

**E2SSB 5405 - H AMD 451**

By Representative Roberts

ADOPTED 04/16/2013

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the federal  
4 fostering connections to success and increasing adoptions act of 2008  
5 provides important new opportunities to increase the impact of state  
6 funding through maximizing the amount of federal funding available to  
7 promote permanency and positive outcomes for dependent youth.

8 (2) The legislature also finds that children and adolescents who  
9 are legal dependents of Washington state have experienced significant  
10 trauma and loss, putting them at increased risk for poor life outcomes.  
11 Longitudinal research on the adult functioning of former foster youth  
12 indicates a disproportionate likelihood that youth aging out of foster  
13 care and those who spent several years in care will experience poor  
14 outcomes in a variety of areas, including limited human capital upon  
15 which to build economic security and inability to fully take advantage  
16 of secondary and postsecondary educational opportunities, untreated  
17 mental or behavioral health problems, involvement in the criminal  
18 justice and corrections systems, and early parenthood combined with  
19 second-generation child welfare involvement.

20 (3) The legislature further finds that research also demonstrates  
21 that access to adequate and appropriate supports during the period of  
22 transition from foster care to independence can have significant  
23 positive impacts on adult functioning and can improve outcomes relating  
24 to educational attainment and postsecondary enrollment, employment and  
25 earnings, and reduced rates of teen pregnancies.

26 **Sec. 2.** RCW 13.34.030 and 2011 1st sp.s. c 36 s 13 are each  
27 reenacted and amended to read as follows:

28 For purposes of this chapter:

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

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

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

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

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

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

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

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

31 (a) Has been abandoned;

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

34 (c) Has no parent, guardian, or custodian capable of adequately  
35 caring for the child, such that the child is in circumstances which  
36 constitute a danger of substantial damage to the child's psychological  
37 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. These services may include placement in licensed, relative,  
15 or otherwise approved care, or supervised independent living settings;  
16 assistance in meeting basic needs; independent living services; medical  
17 assistance; and counseling or treatment.

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

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

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

1 (12) "Housing assistance" means appropriate referrals by the  
2 department or other supervising agencies to federal, state, local, or  
3 private agencies or organizations, assistance with forms, applications,  
4 or financial subsidies or other monetary assistance for housing. For  
5 purposes of this chapter, "housing assistance" is not a remedial  
6 service or time-limited family reunification service as described in  
7 RCW 13.34.025(2).

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

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

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

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

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

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

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

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

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

37 (18) "Social study" means a written evaluation of matters relevant

1 to the disposition of the case and shall contain the following  
2 information:

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

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

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

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

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

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

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

36 (20) "Nonminor dependent" means any individual age eighteen to  
37 twenty-one years who is participating in extended foster care services  
38 authorized under RCW 74.13.031.

1       (21) "Supervised independent living" includes, but is not limited  
2 to, apartment living, room and board arrangements, college or  
3 university dormitories, and shared roommate settings. Supervised  
4 independent living settings must be approved by the children's  
5 administration or the court.

6       (22) "Voluntary placement agreement" means, for the purposes of  
7 extended foster care services, a written voluntary agreement between a  
8 nonminor dependent who agrees to submit to the care and authority of  
9 the department for the purposes of participating in the extended foster  
10 care program.

11       **Sec. 3.** RCW 13.34.145 and 2011 c 330 s 6 are each amended to read  
12 as follows:

13       (1) The purpose of a permanency planning hearing is to review the  
14 permanency plan for the child, inquire into the welfare of the child  
15 and progress of the case, and reach decisions regarding the permanent  
16 placement of the child.

17       (a) A permanency planning hearing shall be held in all cases where  
18 the child has remained in out-of-home care for at least nine months and  
19 an adoption decree, guardianship order, or permanent custody order has  
20 not previously been entered. The hearing shall take place no later  
21 than twelve months following commencement of the current placement  
22 episode.

23       (b) Whenever a child is removed from the home of a dependency  
24 guardian or long-term relative or foster care provider, and the child  
25 is not returned to the home of the parent, guardian, or legal custodian  
26 but is placed in out-of-home care, a permanency planning hearing shall  
27 take place no later than twelve months, as provided in this section,  
28 following the date of removal unless, prior to the hearing, the child  
29 returns to the home of the dependency guardian or long-term care  
30 provider, the child is placed in the home of the parent, guardian, or  
31 legal custodian, an adoption decree, guardianship order, or a permanent  
32 custody order is entered, or the dependency is dismissed. Every effort  
33 shall be made to provide stability in long-term placement, and to avoid  
34 disruption of placement, unless the child is being returned home or it  
35 is in the best interest of the child.

36       (c) Permanency planning goals should be achieved at the earliest  
37 possible date, preferably before the child has been in out-of-home care

1 for fifteen months. In cases where parental rights have been  
2 terminated, the child is legally free for adoption, and adoption has  
3 been identified as the primary permanency planning goal, it shall be a  
4 goal to complete the adoption within six months following entry of the  
5 termination order.

6 (2) No later than ten working days prior to the permanency planning  
7 hearing, the agency having custody of the child shall submit a written  
8 permanency plan to the court and shall mail a copy of the plan to all  
9 parties and their legal counsel, if any.

10 (3) When the youth is at least age seventeen years but not older  
11 than seventeen years and six months, the department shall provide the  
12 youth with written documentation which explains the availability of  
13 extended foster care services and detailed instructions regarding how  
14 the youth may access such services after he or she reaches age eighteen  
15 years.

16 (4) At the permanency planning hearing, the court shall conduct the  
17 following inquiry:

18 (a) If a goal of long-term foster or relative care has been  
19 achieved prior to the permanency planning hearing, the court shall  
20 review the child's status to determine whether the placement and the  
21 plan for the child's care remain appropriate.

