

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5405

63rd Legislature
2013 Regular Session

Passed by the Senate April 25, 2013
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 16, 2013
YEAS 80 NAYS 16

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5405** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5405

AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

State of Washington

63rd Legislature

2013 Regular Session

By Senate Ways & Means (originally sponsored by Senators Murray, Tom, Kohl-Welles, Darneille, Hobbs, Harper, and Frockt)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to extended foster care services; amending RCW
2 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, and
3 43.131.416; reenacting and amending RCW 13.34.030, 74.13.020, and
4 74.13.031; adding a new section to chapter 74.13 RCW; adding a new
5 section to chapter 13.34 RCW; creating new sections; providing an
6 effective date; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that the federal
9 fostering connections to success and increasing adoptions act of 2008
10 provides important new opportunities to increase the impact of state
11 funding through maximizing the amount of federal funding available to
12 promote permanency and positive outcomes for dependent youth.

13 (2) The legislature also finds that children and adolescents who
14 are legal dependents of Washington state have experienced significant
15 trauma and loss, putting them at increased risk for poor life outcomes.
16 Longitudinal research on the adult functioning of former foster youth
17 indicates a disproportionate likelihood that youth aging out of foster
18 care and those who spent several years in care will experience poor
19 outcomes in a variety of areas, including limited human capital upon

1 which to build economic security and inability to fully take advantage
2 of secondary and postsecondary educational opportunities, untreated
3 mental or behavioral health problems, involvement in the criminal
4 justice and corrections systems, and early parenthood combined with
5 second-generation child welfare involvement.

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

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

14 For purposes of this chapter:

15 (1) "Abandoned" means when the child's parent, guardian, or other
16 custodian has expressed, either by statement or conduct, an intent to
17 forego, for an extended period, parental rights or responsibilities
18 despite an ability to exercise such rights and responsibilities. If
19 the court finds that the petitioner has exercised due diligence in
20 attempting to locate the parent, no contact between the child and the
21 child's parent, guardian, or other custodian for a period of three
22 months creates a rebuttable presumption of abandonment, even if there
23 is no expressed intent to abandon.

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

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

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

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

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

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

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

8 (a) Has been abandoned;

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

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

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

17 (7) "Developmental disability" means a disability attributable to
18 intellectual disability, cerebral palsy, epilepsy, autism, or another
19 neurological or other condition of an individual found by the secretary
20 to be closely related to an intellectual disability or to require
21 treatment similar to that required for individuals with intellectual
22 disabilities, which disability originates before the individual attains
23 age eighteen, which has continued or can be expected to continue
24 indefinitely, and which constitutes a substantial limitation to the
25 individual.

26 (8) "Extended foster care services" means residential and other
27 support services the department is authorized to provide under RCW
28 74.13.031. These services may include placement in licensed, relative,
29 or otherwise approved care, or supervised independent living settings;
30 assistance in meeting basic needs; independent living services; medical
31 assistance; and counseling or treatment.

32 (9) "Guardian" means the person or agency that: (a) Has been
33 appointed as the guardian of a child in a legal proceeding, including
34 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
35 legal right to custody of the child pursuant to such appointment. The
36 term "guardian" does not include a "dependency guardian" appointed
37 pursuant to a proceeding under this chapter.

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

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

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

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

25 (a) Receiving one of the following types of public assistance:
26 Temporary assistance for needy families, aged, blind, or disabled
27 assistance benefits, medical care services under RCW 74.09.035,
28 pregnant women assistance benefits, poverty-related veterans' benefits,
29 food stamps or food stamp benefits transferred electronically, refugee
30 resettlement benefits, medicaid, or supplemental security income; or

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

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

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

37 (14) "Out-of-home care" means placement in a foster family home or

1 group care facility licensed pursuant to chapter 74.15 RCW or placement
2 in a home, other than that of the child's parent, guardian, or legal
3 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

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

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

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

15 (18) "Social study" means a written evaluation of matters relevant
16 to the disposition of the case and shall contain the following
17 information:

