

HOUSE BILL REPORT

E2SSB 5405

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

Title: An act relating to extended foster care services.

Brief Description: Concerning extended foster care services.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Murray, Tom, Kohl-Welles, Darneille, Hobbs, Harper and Frockt).

Brief History:

Committee Activity:

Early Learning & Human Services: 3/26/13, 4/2/13 [DPA].

**Brief Summary of Engrossed Second Substitute Bill
(As Amended by Committee)**

- Expands the criteria which allow youth who age out of foster care to become eligible for extended foster care services and makes the eligibility subject to funds appropriated.
- Requires the Department of Social and Health Services to provide written notice of and explanation of availability of extended foster care services to youth in foster care between the ages of 17 years and 17 years and six months.
- Applies the provisions of the act prospectively.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: Do pass as amended. Signed by 8 members: Representatives Kagi, Chair; Walsh, Ranking Minority Member; Farrell, Goodman, MacEwen, Roberts, Sawyer and Zeiger.

Minority Report: Do not pass. Signed by 2 members: Representatives Scott, Assistant Ranking Minority Member; Overstreet.

Staff: Linda Merelle (786-7092).

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

Background:

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

In October 2008 Congress passed the Fostering Connections to Success and Increasing Adoptions Act of 2008. One of the key provisions of the legislation allowed states to use foster care funds to provide extended foster care services to youth between the ages of 18 and 21 who engaged in certain qualifying activities.

Extended Foster Care Services.

Each year in Washington state, more than 500 youth turn 18 while in foster care. In 2011 the Legislature established "extended foster care services," which are defined as residential and other support services that the Department of Social and Health Services (DSHS) is authorized to provide to foster children who have an open dependency case when they turn age 18. The legislation also established a procedure by which youth aging out of foster care could access extended foster care services.

Eligibility Criteria.

Under the legislation enacted in 2011, a youth was eligible for extended foster care services until age 21 while he or she participated in or completed a secondary education program or a secondary education equivalency program. In 2012 the Legislature expanded the eligibility to include youth who were enrolled, or had applied for and demonstrated intent to enroll, in a postsecondary academic or postsecondary vocational program. Extended foster care services include: (1) placement in licensed, relative, or otherwise approved care; (2) supervised independent living settings; (3) assistance in meeting basic needs; (4) independent living services; (5) medical assistance; and (6) counseling or treatment.

Court Procedure.

When a youth in foster care, who has an open dependency case, reaches age 18, his or her parent or guardian is dismissed from the dependency proceeding. After the parent's or guardian's dismissal, the dependency court must postpone for six months the dismissal of the dependency case in its entirety if the youth is enrolled in a secondary or postsecondary education program or a secondary or postsecondary education equivalency program. This six-month postponement allows the youth who is eligible for extended foster care services time to request extended foster care services after turning 18. At the end of the six-month period, if the youth has not requested extended foster care services, the court must dismiss the dependency. The court may also dismiss the dependency if, during the six-month period, the youth is no longer eligible for extended foster care services. The DSHS is relieved of any supervisory duties over a youth who is 18 but has not requested extended foster care services. While a youth receives extended foster care services, he or she is under the care and placement authority of the DSHS. If a youth requests and is eligible for extended foster care services, the court must appoint counsel for the youth.

Summary of Amended Bill:

Eligibility for Extended Foster Care Services.

To the extent that funds are specifically appropriated for such services, a youth who has an open dependency proceeding upon turning age 18 is eligible for extended foster care services if he or she is: (1) participating in a program or activity designed to promote employment or remove barriers to employment; (2) engaged in employment for 80 hours or more per month; or (3) incapable of engaging in any of these activities due to a medical condition that is documented. These categories are in addition to existing categories of eligibility that allow youth to receive services when participating in a secondary or postsecondary academic or vocational program.

Notification to Youth Regarding Extended Foster Care Services.