22 (b) In cases where the primary permanency planning goal has not  
23 been achieved, the court shall inquire regarding the reasons why the  
24 primary goal has not been achieved and determine what needs to be done  
25 to make it possible to achieve the primary goal. The court shall  
26 review the permanency plan prepared by the agency and make explicit  
27 findings regarding each of the following:

28 (i) The continuing necessity for, and the safety and  
29 appropriateness of, the placement;

30 (ii) The extent of compliance with the permanency plan by the  
31 department or supervising agency and any other service providers, the  
32 child's parents, the child, and the child's guardian, if any;

33 (iii) The extent of any efforts to involve appropriate service  
34 providers in addition to department or supervising agency staff in  
35 planning to meet the special needs of the child and the child's  
36 parents;

37 (iv) The progress toward eliminating the causes for the child's

1 placement outside of his or her home and toward returning the child  
2 safely to his or her home or obtaining a permanent placement for the  
3 child;

4 (v) The date by which it is likely that the child will be returned  
5 to his or her home or placed for adoption, with a guardian or in some  
6 other alternative permanent placement; and

7 (vi) If the child has been placed outside of his or her home for  
8 fifteen of the most recent twenty-two months, not including any period  
9 during which the child was a runaway from the out-of-home placement or  
10 the first six months of any period during which the child was returned  
11 to his or her home for a trial home visit, the appropriateness of the  
12 permanency plan, whether reasonable efforts were made by the department  
13 or supervising agency to achieve the goal of the permanency plan, and  
14 the circumstances which prevent the child from any of the following:

- 15 (A) Being returned safely to his or her home;
- 16 (B) Having a petition for the involuntary termination of parental  
17 rights filed on behalf of the child;
- 18 (C) Being placed for adoption;
- 19 (D) Being placed with a guardian;
- 20 (E) Being placed in the home of a fit and willing relative of the  
21 child; or
- 22 (F) Being placed in some other alternative permanent placement,  
23 including independent living or long-term foster care.

24 At this hearing, the court shall order the department or  
25 supervising agency to file a petition seeking termination of parental  
26 rights if the child has been in out-of-home care for fifteen of the  
27 last twenty-two months since the date the dependency petition was filed  
28 unless the court makes a good cause exception as to why the filing of  
29 a termination of parental rights petition is not appropriate. Any good  
30 cause finding shall be reviewed at all subsequent hearings pertaining  
31 to the child. For purposes of this section, "good cause exception"  
32 includes but is not limited to the following: The child is being cared  
33 for by a relative; the department has not provided to the child's  
34 family such services as the court and the department have deemed  
35 necessary for the child's safe return home; or the department has  
36 documented in the case plan a compelling reason for determining that  
37 filing a petition to terminate parental rights would not be in the  
38 child's best interests.



1 (c)(i) If the permanency plan identifies independent living as a  
2 goal, the court shall make a finding that the provision of services to  
3 assist the child in making a transition from foster care to independent  
4 living will allow the child to manage his or her financial, personal,  
5 social, educational, and nonfinancial affairs prior to approving  
6 independent living as a permanency plan of care. The court will  
7 inquire whether the child has been provided information about extended  
8 foster care services.

9 (ii) The permanency plan shall also specifically identify the  
10 services, including extended foster care services, where appropriate,  
11 that will be provided to assist the child to make a successful  
12 transition from foster care to independent living.

13 (iii) The department or supervising agency shall not discharge a  
14 child to an independent living situation before the child is eighteen  
15 years of age unless the child becomes emancipated pursuant to chapter  
16 13.64 RCW.

17 (d) If the child has resided in the home of a foster parent or  
18 relative for more than six months prior to the permanency planning  
19 hearing, the court shall:

20 (i) Enter a finding regarding whether the foster parent or relative  
21 was informed of the hearing as required in RCW 74.13.280, 13.34.215(6),  
22 and 13.34.096; and

23 (ii) If the department or supervising agency is recommending a  
24 placement other than the child's current placement with a foster  
25 parent, relative, or other suitable person, enter a finding as to the  
26 reasons for the recommendation for a change in placement.

27 (~~(4)~~) (5) In all cases, at the permanency planning hearing, the  
28 court shall:

29 (a)(i) Order the permanency plan prepared by the supervising agency  
30 to be implemented; or

31 (ii) Modify the permanency plan, and order implementation of the  
32 modified plan; and

33 (b)(i) Order the child returned home only if the court finds that  
34 a reason for removal as set forth in RCW 13.34.130 no longer exists; or

35 (ii) Order the child to remain in out-of-home care for a limited  
36 specified time period while efforts are made to implement the  
37 permanency plan.

1       ~~((+5))~~ (6) Following the first permanency planning hearing, the  
2 court shall hold a further permanency planning hearing in accordance  
3 with this section at least once every twelve months until a permanency  
4 planning goal is achieved or the dependency is dismissed, whichever  
5 occurs first.

6       ~~((+6))~~ (7) Prior to the second permanency planning hearing, the  
7 agency that has custody of the child shall consider whether to file a  
8 petition for termination of parental rights.

9       ~~((+7))~~ (8) If the court orders the child returned home, casework  
10 supervision by the department or supervising agency shall continue for  
11 at least six months, at which time a review hearing shall be held  
12 pursuant to RCW 13.34.138, and the court shall determine the need for  
13 continued intervention.

14       ~~((+8))~~ (9) The juvenile court may hear a petition for permanent  
15 legal custody when: (a) The court has ordered implementation of a  
16 permanency plan that includes permanent legal custody; and (b) the  
17 party pursuing the permanent legal custody is the party identified in  
18 the permanency plan as the prospective legal custodian. During the  
19 pendency of such proceeding, the court shall conduct review hearings  
20 and further permanency planning hearings as provided in this chapter.  
21 At the conclusion of the legal guardianship or permanent legal custody  
22 proceeding, a juvenile court hearing shall be held for the purpose of  
23 determining whether dependency should be dismissed. If a guardianship  
24 or permanent custody order has been entered, the dependency shall be  
25 dismissed.

26       ~~((+9))~~ (10) Continued juvenile court jurisdiction under this  
27 chapter shall not be a barrier to the entry of an order establishing a  
28 legal guardianship or permanent legal custody when the requirements of  
29 subsection ~~((+8))~~ (9) of this section are met.

30       ~~((+10))~~ (11) Nothing in this chapter may be construed to limit the  
31 ability of the agency that has custody of the child to file a petition  
32 for termination of parental rights or a guardianship petition at any  
33 time following the establishment of dependency. Upon the filing of  
34 such a petition, a fact-finding hearing shall be scheduled and held in  
35 accordance with this chapter unless the department or supervising  
36 agency requests dismissal of the petition prior to the hearing or  
37 unless the parties enter an agreed order terminating parental rights,  
38 establishing guardianship, or otherwise resolving the matter.