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

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

27 (c) If removal is recommended, a full description of the reasons
28 why the child cannot be protected adequately in the home, including a
29 description of any previous efforts to work with the parents and the
30 child in the home; the in-home treatment programs that have been
31 considered and rejected; the preventive services, including housing
32 assistance, that have been offered or provided and have failed to
33 prevent the need for out-of-home placement, unless the health, safety,
34 and welfare of the child cannot be protected adequately in the home;
35 and the parents' attitude toward placement of the child;

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

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

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

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

14 (20) "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 (21) "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 (22) "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. 3.** RCW 13.34.145 and 2011 c 330 s 6 are each amended to read
28 as follows:

29 (1) The purpose of a permanency planning hearing is to review the
30 permanency plan for the child, inquire into the welfare of the child
31 and progress of the case, and reach decisions regarding the permanent
32 placement of the child.

33 (a) A permanency planning hearing shall be held in all cases where
34 the child has remained in out-of-home care for at least nine months and
35 an adoption decree, guardianship order, or permanent custody order has
36 not previously been entered. The hearing shall take place no later

1 than twelve months following commencement of the current placement
2 episode.

3 (b) Whenever a child is removed from the home of a dependency
4 guardian or long-term relative or foster care provider, and the child
5 is not returned to the home of the parent, guardian, or legal custodian
6 but is placed in out-of-home care, a permanency planning hearing shall
7 take place no later than twelve months, as provided in this section,
8 following the date of removal unless, prior to the hearing, the child
9 returns to the home of the dependency guardian or long-term care
10 provider, the child is placed in the home of the parent, guardian, or
11 legal custodian, an adoption decree, guardianship order, or a permanent
12 custody order is entered, or the dependency is dismissed. Every effort
13 shall be made to provide stability in long-term placement, and to avoid
14 disruption of placement, unless the child is being returned home or it
15 is in the best interest of the child.

16 (c) Permanency planning goals should be achieved at the earliest
17 possible date, preferably before the child has been in out-of-home care
18 for fifteen months. In cases where parental rights have been
19 terminated, the child is legally free for adoption, and adoption has
20 been identified as the primary permanency planning goal, it shall be a
21 goal to complete the adoption within six months following entry of the
22 termination order.

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

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

33 (4) At the permanency planning hearing, the court shall conduct the
34 following inquiry:

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

1 (b) In cases where the primary permanency planning goal has not
2 been achieved, the court shall inquire regarding the reasons why the
3 primary goal has not been achieved and determine what needs to be done
4 to make it possible to achieve the primary goal. The court shall
5 review the permanency plan prepared by the agency and make explicit
6 findings regarding each of the following:

7 (i) The continuing necessity for, and the safety and
8 appropriateness of, the placement;

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

12 (iii) The extent of any efforts to involve appropriate service
13 providers in addition to department or supervising agency staff in
14 planning to meet the special needs of the child and the child's
15 parents;

16 (iv) The progress toward eliminating the causes for the child's
17 placement outside of his or her home and toward returning the child
18 safely to his or her home or obtaining a permanent placement for the
19 child;

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

23 (vi) If the child has been placed outside of his or her home for
24 fifteen of the most recent twenty-two months, not including any period
25 during which the child was a runaway from the out-of-home placement or
26 the first six months of any period during which the child was returned
27 to his or her home for a trial home visit, the appropriateness of the
28 permanency plan, whether reasonable efforts were made by the department
29 or supervising agency to achieve the goal of the permanency plan, and
30 the circumstances which prevent the child from any of the following:

31 (A) Being returned safely to his or her home;

32 (B) Having a petition for the involuntary termination of parental
33 rights filed on behalf of the child;

34 (C) Being placed for adoption;

35 (D) Being placed with a guardian;

36 (E) Being placed in the home of a fit and willing relative of the
37 child; or

1 (F) Being placed in some other alternative permanent placement,
2 including independent living or long-term foster care.

