)
6 child-placing agency shall keep the care provider informed regarding
7 the dates and location of dependency review and permanency planning
8 hearings pertaining to the child.

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

14 (3) Information about the child shall also include information
15 known to the department or agency that the child:

16 (a) Has received a medical diagnosis of fetal alcohol syndrome or
17 fetal alcohol effect;

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

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

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

24 (4) Any person who receives information about a child or a child's
25 family pursuant to this section shall keep the information confidential
26 and shall not further disclose or disseminate the information except as
27 authorized by law. Care providers shall agree in writing to keep the
28 information that they receive confidential and shall affirm that the
29 information will not be further disclosed or disseminated, except as
30 authorized by law.

31 (5) Nothing in this section shall be construed to limit the
32 authority of the department or (~~supervising~~) child-placing agencies
33 to disclose client information or to maintain client confidentiality as
34 provided by law.

35 (6) As used in this section:

36 (a) "Sexually reactive child" means a child who exhibits sexual
37 behavior problems including, but not limited to, sexual behaviors that

1 are developmentally inappropriate for their age or are harmful to the
2 child or others.

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

- 5 (i) Suicide attempts or suicidal behavior or ideation;
- 6 (ii) Self-mutilation or similar self-destructive behavior;
- 7 (iii) Fire-setting or a developmentally inappropriate fascination
8 with fire;
- 9 (iv) Animal torture;
- 10 (v) Property destruction; or
- 11 (vi) Substance or alcohol abuse.

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

- 15 (i) Observed assaultive behavior;
- 16 (ii) Reported and documented history of the child willfully
17 assaulting or inflicting bodily harm; or
- 18 (iii) Attempting to assault or inflict bodily harm on other
19 children or adults under circumstances where the child has the apparent
20 ability or capability to carry out the attempted assaults including
21 threats to use a weapon.

22 **Sec. 18.** RCW 74.13.283 and 2009 c 520 s 73 are each amended to
23 read as follows:

24 (1) For the purpose of assisting foster youth in obtaining a
25 Washington state identicard, submission of the information and
26 materials listed in this subsection from the department (~~or~~
27 ~~supervising agency~~) to the department of licensing is sufficient proof
28 of identity and residency and shall serve as the necessary
29 authorization for the youth to apply for and obtain a Washington state
30 identicard:

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

- 33 (i) The youth is a minor who resides in Washington;
- 34 (ii) Pursuant to a court order, the youth is dependent and the
35 department (~~or~~ ~~supervising agency~~) is the legal custodian of the
36 youth under chapter 13.34 RCW or under the interstate compact on the
37 placement of children;

1 (iii) The youth's full name and date of birth;
2 (iv) The youth's social security number, if available;
3 (v) A brief physical description of the youth;
4 (vi) The appropriate address to be listed on the youth's
5 identicard; and
6 (vii) Contact information for the appropriate person with the
7 department (~~(or supervising agency)~~).

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

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

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

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

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

20 (4) To the extent other identifying information is readily
21 available, the department (~~(or supervising agency)~~) shall include the
22 additional information with the submission of information required
23 under subsection (1) of this section.

24 **Sec. 19.** RCW 74.13.285 and 2009 c 520 s 74 are each amended to
25 read as follows:

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

36 New placements shall have first priority in the preparation of
37 passports.

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

7 (3) The department shall hold harmless the provider (~~(including~~
8 ~~supervising agencies)~~) for any unauthorized disclosures caused by the
9 department.

10 (4) Any foster parent who receives information about a child or a
11 child's family pursuant to this section shall keep the information
12 confidential and shall not further disclose or disseminate the
13 information, except as authorized by law. Such individuals shall agree
14 in writing to keep the information that they receive confidential and
15 shall affirm that the information will not be further disclosed or
16 disseminated, except as authorized by law.