1        ~~((+11))~~ (12) The approval of a permanency plan that does not  
2 contemplate return of the child to the parent does not relieve the  
3 supervising agency of its obligation to provide reasonable services,  
4 under this chapter, intended to effectuate the return of the child to  
5 the parent, including but not limited to, visitation rights. The court  
6 shall consider the child's relationships with siblings in accordance  
7 with RCW 13.34.130.

8        ~~((+12))~~ (13) Nothing in this chapter may be construed to limit the  
9 procedural due process rights of any party in a termination or  
10 guardianship proceeding filed under this chapter.

11        **Sec. 4.** RCW 13.34.267 and 2012 c 52 s 4 are each amended to read  
12 as follows:

13        (1) In order to facilitate the delivery of extended foster care  
14 services, the court, upon the agreement of the youth to participate in  
15 the extended foster care program, shall ~~((postpone for six months the~~  
16 ~~dismissal of a))~~ maintain the dependency proceeding for any ~~((child))~~  
17 youth who is ~~((a))~~ dependent ~~((child))~~ in foster care at the age of  
18 eighteen years and who, at the time of his or her eighteenth birthday,  
19 is:

20        (a) Enrolled in a secondary education program or a secondary  
21 education equivalency program; ~~((or))~~

22        (b) Enrolled and participating in a postsecondary academic or  
23 postsecondary vocational program, or has applied for and can  
24 demonstrate that he or she intends to timely enroll in a postsecondary  
25 academic or postsecondary vocational program; or

26        (c) Participating in a program or activity designed to promote  
27 employment or remove barriers to employment.

28        (2) If the court maintains the dependency proceeding of a youth  
29 pursuant to subsection (1) of this section, the youth is eligible to  
30 receive extended foster care services pursuant to RCW 74.13.031,  
31 subject to the youth's continuing eligibility and agreement to  
32 participate.

33        (3) A dependent youth receiving extended foster care services is a  
34 party to the dependency proceeding. The youth's parent or guardian  
35 must be dismissed from the dependency proceeding when the youth reaches  
36 the age of eighteen.

1       (4) The court shall dismiss the dependency proceeding for any youth  
2 who is a dependent in foster care and who, at the age of eighteen  
3 years, does not meet any of the criteria described in subsection (1)(a)  
4 through (c) of this section or does not agree to participate in the  
5 program.

6       ~~((2)(a) The six month postponement under this subsection is~~  
7 ~~intended to allow a reasonable window of opportunity for an eligible~~  
8 ~~youth who reaches the age of eighteen to request extended foster care~~  
9 ~~services from the department or supervising agency. The court shall~~  
10 ~~dismiss the dependency if the youth:~~

11       ~~(i) Has not requested extended foster care services from the~~  
12 ~~department by the end of the six month period; or~~

13       ~~(ii) Is no longer eligible for extended foster care services under~~  
14 ~~RCW 74.13.031(10) at any point during the six month period.~~

15       ~~(b) Until the youth requests to participate in the extended foster~~  
16 ~~care program, the department is relieved of any supervisory~~  
17 ~~responsibility for the youth.~~

18       ~~(3) A youth who participates in extended foster care while~~  
19 ~~completing a secondary education or equivalency program may continue to~~  
20 ~~receive extended foster care services for the purpose of participating~~  
21 ~~in a postsecondary academic or postsecondary vocational education~~  
22 ~~program if, at the time the secondary education or equivalency program~~  
23 ~~is completed, the youth has applied to and can demonstrate that he or~~  
24 ~~she intends to timely enroll in a postsecondary academic or vocational~~  
25 ~~education program. The dependency shall be dismissed if the youth~~  
26 ~~fails to timely enroll or continue in the postsecondary program, or~~  
27 ~~reaches age twenty one, whichever is earlier.~~

28       ~~(4) A youth receiving extended foster care services is a party to~~  
29 ~~the dependency proceeding. The youth's parent or guardian shall be~~  
30 ~~dismissed from the dependency proceeding when the youth reaches the age~~  
31 ~~of eighteen years.))~~

32       (5) The court shall order a youth participating in extended foster  
33 care services to be under the placement and care authority of the  
34 department, subject to the youth's continuing agreement to participate  
35 in extended foster care services. The department may establish foster  
36 care rates appropriate to the needs of the youth participating in  
37 extended foster care services. The department's placement and care  
38 authority over a youth receiving extended foster care services is

1 solely for the purpose of providing services and does not create a  
2 legal responsibility for the actions of the youth receiving extended  
3 foster care services.

4 (6) The court shall appoint counsel to represent a youth, as  
5 defined in RCW 13.34.030(2)(b), in dependency proceedings under this  
6 section.

7 (7) The case plan for and delivery of services to a youth receiving  
8 extended foster care services is subject to the review requirements set  
9 forth in RCW 13.34.138 and 13.34.145, and should be applied in a  
10 developmentally appropriate manner, as they relate to youth age  
11 eighteen to twenty-one years. Additionally, the court shall consider:

12 (a) Whether the youth is safe in his or her placement;

13 (b) Whether the youth continues to be eligible for extended foster  
14 care services;

15 (c) Whether the current placement is developmentally appropriate  
16 for the youth;

17 (d) The youth's development of independent living skills; and

18 (e) The youth's overall progress toward transitioning to full  
19 independence and the projected date for achieving such transition.

20 (8) Prior to the review hearing, the youth's attorney shall  
21 indicate whether there are any contested issues and may provide  
22 additional information necessary for the court's review.

23 ~~((9) Upon the request of the youth, or when the youth is no longer~~  
24 ~~eligible to receive extended foster care services according to rules~~  
25 ~~adopted by the department, the court shall dismiss the dependency.))~~

26 NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW  
27 to read as follows:

28 (1) A youth who has reached age eighteen years may request extended  
29 foster care services authorized under RCW 74.13.031 at any time before  
30 he or she reaches the age of nineteen years if on or after the  
31 effective date of this section:

32 (a) The dependency proceeding of the youth was dismissed pursuant  
33 to RCW 13.34.267(4) at the time that he or she reached age eighteen  
34 years; or

35 (b) The court, after holding the dependency case open pursuant to  
36 RCW 13.34.267(1), has dismissed the case because the youth became  
37 ineligible for extended foster care services.