3 At this hearing, the court shall order the department or
4 supervising agency to file a petition seeking termination of parental
5 rights if the child has been in out-of-home care for fifteen of the
6 last twenty-two months since the date the dependency petition was filed
7 unless the court makes a good cause exception as to why the filing of
8 a termination of parental rights petition is not appropriate. Any good
9 cause finding shall be reviewed at all subsequent hearings pertaining
10 to the child. For purposes of this section, "good cause exception"
11 includes but is not limited to the following: The child is being cared
12 for by a relative; the department has not provided to the child's
13 family such services as the court and the department have deemed
14 necessary for the child's safe return home; or the department has
15 documented in the case plan a compelling reason for determining that
16 filing a petition to terminate parental rights would not be in the
17 child's best interests.

18 (c)(i) If the permanency plan identifies independent living as a
19 goal, the court shall make a finding that the provision of services to
20 assist the child in making a transition from foster care to independent
21 living will allow the child to manage his or her financial, personal,
22 social, educational, and nonfinancial affairs prior to approving
23 independent living as a permanency plan of care. The court will
24 inquire whether the child has been provided information about extended
25 foster care services.

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

30 (iii) The department or supervising agency shall not discharge a
31 child to an independent living situation before the child is eighteen
32 years of age unless the child becomes emancipated pursuant to chapter
33 13.64 RCW.

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

37 (i) Enter a finding regarding whether the foster parent or relative

1 was informed of the hearing as required in RCW 74.13.280, 13.34.215(6),
2 and 13.34.096; and

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

7 ~~((4))~~ (5) In all cases, at the permanency planning hearing, the
8 court shall:

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

11 (ii) Modify the permanency plan, and order implementation of the
12 modified plan; and

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

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

18 ~~((5))~~ (6) Following the first permanency planning hearing, the
19 court shall hold a further permanency planning hearing in accordance
20 with this section at least once every twelve months until a permanency
21 planning goal is achieved or the dependency is dismissed, whichever
22 occurs first.

23 ~~((6))~~ (7) Prior to the second permanency planning hearing, the
24 agency that has custody of the child shall consider whether to file a
25 petition for termination of parental rights.

26 ~~((7))~~ (8) If the court orders the child returned home, casework
27 supervision by the department or supervising agency shall continue for
28 at least six months, at which time a review hearing shall be held
29 pursuant to RCW 13.34.138, and the court shall determine the need for
30 continued intervention.

31 ~~((8))~~ (9) The juvenile court may hear a petition for permanent
32 legal custody when: (a) The court has ordered implementation of a
33 permanency plan that includes permanent legal custody; and (b) the
34 party pursuing the permanent legal custody is the party identified in
35 the permanency plan as the prospective legal custodian. During the
36 pendency of such proceeding, the court shall conduct review hearings
37 and further permanency planning hearings as provided in this chapter.
38 At the conclusion of the legal guardianship or permanent legal custody

1 proceeding, a juvenile court hearing shall be held for the purpose of
2 determining whether dependency should be dismissed. If a guardianship
3 or permanent custody order has been entered, the dependency shall be
4 dismissed.

5 ~~((+9))~~ (10) Continued juvenile court jurisdiction under this
6 chapter shall not be a barrier to the entry of an order establishing a
7 legal guardianship or permanent legal custody when the requirements of
8 subsection ~~((+8))~~ (9) of this section are met.

9 ~~((+10))~~ (11) Nothing in this chapter may be construed to limit the
10 ability of the agency that has custody of the child to file a petition
11 for termination of parental rights or a guardianship petition at any
12 time following the establishment of dependency. Upon the filing of
13 such a petition, a fact-finding hearing shall be scheduled and held in
14 accordance with this chapter unless the department or supervising
15 agency requests dismissal of the petition prior to the hearing or
16 unless the parties enter an agreed order terminating parental rights,
17 establishing guardianship, or otherwise resolving the matter.