17 **Sec. 20.** RCW 74.13.289 and 2009 c 520 s 76 are each amended to
18 read as follows:

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

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

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

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

32 **Sec. 21.** RCW 74.13.300 and 2009 c 520 s 77 are each amended to
33 read as follows:

34 (1) Whenever a child has been placed in a foster family home by the
35 department or (~~(supervising)~~) child-placing agency and the child has
36 thereafter resided in the home for at least ninety consecutive days,

1 the department or (~~supervising~~) child-placing agency shall notify the
2 foster family at least five days prior to moving the child to another
3 placement, unless:

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

6 (b) The child is being returned home;

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

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

9 (2) If the child has resided in a foster family home for less than
10 ninety days or if, due to one or more of the circumstances in
11 subsection (1) of this section, it is not possible to give five days'
12 notification, the department or (~~supervising~~) child-placing agency
13 shall notify the foster family of proposed placement changes as soon as
14 reasonably possible.

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

20 **Sec. 22.** RCW 74.13.310 and 2009 c 520 s 78 are each amended to
21 read as follows:

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

35 **Sec. 23.** RCW 74.13.315 and 2009 c 520 s 79 are each amended to
36 read as follows:

1 concerning the foster parent's rights under this chapter or chapter
2 74.15 or 13.34 RCW, may file a complaint with the office of the family
3 and children's ombudsman.

4 (2) The ombudsman may investigate the allegations of retaliation.
5 The ombudsman shall have access to all relevant information and
6 resources held by or within the department by which to conduct the
7 investigation. Upon the conclusion of its investigation, the ombudsman
8 shall provide its findings in written form to the department.

9 (3) The department shall notify the office of the family and
10 children's ombudsman in writing, within thirty days of receiving the
11 ombudsman's findings, of any personnel action taken or to be taken with
12 regard to the department employee.

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

19 **Sec. 26.** RCW 74.13.334 and 2009 c 520 s 83 are each amended to
20 read as follows:

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

25 **Sec. 27.** RCW 74.13.500 and 2009 c 520 s 84 are each amended to
26 read as follows:

27 (1) Consistent with the provisions of chapter 42.56 RCW and
28 applicable federal law, the secretary, or the secretary's designee,
29 shall disclose information regarding the abuse or neglect of a child,
30 the investigation of the abuse, neglect, or near fatality of a child,
31 and any services related to the abuse or neglect of a child if any one
32 of the following factors is present:

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

1 (b) The investigation of the abuse or neglect of the child by the
2 department or the provision of services by the department (~~(or a~~
3 ~~supervising agency)~~) has been publicly disclosed in a report required
4 to be disclosed in the course of their official duties, by a law
5 enforcement agency or official, a prosecuting attorney, any other state
6 or local investigative agency or official, or by a judge of the
7 superior court;

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

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

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

20 (3) Except for cases in subsection (1)(d) of this section, requests
21 for information under this section shall specifically identify the case
22 about which information is sought and the facts that support a
23 determination that one of the factors specified in subsection (1) of
24 this section is present.

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

29 **Sec. 28.** RCW 74.13.515 and 2009 c 520 s 85 are each amended to
30 read as follows:

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

1 If the secretary specifically determines that disclosure of the
2 name of the deceased child is contrary to the best interests of the
3 child's siblings or other children in the household, the secretary may
4 remove personally identifying information.

5 For the purposes of this section, "personally identifying
6 information" means the name, street address, social security number,
7 and day of birth of the child who died and of private persons who are
8 relatives of the child named in child welfare records. "Personally
9 identifying information" shall not include the month or year of birth
10 of the child who has died. Once this personally identifying
11 information is removed, the remainder of the records pertaining to a
12 child who has died must be released regardless of whether the remaining
13 facts in the records are embarrassing to the unidentifiable other
14 private parties or to identifiable public workers who handled the case.

15 **Sec. 29.** RCW 74.13.525 and 2009 c 520 s 86 are each amended to
16 read as follows:

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

21 **Sec. 30.** RCW 74.13.530 and 2009 c 520 s 87 are each amended to
22 read as follows:

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

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

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

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

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

12 **Sec. 31.** RCW 74.13.560 and 2009 c 520 s 88 are each amended to
13 read as follows:

14 The administrative regions of the department (~~(and the supervising~~
15 ~~agencies)~~) shall develop protocols with the respective school districts
16 in their regions specifying specific strategies for communication,
17 coordination, and collaboration regarding the status and progress of
18 foster children placed in the region, in order to maximize the
19 educational continuity and achievement for foster children. The
20 protocols shall include methods to assure effective sharing of
21 information consistent with RCW 28A.225.330.