1 (2)(a) Upon a request for extended foster care services by a youth  
2 pursuant to subsection (1) of this section, a determination that the  
3 youth is eligible for extended foster care services, and the completion  
4 of a voluntary placement agreement, the department shall provide  
5 extended foster care services to the youth.

6 (b) In order to continue receiving extended foster care services  
7 after entering into a voluntary placement agreement with the  
8 department, the youth must agree to the entry of an order of dependency  
9 within one hundred eighty days of the date that the youth is placed in  
10 foster care pursuant to a voluntary placement agreement.

11 (3) A youth may enter into a voluntary placement agreement for  
12 extended foster care services only once. A youth may transition among  
13 the eligibility categories identified in RCW 74.13.031 while under the  
14 same voluntary placement agreement, provided that the youth remains  
15 eligible for extended foster care services during the transition.

16 (4) "Voluntary placement agreement," for the purposes of this  
17 section, means a written voluntary agreement between a nonminor  
18 dependent who agrees to submit to the care and authority of the  
19 department for the purposes of participating in the extended foster  
20 care program.

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.34 RCW  
22 to read as follows:

23 (1)(a) If a youth prior to reaching age nineteen years requests  
24 extended foster care services from the department pursuant to section  
25 5 of this act, and the department declines to enter into a voluntary  
26 placement agreement with the youth, the department must provide written  
27 documentation to the youth which contains:

28 (i) The date that the youth requested extended foster care  
29 services;

30 (ii) The department's reasons for declining to enter into a  
31 voluntary placement agreement with the youth and the date of the  
32 department's decision; and

33 (iii) Information regarding the youth's right to ask the court to  
34 establish a dependency for the purpose of providing extended foster  
35 care services and his or her right to counsel to assist in making that  
36 request.

1 (b) The written documentation pursuant to (a) of this subsection  
2 must be provided to the youth within ten days of the department's  
3 decision not to enter into a voluntary placement agreement with the  
4 youth.

5 (2)(a) A youth seeking to participate in extended foster care after  
6 being declined by the department under subsection (1) of this section  
7 may file a notice of intent to file a petition for dependency, asking  
8 the court to determine his or her eligibility for extended foster care  
9 services, and to enter an order of dependency. If the youth chooses to  
10 file such notice, it must be filed within thirty days of the date of  
11 the department's decision.

12 (b) Upon filing the notice, the youth must be provided counsel at  
13 no cost to him or her. Upon receipt of the youth's petition, the court  
14 must set a hearing date to determine whether the petition should be  
15 granted.

16 **Sec. 7.** RCW 74.13.020 and 2012 c 205 s 12 are each amended to read  
17 as follows:

18 For purposes of this chapter:

19 (1) "Case management" means convening family meetings, developing,  
20 revising, and monitoring implementation of any case plan or individual  
21 service and safety plan, coordinating and monitoring services needed by  
22 the child and family, caseworker-child visits, family visits, and the  
23 assumption of court-related duties, excluding legal representation,  
24 including preparing court reports, attending judicial hearings and  
25 permanency hearings, and ensuring that the child is progressing toward  
26 permanency within state and federal mandates, including the Indian  
27 child welfare act.

28 (2) "Child" means:

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

30 (b) A person age eighteen to twenty-one years who is eligible to  
31 receive the extended foster care services authorized under RCW  
32 74.13.031.

33 (3) "Child protective services" has the same meaning as in RCW  
34 26.44.020.

35 (4) "Child welfare services" means social services including  
36 voluntary and in-home services, out-of-home care, case management, and

1 adoption services which strengthen, supplement, or substitute for,  
2 parental care and supervision for the purpose of:

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

6 (b) Protecting and caring for dependent, abused, or neglected  
7 children;

8 (c) Assisting children who are in conflict with their parents, and  
9 assisting parents who are in conflict with their children, with  
10 services designed to resolve such conflicts;

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

13 (e) Providing adequate care of children away from their homes in  
14 foster family homes or day care or other child care agencies or  
15 facilities.

16 "Child welfare services" does not include child protection  
17 services.

18 (5) "Committee" means the child welfare transformation design  
19 committee.

20 (6) "Department" means the department of social and health  
21 services.

22 (7) "Extended foster care services" means residential and other  
23 support services the department is authorized to provide to foster  
24 children. These services may include(~~(, but are not limited to,)~~)  
25 placement in licensed, relative, or otherwise approved care, or  
26 supervised independent living settings; assistance in meeting basic  
27 needs; independent living services; medical assistance; and counseling  
28 or treatment.

29 (8) "Measurable effects" means a statistically significant change  
30 which occurs as a result of the service or services a supervising  
31 agency is assigned in a performance-based contract, in time periods  
32 established in the contract.

33 (9) "Out-of-home care services" means services provided after the  
34 shelter care hearing to or for children in out-of-home care, as that  
35 term is defined in RCW 13.34.030, and their families, including the  
36 recruitment, training, and management of foster parents, the  
37 recruitment of adoptive families, and the facilitation of the adoption



1 process, family reunification, independent living, emergency shelter,  
2 residential group care, and foster care, including relative placement.

3 (10) "Performance-based contracting" means the structuring of all  
4 aspects of the procurement of services around the purpose of the work  
5 to be performed and the desired results with the contract requirements  
6 set forth in clear, specific, and objective terms with measurable  
7 outcomes. Contracts shall also include provisions that link the  
8 performance of the contractor to the level and timing of reimbursement.

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

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

17 (13) "Supervising agency" means an agency licensed by the state  
18 under RCW 74.15.090, or licensed by a federally recognized Indian tribe  
19 located in this state under RCW 74.15.190, that has entered into a  
20 performance-based contract with the department to provide case  
21 management for the delivery and documentation of child welfare  
22 services, as defined in this section. This definition is applicable on  
23 or after December 30, 2015.

24 (14) "Nonminor dependent" means any individual age eighteen to  
25 twenty-one years who is participating in extended foster care services  
26 authorized under RCW 74.13.031.

27 (15) "Supervised independent living" includes, but is not limited  
28 to, apartment living, room and board arrangements, college or  
29 university dormitories, and shared roommate settings. Supervised  
30 independent living settings must be approved by the children's  
31 administration or the court.