18 ~~((+11))~~ (12) The approval of a permanency plan that does not
19 contemplate return of the child to the parent does not relieve the
20 supervising agency of its obligation to provide reasonable services,
21 under this chapter, intended to effectuate the return of the child to
22 the parent, including but not limited to, visitation rights. The court
23 shall consider the child's relationships with siblings in accordance
24 with RCW 13.34.130.

25 ~~((+12))~~ (13) Nothing in this chapter may be construed to limit the
26 procedural due process rights of any party in a termination or
27 guardianship proceeding filed under this chapter.

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

30 (1) In order to facilitate the delivery of extended foster care
31 services, the court, upon the agreement of the youth to participate in
32 the extended foster care program, shall ~~((postpone for six months the~~
33 ~~dismissal of a))~~ maintain the dependency proceeding for any ~~((child))~~
34 youth who is ~~((a))~~ dependent ~~((child))~~ in foster care at the age of
35 eighteen years and who, at the time of his or her eighteenth birthday,
36 is:

1 (a) Enrolled in a secondary education program or a secondary
2 education equivalency program; ~~((or))~~

3 (b) Enrolled and participating in a postsecondary academic or
4 postsecondary vocational program, or has applied for and can
5 demonstrate that he or she intends to timely enroll in a postsecondary
6 academic or postsecondary vocational program; or

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

9 (2) If the court maintains the dependency proceeding of a youth
10 pursuant to subsection (1) of this section, the youth is eligible to
11 receive extended foster care services pursuant to RCW 74.13.031,
12 subject to the youth's continuing eligibility and agreement to
13 participate.

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

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

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

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

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

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

35 ~~(3) A youth who participates in extended foster care while~~
36 ~~completing a secondary education or equivalency program may continue to~~
37 ~~receive extended foster care services for the purpose of participating~~
38 ~~in a postsecondary academic or postsecondary vocational education~~

1 program if, at the time the secondary education or equivalency program
2 is completed, the youth has applied to and can demonstrate that he or
3 she intends to timely enroll in a postsecondary academic or vocational
4 education program. The dependency shall be dismissed if the youth
5 fails to timely enroll or continue in the postsecondary program, or
6 reaches age twenty-one, whichever is earlier.

7 (4) A youth receiving extended foster care services is a party to
8 the dependency proceeding. The youth's parent or guardian shall be
9 dismissed from the dependency proceeding when the youth reaches the age
10 of eighteen years.))

11 (5) The court shall order a youth participating in extended foster
12 care services to be under the placement and care authority of the
13 department, subject to the youth's continuing agreement to participate
14 in extended foster care services. The department may establish foster
15 care rates appropriate to the needs of the youth participating in
16 extended foster care services. The department's placement and care
17 authority over a youth receiving extended foster care services is
18 solely for the purpose of providing services and does not create a
19 legal responsibility for the actions of the youth receiving extended
20 foster care services.

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

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

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

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

32 (c) Whether the current placement is developmentally appropriate
33 for the youth;

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

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

37 (8) Prior to the review hearing, the youth's attorney shall

1 indicate whether there are any contested issues and may provide
2 additional information necessary for the court's review.

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

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

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

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

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

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

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

28 (3) A youth may enter into a voluntary placement agreement for
29 extended foster care services only once. A youth may transition among
30 the eligibility categories identified in RCW 74.13.031 while under the
31 same voluntary placement agreement, provided that the youth remains
32 eligible for extended foster care services during the transition.

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

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

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

8 (i) The date that the youth requested extended foster care
9 services;

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

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

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

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

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

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

34 For purposes of this chapter:

35 (1) "Case management" means convening family meetings, developing,
36 revising, and monitoring implementation of any case plan or individual
37 service and safety plan, coordinating and monitoring services needed by

1 the child and family, caseworker-child visits, family visits, and the
2 assumption of court-related duties, excluding legal representation,
3 including preparing court reports, attending judicial hearings and
4 permanency hearings, and ensuring that the child is progressing toward
5 permanency within state and federal mandates, including the Indian
6 child welfare act.

7 (2) "Child" means:

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

9 (b) A person age eighteen to twenty-one years who is eligible to
10 receive the extended foster care services authorized under RCW
11 74.13.031.

