

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2335

Chapter 122, Laws of 2014

63rd Legislature
2014 Regular Session

FOSTER CARE--EXTENDED SERVICES

EFFECTIVE DATE: 03/01/15

Passed by the House March 13, 2014
Yeas 86 Nays 10

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 13, 2014
Yeas 49 Nays 0

TIM SHELDON

President of the Senate

Approved March 28, 2014, 2:35 p.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2335** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 31, 2014

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2335

AS AMENDED BY THE SENATE

Passed Legislature - 2014 Regular Session

State of Washington **63rd Legislature** **2014 Regular Session**

By Representatives Roberts, Parker, Kagi, Carlyle, Freeman, Goodman, Walsh, Sawyer, Senn, Zeiger, Jinkins, Muri, Reykdal, and Ormsby

Read first time 01/15/14. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to extended foster care services; amending RCW
2 13.34.267; reenacting and amending RCW 74.13.031; and providing an
3 effective date.

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

5 **Sec. 1.** RCW 13.34.267 and 2013 c 332 s 4 are each amended to read
6 as follows:

7 (1) In order to facilitate the delivery of extended foster care
8 services, the court, upon the agreement of the youth to participate in
9 the extended foster care program, shall maintain the dependency
10 proceeding for any youth who is dependent in foster care at the age of
11 eighteen years and who, at the time of his or her eighteenth birthday,
12 is:

13 (a) Enrolled in a secondary education program or a secondary
14 education equivalency program;

15 (b) Enrolled and participating in a postsecondary academic or
16 postsecondary vocational program, or has applied for and can
17 demonstrate that he or she intends to timely enroll in a postsecondary
18 academic or postsecondary vocational program; ((~~or~~))

1 (c) Participating in a program or activity designed to promote
2 employment or remove barriers to employment; or

3 (d) Within amounts appropriated specifically for this purpose,
4 engaged in employment for eighty hours or more per month.

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

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

14 (4) The court shall dismiss the dependency proceeding for any youth
15 who is a dependent in foster care and who, at the age of eighteen
16 years, does not meet any of the criteria described in subsection (1)(a)
17 through ~~((e))~~ (d) of this section or does not agree to participate in
18 the program.

19 (5) The court shall order a youth participating in extended foster
20 care services to be under the placement and care authority of the
21 department, subject to the youth's continuing agreement to participate
22 in extended foster care services. The department may establish foster
23 care rates appropriate to the needs of the youth participating in
24 extended foster care services. The department's placement and care
25 authority over a youth receiving extended foster care services is
26 solely for the purpose of providing services and does not create a
27 legal responsibility for the actions of the youth receiving extended
28 foster care services.

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

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

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

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

3 (c) Whether the current placement is developmentally appropriate
4 for the youth;

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

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

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

11 **Sec. 2.** RCW 74.13.031 and 2013 c 332 s 10 and 2013 c 32 s 2 are
12 each reenacted and amended to read as follows:

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

17 (2) Within available resources, the department and supervising
18 agencies shall recruit an adequate number of prospective adoptive and
19 foster homes, both regular and specialized, i.e. homes for children of
20 ethnic minority, including Indian homes for Indian children, sibling
21 groups, handicapped and emotionally disturbed, teens, pregnant and
22 parenting teens, and the department shall annually report to the
23 governor and the legislature concerning the department's and
24 supervising agency's success in: (a) Meeting the need for adoptive and
25 foster home placements; (b) reducing the foster parent turnover rate;
26 (c) completing home studies for legally free children; and (d)
27 implementing and operating the passport program required by RCW
28 74.13.285. The report shall include a section entitled "Foster Home
29 Turn-Over, Causes and Recommendations."

30 (3) The department shall investigate complaints of any recent act
31 or failure to act on the part of a parent or caretaker that results in
32 death, serious physical or emotional harm, or sexual abuse or
33 exploitation, or that presents an imminent risk of serious harm, and on
34 the basis of the findings of such investigation, offer child welfare
35 services in relation to the problem to such parents, legal custodians,
36 or persons serving in loco parentis, and/or bring the situation to the
37 attention of an appropriate court, or another community agency. An

1 investigation is not required of nonaccidental injuries which are
2 clearly not the result of a lack of care or supervision by the child's
3 parents, legal custodians, or persons serving in loco parentis. If the
4 investigation reveals that a crime against a child may have been
5 committed, the department shall notify the appropriate law enforcement
6 agency.

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

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

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

32 The department or supervising agencies shall conduct the monthly
33 visits with children and caregivers to whom it is providing child
34 welfare services.

35 (7) The department and supervising agencies shall have authority to
36 accept custody of children from parents and to accept custody of
37 children from juvenile courts, where authorized to do so under law, to
38 provide child welfare services including placement for adoption, to

1 provide for the routine and necessary medical, dental, and mental
2 health care, or necessary emergency care of the children, and to
3 provide for the physical care of such children and make payment of
4 maintenance costs if needed. Except where required by Public Law 95-
5 608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
6 children for adoption from the department shall discriminate on the
7 basis of race, creed, or color when considering applications in their
8 placement for adoption.

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

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

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

21 (11)(a) The department and supervising agencies shall provide
22 continued extended foster care services to nonminor dependents who are:

23 (i) Enrolled in a secondary education program or a secondary
24 education equivalency program;

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

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

29 (iv) Within amounts appropriated specifically for this purpose,
30 engaged in employment for eighty hours or more per month.

31 (b) To be eligible for extended foster care services, the nonminor
32 dependent must have been dependent and in foster care at the time that
33 he or she reached age eighteen years. If the dependency case of the
34 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she
35 may receive extended foster care services pursuant to a voluntary
36 placement agreement under RCW 74.13.336 or pursuant to an order of
37 dependency issued by the court under RCW 13.34.268. A nonminor

1 dependent whose dependency case was dismissed by the court must have
2 requested extended foster care services before reaching age nineteen
3 years.

4 (c) The department shall develop and implement rules regarding
5 youth eligibility requirements.

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

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

20 (14) The department and supervising agencies shall have authority
21 within funds appropriated for foster care services to purchase care for
22 Indian children who are in the custody of a federally recognized Indian
23 tribe or tribally licensed child-placing agency pursuant to parental
24 consent, tribal court order, or state juvenile court order. The
25 purchase of such care is exempt from the requirements of chapter 74.13B
26 RCW and may be purchased from the federally recognized Indian tribe or
27 tribally licensed child-placing agency, and shall be subject to the
28 same eligibility standards and rates of support applicable to other
29 children for whom the department purchases care.

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

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

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

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

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

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

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

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

27 (iii) Parent-child visits;

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

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

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

35 NEW SECTION. **Sec. 3.** This act takes effect March 1, 2015.

Passed by the House March 13, 2014.
Passed by the Senate March 13, 2014.
Approved by the Governor March 28, 2014.
Filed in Office of Secretary of State March 31, 2014.