32 (16) "Voluntary placement agreement" means, for the purposes of  
33 extended foster care services, a written voluntary agreement between a  
34 nonminor dependent who agrees to submit to the care and authority of  
35 the department for the purposes of participating in the extended foster  
36 care program.

1       **Sec. 8.** RCW 74.13.020 and 2012 c 259 s 7 and 2012 c 205 s 12 are  
2 each reenacted and amended to read as follows:

3       For purposes of this chapter:

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

13       (2) "Child" means:

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

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

18       (3) "Child protective services" has the same meaning as in RCW  
19 26.44.020.

20       (4) "Child welfare services" means social services including  
21 voluntary and in-home services, out-of-home care, case management, and  
22 adoption services which strengthen, supplement, or substitute for,  
23 parental care and supervision for the purpose of:

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

27       (b) Protecting and caring for dependent, abused, or neglected  
28 children;

29       (c) Assisting children who are in conflict with their parents, and  
30 assisting parents who are in conflict with their children, with  
31 services designed to resolve such conflicts;

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

34       (e) Providing adequate care of children away from their homes in  
35 foster family homes or day care or other child care agencies or  
36 facilities.

37       "Child welfare services" does not include child protection  
38 services.

1 (5) "Committee" means the child welfare transformation design  
2 committee.

3 (6) "Department" means the department of social and health  
4 services.

5 (7) "Extended foster care services" means residential and other  
6 support services the department is authorized to provide to foster  
7 children. These services include, but are not limited to, placement in  
8 licensed, relative, or otherwise approved care, or supervised  
9 independent living settings; assistance in meeting basic needs;  
10 independent living services; medical assistance; and counseling or  
11 treatment.

12 (8) "Family assessment" means a comprehensive assessment of child  
13 safety, risk of subsequent child abuse or neglect, and family strengths  
14 and needs that is applied to a child abuse or neglect report. Family  
15 assessment does not include a determination as to whether child abuse  
16 or neglect occurred, but does determine the need for services to  
17 address the safety of the child and the risk of subsequent  
18 maltreatment.

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

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

30 (11) "Performance-based contracting" means the structuring of all  
31 aspects of the procurement of services around the purpose of the work  
32 to be performed and the desired results with the contract requirements  
33 set forth in clear, specific, and objective terms with measurable  
34 outcomes. Contracts shall also include provisions that link the  
35 performance of the contractor to the level and timing of reimbursement.

36 (12) "Permanency services" means long-term services provided to  
37 secure a child's safety, permanency, and well-being, including foster

1 care services, family reunification services, adoption services, and  
2 preparation for independent living services.

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

7 (14) "Supervising agency" means an agency licensed by the state  
8 under RCW 74.15.090, or licensed by a federally recognized Indian tribe  
9 located in this state under RCW 74.15.190, that has entered into a  
10 performance-based contract with the department to provide case  
11 management for the delivery and documentation of child welfare  
12 services, as defined in this section. This definition is applicable on  
13 or after December 30, 2015.

14 (15) "Nonminor dependent" means any individual age eighteen to  
15 twenty-one years who is participating in extended foster care services  
16 authorized under RCW 74.13.031.

17 (16) "Supervised independent living" includes, but is not limited  
18 to, apartment living, room and board arrangements, college or  
19 university dormitories, and shared roommate settings. Supervised  
20 independent living settings must be approved by the children's  
21 administration or the court.

22 (17) "Voluntary placement agreement" means, for the purposes of  
23 extended foster care services, a written voluntary agreement between a  
24 nonminor dependent who agrees to submit to the care and authority of  
25 the department for the purposes of participating in the extended foster  
26 care program.

27 **Sec. 9.** RCW 74.13.031 and 2012 c 52 s 2 are each amended to read  
28 as follows:

29 (1) The department and supervising agencies shall develop,  
30 administer, supervise, and monitor a coordinated and comprehensive plan  
31 that establishes, aids, and strengthens services for the protection and  
32 care of runaway, dependent, or neglected children.

33 (2) Within available resources, the department and supervising  
34 agencies shall recruit an adequate number of prospective adoptive and  
35 foster homes, both regular and specialized, i.e. homes for children of  
36 ethnic minority, including Indian homes for Indian children, sibling  
37 groups, handicapped and emotionally disturbed, teens, pregnant and

1 parenting teens, and the department shall annually report to the  
2 governor and the legislature concerning the department's and  
3 supervising agency's success in: (a) Meeting the need for adoptive and  
4 foster home placements; (b) reducing the foster parent turnover rate;  
5 (c) completing home studies for legally free children; and (d)  
6 implementing and operating the passport program required by RCW  
7 74.13.285. The report shall include a section entitled "Foster Home  
8 Turn-Over, Causes and Recommendations."

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

23 (4) The department or supervising agencies shall offer, on a  
24 voluntary basis, family reconciliation services to families who are in  
25 conflict.

26 (5) The department or supervising agencies shall monitor placements  
27 of children in out-of-home care and in-home dependencies to assure the  
28 safety, well-being, and quality of care being provided is within the  
29 scope of the intent of the legislature as defined in RCW 74.13.010 and  
30 74.15.010. Under this section children in out-of-home care and in-home  
31 dependencies and their caregivers shall receive a private and  
32 individual face-to-face visit each month. The department and the  
33 supervising agencies shall randomly select no less than ten percent of  
34 the caregivers currently providing care to receive one unannounced  
35 face-to-face visit in the caregiver's home per year. No caregiver will  
36 receive an unannounced visit through the random selection process for  
37 two consecutive years. If the caseworker makes a good faith effort to  
38 conduct the unannounced visit to a caregiver and is unable to do so,

1 that month's visit to that caregiver need not be unannounced. The  
2 department and supervising agencies are encouraged to group monthly  
3 visits to caregivers by geographic area so that in the event an  
4 unannounced visit cannot be completed, the caseworker may complete  
5 other required monthly visits. The department shall use a method of  
6 random selection that does not cause a fiscal impact to the department.

7 The department or supervising agencies shall conduct the monthly  
8 visits with children and caregivers to whom it is providing child  
9 welfare services.

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

22 (7) The department and supervising agency shall have authority to  
23 provide temporary shelter to children who have run away from home and  
24 who are admitted to crisis residential centers.

25 (8) The department and supervising agency shall have authority to  
26 purchase care for children.