12 (3) "Child protective services" has the same meaning as in RCW
13 26.44.020.

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

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

21 (b) Protecting and caring for dependent, abused, or neglected
22 children;

23 (c) Assisting children who are in conflict with their parents, and
24 assisting parents who are in conflict with their children, with
25 services designed to resolve such conflicts;

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

28 (e) Providing adequate care of children away from their homes in
29 foster family homes or day care or other child care agencies or
30 facilities.

31 "Child welfare services" does not include child protection
32 services.

33 (5) "Committee" means the child welfare transformation design
34 committee.

35 (6) "Department" means the department of social and health
36 services.

37 (7) "Extended foster care services" means residential and other
38 support services the department is authorized to provide to foster

1 children. These services may include(~~(, but are not limited to,)~~)
2 placement in licensed, relative, or otherwise approved care, or
3 supervised independent living settings; assistance in meeting basic
4 needs; independent living services; medical assistance; and counseling
5 or treatment.

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

10 (9) "Out-of-home care services" means services provided after the
11 shelter care hearing to or for children in out-of-home care, as that
12 term is defined in RCW 13.34.030, and their families, including the
13 recruitment, training, and management of foster parents, the
14 recruitment of adoptive families, and the facilitation of the adoption
15 process, family reunification, independent living, emergency shelter,
16 residential group care, and foster care, including relative placement.

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

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

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

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

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

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

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

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

16 For purposes of this chapter:

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

26 (2) "Child" means:

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

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

31 (3) "Child protective services" has the same meaning as in RCW
32 26.44.020.

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

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

4 (b) Protecting and caring for dependent, abused, or neglected
5 children;

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

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

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

14 "Child welfare services" does not include child protection
15 services.

16 (5) "Committee" means the child welfare transformation design
17 committee.

18 (6) "Department" means the department of social and health
19 services.

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

27 (8) "Family assessment" means a comprehensive assessment of child
28 safety, risk of subsequent child abuse or neglect, and family strengths
29 and needs that is applied to a child abuse or neglect report. Family
30 assessment does not include a determination as to whether child abuse
31 or neglect occurred, but does determine the need for services to
32 address the safety of the child and the risk of subsequent
33 maltreatment.

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

1 (10) "Out-of-home care services" means services provided after the
2 shelter care hearing to or for children in out-of-home care, as that
3 term is defined in RCW 13.34.030, and their families, including the
4 recruitment, training, and management of foster parents, the
5 recruitment of adoptive families, and the facilitation of the adoption
6 process, family reunification, independent living, emergency shelter,
7 residential group care, and foster care, including relative placement.

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

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

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

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

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

32 (16) "Supervised independent living" includes, but is not limited
33 to, apartment living, room and board arrangements, college or
34 university dormitories, and shared roommate settings. Supervised
35 independent living settings must be approved by the children's
36 administration or the court.

37 (17) "Voluntary placement agreement" means, for the purposes of
38 extended foster care services, a written voluntary agreement between a

1 nonminor dependent who agrees to submit to the care and authority of
2 the department for the purposes of participating in the extended foster
3 care program.

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

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

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

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

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

4 (5) The department or supervising agencies shall monitor placements
5 of children in out-of-home care and in-home dependencies to assure the
6 safety, well-being, and quality of care being provided is within the
7 scope of the intent of the legislature as defined in RCW 74.13.010 and
8 74.15.010. Under this section children in out-of-home care and in-home
9 dependencies and their caregivers shall receive a private and
10 individual face-to-face visit each month. The department and the
11 supervising agencies shall randomly select no less than ten percent of
12 the caregivers currently providing care to receive one unannounced
13 face-to-face visit in the caregiver's home per year. No caregiver will
14 receive an unannounced visit through the random selection process for
15 two consecutive years. If the caseworker makes a good faith effort to
16 conduct the unannounced visit to a caregiver and is unable to do so,
17 that month's visit to that caregiver need not be unannounced. The
18 department and supervising agencies are encouraged to group monthly
19 visits to caregivers by geographic area so that in the event an
20 unannounced visit cannot be completed, the caseworker may complete
21 other required monthly visits. The department shall use a method of
22 random selection that does not cause a fiscal impact to the department.