22 **Sec. 32.** RCW 74.13.590 and 2009 c 520 s 89 are each amended to
23 read as follows:

24 The department (~~(and supervising agencies)~~) shall perform the tasks
25 provided in RCW 74.13.550 through 74.13.580 based on available
26 resources.

27 **Sec. 33.** RCW 74.13.600 and 2009 c 520 s 90 are each amended to
28 read as follows:

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

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

4 These strategies must include at least the following:

5 (a) Development of standardized, statewide procedures to be used
6 (~~(by supervising agencies)~~) when searching for kin of children prior to
7 out-of-home placement. The procedures must include a requirement that
8 documentation be maintained in the child's case record that identifies
9 kin, and documentation that identifies the assessment criteria and
10 procedures that were followed during all kin searches. The procedures
11 must be used when a child is placed in out-of-home care under authority
12 of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or
13 when a child is placed under a voluntary placement agreement. To
14 assist with implementation of the procedures, the department (~~(or~~
15 ~~supervising agencies)~~) shall request that the juvenile court require
16 parents to disclose to the agencies all contact information for
17 available and appropriate kin within two weeks of an entered order.
18 For placements under signed voluntary agreements, the department (~~(and~~
19 ~~supervising agencies)~~) shall encourage the parents to disclose to the
20 department (~~(and agencies)~~) all contact information for available and
21 appropriate kin within two weeks of the date the parent signs the
22 voluntary placement agreement.

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

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

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

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

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

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

7 (3) Nothing in this section shall be construed to create an
8 entitlement to services or to create judicial authority to order the
9 provision of services to any person or family if the services are
10 unavailable or unsuitable or the child or family is not eligible for
11 such services.

12 **Sec. 34.** RCW 74.13.640 and 2011 c 61 s 2 are each amended to read
13 as follows:

14 (1)(a) The department shall conduct a child fatality review in the
15 event of a fatality suspected to be caused by child abuse or neglect of
16 any minor who is in the care of the department (~~(or a supervising
17 agency)~~) or receiving services described in this chapter or who has
18 been in the care of the department (~~(or a supervising agency)~~) or
19 received services described in this chapter within one year preceding
20 the minor's death.

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

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

29 (d) Upon conclusion of a child fatality review required pursuant to
30 this section, the department shall within one hundred eighty days
31 following the fatality issue a report on the results of the review,
32 unless an extension has been granted by the governor. Reports must be
33 distributed to the appropriate committees of the legislature, and the
34 department shall create a public web site where all child fatality
35 review reports required under this section must be posted and
36 maintained. A child fatality review report completed pursuant to this
37 section is subject to public disclosure and must be posted on the

1 public web site, except that confidential information may be redacted
2 by the department consistent with the requirements of RCW 13.50.100,
3 68.50.105, 74.13.500 through 74.13.525, chapter 42.56 RCW, and other
4 applicable state and federal laws.

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

7 (2) In the event of a near fatality of a child who is in the care
8 of or receiving services described in this chapter from the department
9 (~~(or a supervising agency)~~) or who has been in the care of or received
10 services described in this chapter from the department (~~(or a~~
11 ~~supervising agency)~~) within one year preceding the near fatality, the
12 department shall promptly notify the office of the family and
13 children's ombudsman. The department may conduct a review of the near
14 fatality at its discretion or at the request of the office of the
15 family and children's ombudsman.

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

22 ~~(4))~~(a) A child fatality or near fatality review completed
23 pursuant to this section is subject to discovery in a civil or
24 administrative proceeding, but may not be admitted into evidence or
25 otherwise used in a civil or administrative proceeding except pursuant
26 to this section.