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

34 (10)(a) The department and supervising agencies shall (~~have~~  
35 ~~authority to~~) provide continued extended foster care services to  
36 (~~youth ages eighteen to twenty one years to participate in or~~  
37 ~~complete~~) nonminor dependents who are:

1        (i) Enrolled in a secondary education program or a secondary  
2 education equivalency program(~~(7-07)~~);

3        (ii) Enrolled and participating in a postsecondary academic or  
4 postsecondary vocational education program; or

5        (iii) Participating in a program or activity designed to promote  
6 employment or remove barriers to employment.

7        (b) To be eligible for extended foster care services, the nonminor  
8 dependent must have been dependent and in foster care at the time that  
9 he or she reached age eighteen years. If the dependency case of the  
10 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she  
11 may receive extended foster care services pursuant to a voluntary  
12 placement agreement under section 5 of this act or pursuant to an order  
13 of dependency issued by the court under section 6 of this act. A  
14 nonminor dependent whose dependency case was dismissed by the court  
15 must have requested extended foster care services before reaching age  
16 nineteen years.

17        (c) The department shall develop and implement rules regarding  
18 youth eligibility requirements.

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

24        (12) The department shall refer cases to the division of child  
25 support whenever state or federal funds are expended for the care and  
26 maintenance of a child, including a child with a developmental  
27 disability who is placed as a result of an action under chapter 13.34  
28 RCW, unless the department finds that there is good cause not to pursue  
29 collection of child support against the parent or parents of the child.  
30 Cases involving individuals age eighteen through twenty shall not be  
31 referred to the division of child support unless required by federal  
32 law.

33        (13) The department and supervising agencies shall have authority  
34 within funds appropriated for foster care services to purchase care for  
35 Indian children who are in the custody of a federally recognized Indian  
36 tribe or tribally licensed child-placing agency pursuant to parental  
37 consent, tribal court order, or state juvenile court order; and the

1 purchase of such care shall be subject to the same eligibility  
2 standards and rates of support applicable to other children for whom  
3 the department purchases care.

4 Notwithstanding any other provision of RCW 13.32A.170 through  
5 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
6 services to be provided by the department under subsections (4), (6),  
7 and (7) of this section, subject to the limitations of these  
8 subsections, may be provided by any program offering such services  
9 funded pursuant to Titles II and III of the federal juvenile justice  
10 and delinquency prevention act of 1974.

11 (14) Within amounts appropriated for this specific purpose, the  
12 supervising agency or department shall provide preventive services to  
13 families with children that prevent or shorten the duration of an out-  
14 of-home placement.

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

19 (16) The department and supervising agencies shall consult at least  
20 quarterly with foster parents, including members of the foster parent  
21 association of Washington state, for the purpose of receiving  
22 information and comment regarding how the department and supervising  
23 agencies are performing the duties and meeting the obligations  
24 specified in this section and RCW 74.13.250 and 74.13.320 regarding the  
25 recruitment of foster homes, reducing foster parent turnover rates,  
26 providing effective training for foster parents, and administering a  
27 coordinated and comprehensive plan that strengthens services for the  
28 protection of children. Consultation shall occur at the regional and  
29 statewide levels.

30 (17)(a) The department shall, within current funding levels, place  
31 on its public web site a document listing the duties and  
32 responsibilities the department has to a child subject to a dependency  
33 petition including, but not limited to, the following:

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

36 (ii) Sibling visits subject to the restrictions in RCW  
37 13.34.136(2)(b)(ii);

38 (iii) Parent-child visits;



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

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

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

8 **Sec. 10.** RCW 74.13.031 and 2012 c 259 s 8 and 2012 c 52 s 2 are  
9 each reenacted and amended to read as follows:

10 (1) The department and supervising agencies shall develop,  
11 administer, supervise, and monitor a coordinated and comprehensive plan  
12 that establishes, aids, and strengthens services for the protection and  
13 care of runaway, dependent, or neglected children.

14 (2) Within available resources, the department and supervising  
15 agencies shall recruit an adequate number of prospective adoptive and  
16 foster homes, both regular and specialized, i.e. homes for children of  
17 ethnic minority, including Indian homes for Indian children, sibling  
18 groups, handicapped and emotionally disturbed, teens, pregnant and  
19 parenting teens, and the department shall annually report to the  
20 governor and the legislature concerning the department's and  
21 supervising agency's success in: (a) Meeting the need for adoptive and  
22 foster home placements; (b) reducing the foster parent turnover rate;  
23 (c) completing home studies for legally free children; and (d)  
24 implementing and operating the passport program required by RCW  
25 74.13.285. The report shall include a section entitled "Foster Home  
26 Turn-Over, Causes and Recommendations."

27 (3) The department shall investigate complaints of any recent act  
28 or failure to act on the part of a parent or caretaker that results in  
29 death, serious physical or emotional harm, or sexual abuse or  
30 exploitation, or that presents an imminent risk of serious harm, and on  
31 the basis of the findings of such investigation, offer child welfare  
32 services in relation to the problem to such parents, legal custodians,  
33 or persons serving in loco parentis, and/or bring the situation to the  
34 attention of an appropriate court, or another community agency. An  
35 investigation is not required of nonaccidental injuries which are  
36 clearly not the result of a lack of care or supervision by the child's  
37 parents, legal custodians, or persons serving in loco parentis. If the

1 investigation reveals that a crime against a child may have been  
2 committed, the department shall notify the appropriate law enforcement  
3 agency.

4 (4) As provided in RCW 26.44.030(11), the department may respond to  
5 a report of child abuse or neglect by using the family assessment  
6 response.

7 (5) The department or supervising agencies shall offer, on a  
8 voluntary basis, family reconciliation services to families who are in  
9 conflict.

10 (6) The department or supervising agencies shall monitor placements  
11 of children in out-of-home care and in-home dependencies to assure the  
12 safety, well-being, and quality of care being provided is within the  
13 scope of the intent of the legislature as defined in RCW 74.13.010 and  
14 74.15.010. Under this section children in out-of-home care and in-home  
15 dependencies and their caregivers shall receive a private and  
16 individual face-to-face visit each month. The department and the  
17 supervising agencies shall randomly select no less than ten percent of  
18 the caregivers currently providing care to receive one unannounced  
19 face-to-face visit in the caregiver's home per year. No caregiver will  
20 receive an unannounced visit through the random selection process for  
21 two consecutive years. If the caseworker makes a good faith effort to  
22 conduct the unannounced visit to a caregiver and is unable to do so,  
23 that month's visit to that caregiver need not be unannounced. The  
24 department and supervising agencies are encouraged to group monthly  
25 visits to caregivers by geographic area so that in the event an  
26 unannounced visit cannot be completed, the caseworker may complete  
27 other required monthly visits. The department shall use a method of  
28 random selection that does not cause a fiscal impact to the department.