23 The department or supervising agencies shall conduct the monthly
24 visits with children and caregivers to whom it is providing child
25 welfare services.

26 (6) The department and supervising agencies shall have authority to
27 accept custody of children from parents and to accept custody of
28 children from juvenile courts, where authorized to do so under law, to
29 provide child welfare services including placement for adoption, to
30 provide for the routine and necessary medical, dental, and mental
31 health care, or necessary emergency care of the children, and to
32 provide for the physical care of such children and make payment of
33 maintenance costs if needed. Except where required by Public Law 95-
34 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
35 children for adoption from the department shall discriminate on the
36 basis of race, creed, or color when considering applications in their
37 placement for adoption.

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

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

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

13 (10)(a) The department and supervising agencies shall ~~((have~~
14 ~~authority to))~~ provide continued extended foster care services to
15 ~~((youth ages eighteen to twenty-one years to participate in or~~
16 ~~complete))~~ nonminor dependents who are:

17 (i) Enrolled in a secondary education program or a secondary
18 education equivalency program(~~(, or))~~;

19 (ii) Enrolled and participating in a postsecondary academic or
20 postsecondary vocational education program; or

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

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

33 (c) The department shall develop and implement rules regarding
34 youth eligibility requirements.

35 (11) The department shall have authority to provide adoption
36 support benefits, or relative guardianship subsidies on behalf of youth
37 ages eighteen to twenty-one years who achieved permanency through

1 adoption or a relative guardianship at age sixteen or older and who
2 meet the criteria described in subsection (10) of this section.

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

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

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

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

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

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

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

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

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

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

16 (iii) Parent-child visits;

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

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

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

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

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

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

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

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

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

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

26 (6) 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 (7) 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 (8) 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 (9) The department and supervising agency shall have authority to
26 purchase care for children.

27 (10) 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 (11)(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(~~(7-04)~~);

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 (12) 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 (11) of this section.

24 (13) 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 (14) 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), (7),
7 and (8) 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 (15) 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 (16) 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 (17) 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 (18)(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. 11.** RCW 43.88C.010 and 2012 c 217 s 3 are each amended to
9 read as follows:

10 (1) The caseload forecast council is hereby created. The council
11 shall consist of two individuals appointed by the governor and four
12 individuals, one of whom is appointed by the chairperson of each of the
13 two largest political caucuses in the senate and house of
14 representatives. The chair of the council shall be selected from among
15 the four caucus appointees. The council may select such other officers
16 as the members deem necessary.

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

20 (3) Approval by an affirmative vote of at least five members of the
21 council is required for any decisions regarding employment of the
22 supervisor. Employment of the supervisor shall terminate after each
23 term of three years. At the end of the first year of each three-year
24 term the council shall consider extension of the supervisor's term by
25 one year. The council may fix the compensation of the supervisor. The
26 supervisor shall employ staff sufficient to accomplish the purposes of
27 this section.

28 (4) The caseload forecast council shall oversee the preparation of
29 and approve, by an affirmative vote of at least four members, the
30 official state caseload forecasts prepared under RCW 43.88C.020. If
31 the council is unable to approve a forecast before a date required in
32 RCW 43.88C.020, the supervisor shall submit the forecast without
33 approval and the forecast shall have the same effect as if approved by
34 the council.

35 (5) A councilmember who does not cast an affirmative vote for
36 approval of the official caseload forecast may request, and the

1 supervisor shall provide, an alternative forecast based on assumptions
2 specified by the member.

3 (6) Members of the caseload forecast council shall serve without
4 additional compensation but shall be reimbursed for travel expenses in
5 accordance with RCW 44.04.120 while attending sessions of the council
6 or on official business authorized by the council. Nonlegislative
7 members of the council shall be reimbursed for travel expenses in
8 accordance with RCW 43.03.050 and 43.03.060.