Subject to funds specifically appropriated for this purpose, the DSHS must provide a youth in foster care, who is between the ages of 17 and 17-1/2 years old, with written documentation regarding the availability of extended foster care services. Detailed instructions regarding how to access those services upon reaching age 18 must also be included.

Dismissal of Dependency Matters.

If a youth, by the time he or she reaches age 18 years and 6 months, is not participating in any of the activities that would make him or her eligible for extended foster care services, or if the youth does not wish to participate in the extended foster care program, the court must dismiss the dependency case. If no funding has been appropriated for extended foster care services for youth who are participating in a program or activity designed to promote employment or remove barriers to employment, employed for 80 hours or more per month, or incapable of engaging in any of the required activities because of a medical condition, the court must also dismiss the dependency of a youth who has reached the age 18 years and six months.

Foster Care Rates.

The DSHS is authorized to establish foster care rates appropriate to the needs of youth participating in extended foster care.

Amended Bill Compared to Engrossed Second Substitute Bill:

The court must postpone the dismissal of dependency proceedings for youth who reach age 18 years while in foster care or while serving a commitment at the Juvenile Rehabilitation Administration (JRA) regardless of whether the youth is participating in one of the qualifying activities. The court must dismiss the dependency of a youth committed to the JRA if the youth turned 18 years old while serving the commitment but was not released by the time he or she turned 18-1/2 years old.

Youth receiving extended foster care services may continue to receive them during a transition from a secondary program to a postsecondary program.

The definition of "nonminor dependent" is modified to remove the requirement that the youth had an open dependency case at the time that he or she was committed to the JRA. The definition of "supervised independent living" is modified to allow the DSHS discretion to decide on a case-by-case basis the proper supervised independent living setting for a youth receiving extended foster care services.

The DSHS's authority over a youth receiving extended foster care services does not create a cause of action against the DSHS or its employees for damages caused by a youth receiving extended foster care services.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 6 relating to the definitions of terms regarding the implementation of extended foster care, and section 8 relating to the eligibility criteria for extended foster care services, which take effect December 1, 2013.

Staff Summary of Public Testimony:

(In support) When kids come out of the foster care system without supports in place or skills ready, they end up on the streets. This bill ensures that they do not end up on the streets. The two versions of this bill that are in the House of Representatives (House) and Senate have inconsistent language and internal inconsistencies that will need to be reconciled. The first pilot for extended foster care services was in 2006 and there has been a lot of work since then. Extended foster care services reduce homelessness, engage youth, and keep them off the street. The question is how expansive the program should be. In the Senate version of this bill, all additional groups are opted in. The House bill has only one group, but it would capture about 70 percent of the youth. If Washington provided all available categories for eligibility for extended foster care services, it would be one of the first states in the nation to implement this fully and would allow foster youth to start their adult lives on parity with children who did not enter the dependency system. Ensuring safe housing for foster youth who need it most fulfills a collective responsibility to these young people and makes an investment that will pay dividends long into the future. Investment in a healthy transition into independence will help prevent unhealthy and costly transitions into homelessness, the criminal justice system, or worse. As a tax payer, this is a sound investment. As a citizen, it is a moral imperative. Foster youth enter the child welfare system through no fault of their own, and they should receive the assistance required to leave it healthy and properly prepared to succeed. This bill would help improve outcomes for foster youth. Extending foster care is one important step to improve the situations of foster youth and reduce the downstream remedial costs in public safety, substance abuse, and mental health. This bill will help in stabilizing their situation and help them get on a trajectory to self-sufficiency.

(With concerns) Both the Senate and House versions of the bill have inconsistent language and inconsistency between the definitions of nonminor dependent. These will need to be worked out.

(Opposed) None.

Persons Testifying: (In support) Senator Murray, prime sponsor; Jim Theofelis, Mockingbird Society; Ed Boyle, Swedish Health Services; and Nick Federici, United Way of King County.

(With concerns) Jennifer Strus, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.