29 The department or supervising agencies shall conduct the monthly  
30 visits with children and caregivers to whom it is providing child  
31 welfare services.

32 (7) The department and supervising agencies shall have authority to  
33 accept custody of children from parents and to accept custody of  
34 children from juvenile courts, where authorized to do so under law, to  
35 provide child welfare services including placement for adoption, to  
36 provide for the routine and necessary medical, dental, and mental  
37 health care, or necessary emergency care of the children, and to  
38 provide for the physical care of such children and make payment of

1 maintenance costs if needed. Except where required by Public Law 95-  
2 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives  
3 children for adoption from the department shall discriminate on the  
4 basis of race, creed, or color when considering applications in their  
5 placement for adoption.

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

9 (9) The department and supervising agency shall have authority to  
10 purchase care for children.

11 (10) The department shall establish a children's services advisory  
12 committee with sufficient members representing supervising agencies  
13 which shall assist the secretary in the development of a partnership  
14 plan for utilizing resources of the public and private sectors, and  
15 advise on all matters pertaining to child welfare, licensing of child  
16 care agencies, adoption, and services related thereto. At least one  
17 member shall represent the adoption community.

18 (11)(a) The department and supervising agencies shall ~~((have~~  
19 ~~authority to))~~ provide continued extended foster care services to  
20 ~~((youth ages eighteen to twenty one years to participate in or~~  
21 ~~complete))~~ nonminor dependents who are:

22 (i) Enrolled in a secondary education program or a secondary  
23 education equivalency program(~~(, or))~~;

24 (ii) Enrolled and participating in a postsecondary academic or  
25 postsecondary vocational education program; or

26 (iii) Participating in a program or activity designed to promote  
27 employment or remove barriers to employment.

28 (b) To be eligible for extended foster care services, the nonminor  
29 dependent must have been dependent and in foster care at the time that  
30 he or she reached age eighteen years. If the dependency case of the  
31 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she  
32 may receive extended foster care services pursuant to a voluntary  
33 placement agreement under section 5 of this act or pursuant to an order  
34 of dependency issued by the court under section 6 of this act. A  
35 nonminor dependent whose dependency case was dismissed by the court  
36 must have requested extended foster care services before reaching age  
37 nineteen years.

1       (c) The department shall develop and implement rules regarding  
2 youth eligibility requirements.

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

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

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

25       Notwithstanding any other provision of RCW 13.32A.170 through  
26 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
27 services to be provided by the department under subsections (4), (7),  
28 and (8) of this section, subject to the limitations of these  
29 subsections, may be provided by any program offering such services  
30 funded pursuant to Titles II and III of the federal juvenile justice  
31 and delinquency prevention act of 1974.

32       (15) Within amounts appropriated for this specific purpose, the  
33 supervising agency or department shall provide preventive services to  
34 families with children that prevent or shorten the duration of an out-  
35 of-home placement.

36       (16) The department and supervising agencies shall have authority  
37 to provide independent living services to youths, including individuals

1 who have attained eighteen years of age, and have not attained twenty-  
2 one years of age who are or have been in foster care.

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

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

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

20 (ii) Sibling visits subject to the restrictions in RCW  
21 13.34.136(2)(b)(ii);

22 (iii) Parent-child visits;

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

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

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

30 **Sec. 11.** RCW 43.88C.010 and 2012 c 217 s 3 are each amended to  
31 read as follows:

32 (1) The caseload forecast council is hereby created. The council  
33 shall consist of two individuals appointed by the governor and four  
34 individuals, one of whom is appointed by the chairperson of each of the  
35 two largest political caucuses in the senate and house of  
36 representatives. The chair of the council shall be selected from among

1 the four caucus appointees. The council may select such other officers  
2 as the members deem necessary.

3 (2) The council shall employ a caseload forecast supervisor to  
4 supervise the preparation of all caseload forecasts. As used in this  
5 chapter, "supervisor" means the caseload forecast supervisor.

6 (3) Approval by an affirmative vote of at least five members of the  
7 council is required for any decisions regarding employment of the  
8 supervisor. Employment of the supervisor shall terminate after each  
9 term of three years. At the end of the first year of each three-year  
10 term the council shall consider extension of the supervisor's term by  
11 one year. The council may fix the compensation of the supervisor. The  
12 supervisor shall employ staff sufficient to accomplish the purposes of  
13 this section.

14 (4) The caseload forecast council shall oversee the preparation of  
15 and approve, by an affirmative vote of at least four members, the  
16 official state caseload forecasts prepared under RCW 43.88C.020. If  
17 the council is unable to approve a forecast before a date required in  
18 RCW 43.88C.020, the supervisor shall submit the forecast without  
19 approval and the forecast shall have the same effect as if approved by  
20 the council.

21 (5) A councilmember who does not cast an affirmative vote for  
22 approval of the official caseload forecast may request, and the  
23 supervisor shall provide, an alternative forecast based on assumptions  
24 specified by the member.

25 (6) Members of the caseload forecast council shall serve without  
26 additional compensation but shall be reimbursed for travel expenses in  
27 accordance with RCW 44.04.120 while attending sessions of the council  
28 or on official business authorized by the council. Nonlegislative  
29 members of the council shall be reimbursed for travel expenses in  
30 accordance with RCW 43.03.050 and 43.03.060.

31 (7) "Caseload," as used in this chapter, means:

32 (a) The number of persons expected to meet entitlement requirements  
33 and require the services of public assistance programs, state  
34 correctional institutions, state correctional noninstitutional  
35 supervision, state institutions for juvenile offenders, the common  
36 school system, long-term care, medical assistance, foster care, and  
37 adoption support;

1 (b) The number of students who are eligible for the Washington  
2 college bound scholarship program and are expected to attend an  
3 institution of higher education as defined in RCW 28B.92.030.

4 (8) The caseload forecast council shall forecast the temporary  
5 assistance for needy families and the working connections child care  
6 programs as a courtesy.