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

10 (a) The number of persons expected to meet entitlement requirements
11 and require the services of public assistance programs, state
12 correctional institutions, state correctional noninstitutional
13 supervision, state institutions for juvenile offenders, the common
14 school system, long-term care, medical assistance, foster care, and
15 adoption support;

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

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

22 (9) The caseload forecast council shall forecast youth
23 participating in the extended foster care program pursuant to RCW
24 74.13.031 separately from other children who are residing in foster
25 care and who are under eighteen years of age.

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

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

30 (1) The child and family reinvestment account is created in the
31 state treasury. Moneys in the account may be spent only after
32 appropriation. Moneys in the account may be expended solely for
33 improving outcomes related to: (a) Safely reducing entry into the
34 foster care system and preventing reentry; (b) safely increasing
35 reunifications; (c) achieving permanency for children unable to be
36 reunified; and (d) improving outcomes for youth who will age out of the

1 foster care system. Moneys may be expended for shared savings under
2 performance-based contracts.

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

8 (3)(a) The department of social and health services, in
9 collaboration with the office of financial management and the caseload
10 forecast council, shall develop a methodology for calculating the
11 savings under this section. The methodology must be used for the 2013-
12 2015 fiscal biennium, and for each biennium thereafter. The
13 methodology must establish a baseline for calculating savings. In
14 developing the methodology, the department of social and health
15 services shall incorporate the relevant requirements of any
16 demonstration waiver granted to the state under P.L. 112-34. The
17 savings must be based on actual caseload and per capita expenditures.

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

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

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

24 (c) By December 1, 2012, the department of social and health
25 services shall submit the proposed methodology to the governor and the
26 appropriate committees of the legislature. The methodology is deemed
27 approved unless the legislature enacts legislation to modify or reject
28 the methodology.

29 ~~((b))~~ (d) The department of social and health services shall use
30 the methodology established in (a) of this subsection to calculate
31 savings to the state general fund for transfer into the child and
32 family reinvestment account in fiscal year 2014 and each fiscal year
33 thereafter. Savings calculated by the department under this section
34 are not subject to RCW 43.79.460. The department shall report the
35 amount of the state general fund savings achieved to the office of
36 financial management and the fiscal committees of the legislature at
37 the end of each fiscal year. The office of financial management shall

1 provide notice to the state treasurer of the amount of state general
2 fund savings, as calculated by the department of social and health
3 services, for transfer into the child and family reinvestment account.

4 ~~((e))~~ (e) Nothing in this section prohibits (i) the caseload
5 forecast council from forecasting the foster care caseload under RCW
6 43.88C.010 or (ii) the department from including maintenance funding in
7 its budget submittal for caseload costs that exceed the baseline
8 established in (a) of this subsection.

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

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

- 13 (1) 2012 c 204 s 1 (uncodified);
- 14 (2) RCW 74.13.107 and 2013 c ... s 12 (section 12 of this act) &
15 2012 c 204 s 2; and
- 16 (3) RCW 43.135.0341 and 2012 c 204 s 3.

17 NEW SECTION. **Sec. 14.** No later than September 1, 2013, the
18 department of social and health services shall develop recommendations
19 regarding the needs of dependent youth in juvenile rehabilitation
20 administration institutions and report those recommendations to the
21 governor and appropriate legislative committees. The report must
22 include specific recommendations regarding how these youth may access
23 services under the extended foster care program. The recommendations
24 must be developed by the children's administration and the juvenile
25 rehabilitation administration in consultation with youth who have been
26 involved with the juvenile rehabilitation administration and
27 representatives from community stakeholders and the courts.

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

- 30 (1) Dependency matters that have an open court case on the
31 effective date of this section; and
- 32 (2) Dependency matters for which a petition is filed on or after
33 the effective date of this section.

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

3 NEW SECTION. **Sec. 17.** Sections 8 and 10 of this act take effect
4 December 1, 2013.

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