27 (b) A department employee responsible for conducting a child
28 fatality or near fatality review, or member of a child fatality or near
29 fatality review team, may not be examined in a civil or administrative
30 proceeding regarding (i) the work of the child fatality or near
31 fatality review team, (ii) the incident under review, (iii) his or her
32 statements, deliberations, thoughts, analyses, or impressions relating
33 to the work of the child fatality or near fatality review team or the
34 incident under review, or (iv) the statements, deliberations, thoughts,
35 analyses, or impressions of any other member of the child fatality or
36 near fatality review team, or any person who provided information to
37 the child fatality or near fatality review team, relating to the work

1 of the child fatality or near fatality review team or the incident
2 under review.

3 (c) Documents prepared by or for a child fatality or near fatality
4 review team are inadmissible and may not be used in a civil or
5 administrative proceeding, except that any document that exists before
6 its use or consideration in a child fatality or near fatality review,
7 or that is created independently of such review, does not become
8 inadmissible merely because it is reviewed or used by a child fatality
9 or near fatality review team. A person is not unavailable as a witness
10 merely because the person has been interviewed by or has provided a
11 statement for a child fatality or near fatality review, but if called
12 as a witness, a person may not be examined regarding the person's
13 interactions with the child fatality or near fatality review including,
14 without limitation, whether the person was interviewed during such
15 review, the questions that were asked during such review, and the
16 answers that the person provided during such review. This section may
17 not be construed as restricting the person from testifying fully in any
18 proceeding regarding his or her knowledge of the incident under review.

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

25 **Sec. 35.** RCW 74.13.650 and 2009 c 520 s 92 are each amended to
26 read as follows:

27 A foster parent critical support and retention program is
28 established to retain foster parents who care for sexually reactive
29 children, physically assaultive children, or children with other high-
30 risk behaviors, as defined in RCW 74.13.280. Services shall consist of
31 short-term therapeutic and educational interventions to support the
32 stability of the placement. The department shall enter into
33 performance-based contracts with (~~supervising~~) private agencies to
34 provide this program.

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

1 For purposes of this chapter:

2 (1) "Abandoned" means when the child's parent, guardian, or other
3 custodian has expressed, either by statement or conduct, an intent to
4 forego, for an extended period, parental rights or responsibilities
5 despite an ability to exercise such rights and responsibilities. If
6 the court finds that the petitioner has exercised due diligence in
7 attempting to locate the parent, no contact between the child and the
8 child's parent, guardian, or other custodian for a period of three
9 months creates a rebuttable presumption of abandonment, even if there
10 is no expressed intent to abandon.

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

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

13 (b) Any individual age eighteen to twenty-one years who is eligible
14 to receive and who elects to receive the extended foster care services
15 authorized under RCW 74.13.031. A youth who remains dependent and who
16 receives extended foster care services under RCW 74.13.031 shall not be
17 considered a "child" under any other statute or for any other purpose.

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

25 (4) "Department" means the department of social and health
26 services.

27 (5) "Dependency guardian" means the person, nonprofit corporation,
28 or Indian tribe appointed by the court pursuant to this chapter for the
29 limited purpose of assisting the court in the supervision of the
30 dependency.

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

32 (a) Has been abandoned;

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

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

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

3 (7) "Developmental disability" means a disability attributable to
4 intellectual disability, cerebral palsy, epilepsy, autism, or another
5 neurological or other condition of an individual found by the secretary
6 to be closely related to an intellectual disability or to require
7 treatment similar to that required for individuals with intellectual
8 disabilities, which disability originates before the individual attains
9 age eighteen, which has continued or can be expected to continue
10 indefinitely, and which constitutes a substantial limitation to the
11 individual.

12 (8) "Extended foster care services" means residential and other
13 support services the department is authorized to provide under RCW
14 74.13.031.

15 (9) "Guardian" means the person or agency that: (a) Has been
16 appointed as the guardian of a child in a legal proceeding, including
17 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
18 legal right to custody of the child pursuant to such appointment. The
19 term "guardian" does not include a "dependency guardian" appointed
20 pursuant to a proceeding under this chapter.