7 (9) The caseload forecast council shall forecast youth  
8 participating in the extended foster care program pursuant to RCW  
9 74.13.031 separately from other children who are residing in foster  
10 care and who are under eighteen years of age.

11 (10) Unless the context clearly requires otherwise, the definitions  
12 provided in RCW 43.88.020 apply to this chapter.

13 **Sec. 12.** RCW 74.13.107 and 2012 c 204 s 2 are each amended to read  
14 as follows:

15 (1) The child and family reinvestment account is created in the  
16 state treasury. Moneys in the account may be spent only after  
17 appropriation. Moneys in the account may be expended solely for  
18 improving outcomes related to: (a) Safely reducing entry into the  
19 foster care system and preventing reentry; (b) safely increasing  
20 reunifications; (c) achieving permanency for children unable to be  
21 reunified; and (d) improving outcomes for youth who will age out of the  
22 foster care system. Moneys may be expended for shared savings under  
23 performance-based contracts.

24 (2) Revenues to the child and family reinvestment account consist  
25 of: (a) Savings to the state general fund resulting from reductions in  
26 foster care caseloads and per capita costs, as calculated and  
27 transferred into the account under this section; and (b) any other  
28 public or private funds appropriated to or deposited in the account.

29 (3)(a) The department of social and health services, in  
30 collaboration with the office of financial management and the caseload  
31 forecast council, shall develop a methodology for calculating the  
32 savings under this section. The methodology must be used for the 2013-  
33 2015 fiscal biennium, and for each biennium thereafter. The  
34 methodology must establish a baseline for calculating savings. In  
35 developing the methodology, the department of social and health  
36 services shall incorporate the relevant requirements of any

1 demonstration waiver granted to the state under P.L. 112-34. The  
2 savings must be based on actual caseload and per capita expenditures.

3 (b) The caseload and the per capita expenditures for youth in  
4 extended foster care pursuant to RCW 74.13.031 and as determined under  
5 RCW 43.88C.010(9) shall not be included in the following:

6 (i) The calculation of savings transferred to the account; or

7 (ii) The capped allocation of the demonstration waiver granted to  
8 the state under P.L. 112-34.

9 (c) By December 1, 2012, the department of social and health  
10 services shall submit the proposed methodology to the governor and the  
11 appropriate committees of the legislature. The methodology is deemed  
12 approved unless the legislature enacts legislation to modify or reject  
13 the methodology.

14 ~~((b))~~ (d) The department of social and health services shall use  
15 the methodology established in (a) of this subsection to calculate  
16 savings to the state general fund for transfer into the child and  
17 family reinvestment account in fiscal year 2014 and each fiscal year  
18 thereafter. Savings calculated by the department under this section  
19 are not subject to RCW 43.79.460. The department shall report the  
20 amount of the state general fund savings achieved to the office of  
21 financial management and the fiscal committees of the legislature at  
22 the end of each fiscal year. The office of financial management shall  
23 provide notice to the state treasurer of the amount of state general  
24 fund savings, as calculated by the department of social and health  
25 services, for transfer into the child and family reinvestment account.

26 ~~((e))~~ (e) Nothing in this section prohibits (i) the caseload  
27 forecast council from forecasting the foster care caseload under RCW  
28 43.88C.010 or (ii) the department from including maintenance funding in  
29 its budget submittal for caseload costs that exceed the baseline  
30 established in (a) of this subsection.

31 **Sec. 13.** RCW 43.131.416 and 2012 c 204 s 5 are each amended to  
32 read as follows:

33 The following acts or parts of acts, as now existing or hereafter  
34 amended, are each repealed, effective June 30, 2019:

35 (1) 2012 c 204 s 1 (uncodified);

36 (2) RCW 74.13.107 and 2013 c ... s 12 (section 12 of this act) &  
37 2012 c 204 s 2; and



1 (3) RCW 43.135.0341 and 2012 c 204 s 3.

2 NEW SECTION. **Sec. 14.** No later than September 1, 2013, the  
3 department of social and health services shall develop recommendations  
4 regarding the needs of dependent youth in juvenile rehabilitation  
5 administration institutions and report those recommendations to the  
6 governor and appropriate legislative committees. The report must  
7 include specific recommendations regarding how these youth may access  
8 services under the extended foster care program. The recommendations  
9 must be developed by the children's administration and the juvenile  
10 rehabilitation administration in consultation with youth who have been  
11 involved with the juvenile rehabilitation administration and  
12 representatives from community stakeholders and the courts.

13 NEW SECTION. **Sec. 15.** This act applies prospectively only and not  
14 retroactively. It applies to:

- 15 (1) Dependency matters that have an open court case on the  
16 effective date of this section; and
- 17 (2) Dependency matters for which a petition is filed on or after  
18 the effective date of this section.

19 NEW SECTION. **Sec. 16.** Sections 7 and 9 of this act expire  
20 December 1, 2013.

21 NEW SECTION. **Sec. 17.** Sections 8 and 10 of this act take effect  
22 December 1, 2013."

23 Correct the title.

EFFECT: (1) Requires the court to dismiss dependency cases of youth who turn 18, rather than 18 1/2, if they are not participating in a secondary or postsecondary program, or are not in a program that promotes employment or removes barriers to employment.  
(2) Permits youth whose dependency cases were dismissed at age 18 or after to request extended foster care services through a Voluntary Placement Agreement if they request services before turning age 19.  
(3) Provides a procedure for the youth to have a court determine

whether he or she is eligible for extended foster care services if the youth's request for a Voluntary Placement Agreement is by the Department of Social and Health Services (DSHS).

(4) Provides that a youth may enter into a Voluntary Placement Agreement only once but may transition among eligibility categories as long as the youth remains eligible during the transition.

(5) Requires DSHS to approve a youth's supervised independent living setting.

(6) Limits liability by stating that providing extended foster care services does not create a legal responsibility for the actions of youth receiving extended foster care services.

(7) Requires the Caseload Forecast Council to count youth receiving extended foster care services separately from other children under age 18 who are in foster care.

(8) Requires that youth receiving extended foster care services shall not be included in foster care caseload for children under age 18, the per capita expenditures used to determine savings to be transferred to the Child and Family Reinvestment Account, or in determining savings under the demonstration waiver.

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