

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 2749**

Chapter 184, Laws of 2016

64th Legislature  
2016 Regular Session

CHILD WELFARE SERVICES--PERFORMANCE-BASED CONTRACTING--IMPLEMENTATION  
DATE

EFFECTIVE DATE: 6/9/2016

Passed by the House March 7, 2016  
Yeas 91 Nays 5

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate March 1, 2016  
Yeas 46 Nays 0

BRAD OWEN

**President of the Senate**

Approved April 1, 2016 3:43 PM

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 2749** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

**Chief Clerk**

FILED

April 4, 2016

**Secretary of State  
State of Washington**

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ENGROSSED HOUSE BILL 2749

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AS AMENDED BY THE SENATE

Passed Legislature - 2016 Regular Session

**State of Washington**                      **64th Legislature**                      **2016 Regular Session**

**By** Representatives Kagi and Ormsby; by request of Department of Social and Health Services

Read first time 01/20/16. Referred to Committee on Early Learning & Human Services.

1            AN ACT Relating to the extension of dates concerning measuring  
2 performance and performance-based contracting of the child welfare  
3 system; and amending RCW 74.13.360, 74.13.370, and 74.13.372.

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

5            **Sec. 1.** RCW 74.13.360 and 2013 c 205 s 4 are each amended to  
6 read as follows:

7            (1) No later than December 30, (~~2016~~) 2019:

8            (a) In the demonstration sites selected under RCW  
9 74.13.368(4)(a), child welfare services shall be provided by  
10 supervising agencies with whom the department has entered into  
11 performance-based contracts. Supervising agencies may enter into  
12 subcontracts with other licensed agencies; and

13            (b) Except as provided in subsection (3) of this section, and  
14 notwithstanding any law to the contrary, the department may not  
15 directly provide child welfare services to families and children  
16 provided child welfare services by supervising agencies in the  
17 demonstration sites selected under RCW 74.13.368(4)(a).

18            (2) No later than December 30, (~~2016~~) 2019, for families and  
19 children provided child welfare services by supervising agencies in  
20 the demonstration sites selected under RCW 74.13.368(4)(a), the  
21 department is responsible for only the following:

1 (a) Monitoring the quality of services for which the department  
2 contracts under this chapter;

3 (b) Ensuring that the services are provided in accordance with  
4 federal law and the laws of this state, including the Indian child  
5 welfare act;

6 (c) Providing child protection functions and services, including  
7 intake and investigation of allegations of child abuse or neglect,  
8 emergency shelter care functions under RCW 13.34.050, and referrals  
9 to appropriate providers; and

10 (d) Issuing licenses pursuant to chapter 74.15 RCW.

11 (3) No later than December 30, (~~2016~~) 2019, for families and  
12 children provided child welfare services by supervising agencies in  
13 the demonstration sites selected under RCW 74.13.368(4)(a), the  
14 department may provide child welfare services only:

15 (a) For the limited purpose of establishing a control or  
16 comparison group as deemed necessary by the child welfare  
17 transformation design committee, with input from the Washington state  
18 institute for public policy, to implement the demonstration sites  
19 selected and defined pursuant to RCW 74.13.368(4)(a) in which the  
20 performance in achieving measurable outcomes will be compared and  
21 evaluated pursuant to RCW 74.13.370; or

22 (b) In an emergency or as a provider of last resort. The  
23 department shall adopt rules describing the circumstances under which  
24 the department may provide those services. For purposes of this  
25 section, "provider of last resort" means the department is unable to  
26 contract with a private agency to provide child welfare services in a  
27 particular geographic area or, after entering into a contract with a  
28 private agency, either the contractor or the department terminates  
29 the contract.

30 (4) For purposes of this chapter, on and after September 1, 2010,  
31 performance-based contracts shall be structured to hold the  
32 supervising agencies accountable for achieving the following goals in  
33 order of importance: Child safety; child permanency, including  
34 reunification; and child well-being.

35 (5) A federally recognized tribe located in this state may enter  
36 into a performance-based contract with the department to provide  
37 child welfare services to Indian children whether or not they reside  
38 on a reservation. Nothing in this section prohibits a federally  
39 recognized Indian tribe located in this state from providing child  
40 welfare services to its members or other Indian children pursuant to

1 existing tribal law, regulation, or custom, or from directly entering  
2 into agreements for the provision of such services with the  
3 department, if the department continues to otherwise provide such  
4 services, or with federal agencies.

5 **Sec. 2.** RCW 74.13.370 and 2012 c 205 s 9 are each amended to  
6 read as follows:

7 (1) Based upon the recommendations of the child welfare  
8 transformation design committee, including the two sets of outcomes  
9 developed by the committee under RCW 74.13.368(4)(b), the Washington  
10 state institute for public policy is to conduct a review of  
11 measurable effects achieved by the supervising agencies and compare  
12 those measurable effects with the existing services offered by the  
13 state. The report on the measurable effects shall be provided to the  
14 governor and the legislature no later than April 1, 2018.

15 (2) No later than December 1, 2014, the Washington state  
16 institute for public policy shall provide the legislature and the  
17 governor an initial report on the department's conversion to the use  
18 of performance-based contracts as provided in RCW 74.13B.020 and  
19 74.13B.030. No later than (~~June 30, 2016~~) April 1, 2023, the  
20 Washington state institute for public policy shall provide the  
21 governor and the legislature with a second report on the extent to  
22 which the use of performance-based contracting has resulted in:

23 (a) Increased use of evidence-based, research-based, and  
24 promising practices; and

25 (b) Improvements in outcomes for children, including child  
26 safety, child permanency, including reunification, and child  
27 well-being.

28 (3) The department and network administrators shall respond to  
29 the Washington institute for public policy's request for data and  
30 other information with which to complete these reports in a timely  
31 manner.

32 (4) The Washington state institute for public policy must consult  
33 with a university-based child welfare research entity to evaluate  
34 performance-based contracting.

35 **Sec. 3.** RCW 74.13.372 and 2012 c 205 s 11 are each amended to  
36 read as follows:

37 Not later than June 1, (~~2018~~) 2023, the governor shall, based  
38 on the report by the Washington state institute for public policy,

1 determine whether to expand chapter 520, Laws of 2009 to the  
2 remainder of the state or terminate chapter 520, Laws of 2009. The  
3 governor shall inform the legislature of his or her decision within  
4 seven days of the decision. The department shall, regardless of the  
5 decision of the governor regarding the delivery of child welfare  
6 services, continue to purchase services through the use of  
7 performance-based contracts.

Passed by the House March 7, 2016.

Passed by the Senate March 1, 2016.

Approved by the Governor April 1, 2016.

Filed in Office of Secretary of State April 4, 2016.

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