21 (10) "Guardian ad litem" means a person, appointed by the court to
22 represent the best interests of a child in a proceeding under this
23 chapter, or in any matter which may be consolidated with a proceeding
24 under this chapter. A "court-appointed special advocate" appointed by
25 the court to be the guardian ad litem for the child, or to perform
26 substantially the same duties and functions as a guardian ad litem,
27 shall be deemed to be guardian ad litem for all purposes and uses of
28 this chapter.

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

36 (12) "Housing assistance" means appropriate referrals by the
37 department (~~(or other supervising agencies)~~) to federal, state, local,
38 or private agencies or organizations, assistance with forms,

1 applications, or financial subsidies or other monetary assistance for
2 housing. For purposes of this chapter, "housing assistance" is not a
3 remedial service or time-limited family reunification service as
4 described in RCW 13.34.025(2).

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

7 (a) Receiving one of the following types of public assistance:
8 Temporary assistance for needy families, aged, blind, or disabled
9 assistance benefits, medical care services under RCW 74.09.035,
10 pregnant women assistance benefits, poverty-related veterans' benefits,
11 food stamps or food stamp benefits transferred electronically, refugee
12 resettlement benefits, medicaid, or supplemental security income; or

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

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

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

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

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

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

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

34 (18) "Social study" means a written evaluation of matters relevant
35 to the disposition of the case and shall contain the following
36 information:

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

1 (b) A description of the specific services and activities, for both
2 the parents and child, that are needed in order to prevent serious harm
3 to the child; the reasons why such services and activities are likely
4 to be useful; the availability of any proposed services; and the
5 agency's overall plan for ensuring that the services will be delivered.
6 The description shall identify the services chosen and approved by the
7 parent;

8 (c) If removal is recommended, a full description of the reasons
9 why the child cannot be protected adequately in the home, including a
10 description of any previous efforts to work with the parents and the
11 child in the home; the in-home treatment programs that have been
12 considered and rejected; the preventive services, including housing
13 assistance, that have been offered or provided and have failed to
14 prevent the need for out-of-home placement, unless the health, safety,
15 and welfare of the child cannot be protected adequately in the home;
16 and the parents' attitude toward placement of the child;

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

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

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

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

32 **Sec. 37.** RCW 13.36.020 and 2010 c 272 s 2 are each reenacted and
33 amended to read as follows:

34 The definitions in this section apply throughout this chapter
35 unless the context clearly requires otherwise.

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

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

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

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

11 (5) "Relative" means a person related to the child in the following
12 ways: (a) Any blood relative, including those of half-blood, and
13 including first cousins, second cousins, nephews or nieces, and persons
14 of preceding generations as denoted by prefixes of grand, great, or
15 great-great; (b) stepfather, stepmother, stepbrother, and stepsister;
16 (c) a person who legally adopts a child or the child's parent as well
17 as the natural and other legally adopted children of such persons, and
18 other relatives of the adoptive parents in accordance with state law;
19 (d) spouses of any persons named in (a), (b), or (c) of this
20 subsection, even after the marriage is terminated; (e) relatives, as
21 named in (a), (b), (c), or (d) of this subsection, of any half sibling
22 of the child; or (f) extended family members, as defined by the law or
23 custom of the Indian child's tribe or, in the absence of such law or
24 custom, a person who has reached the age of eighteen and who is the
25 Indian child's grandparent, aunt or uncle, brother or sister, brother-
26 in-law or sister-in-law, niece or nephew, first or second cousin, or
27 stepparent who provides care in the family abode on a twenty-four hour
28 basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

34 ~~((7) "Supervising agency" means an agency licensed by the state
35 under RCW 74.15.090, or licensed by a federally recognized Indian tribe
36 located in this state under RCW 74.15.190, that has entered into a
37 performance based contract with the department to provide case~~

1 ~~management for the delivery and documentation of child welfare services~~
2 ~~as defined in RCW 74.13.020.)~~)

3 NEW SECTION. **Sec. 38.** The following acts or parts of acts are
4 each repealed:

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

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

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

13 (4) RCW 74.13.368 (Performance-based contracts--Child welfare
14 transformation design committee) and 2010 c 291 s 2 & 2009 c 520 s 8;
15 and

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

--- END ---