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HOUSE BILL 1883

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Caldier, Koster, and Haler

Read first time 02/02/17. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to eliminating the placement of foster youth in  
2 hotel rooms or department offices; amending RCW 74.13.031; adding a  
3 new section to chapter 74.13 RCW; providing an effective date; and  
4 providing an expiration date.

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

6 **Sec. 1.** RCW 74.13.031 and 2015 c 240 s 3 are each amended to  
7 read as follows:

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

12 (2) Within available resources, the department and supervising  
13 agencies shall recruit an adequate number of prospective adoptive and  
14 foster homes, both regular and specialized, i.e. homes for children  
15 of ethnic minority, including Indian homes for Indian children,  
16 sibling groups, handicapped and emotionally disturbed, teens,  
17 pregnant and parenting teens, and the department shall annually  
18 report to the governor and the legislature concerning the  
19 department's and supervising agency's success in: (a) Meeting the  
20 need for adoptive and foster home placements; (b) reducing the foster  
21 parent turnover rate; (c) completing home studies for legally free

1 children; and (d) implementing and operating the passport program  
2 required by RCW 74.13.285. The report shall include a section  
3 entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

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

24 (6) The department or supervising agencies shall monitor  
25 placements of children in out-of-home care and in-home dependencies  
26 to assure the safety, well-being, and quality of care being provided  
27 is within the scope of the intent of the legislature as defined in  
28 RCW 74.13.010 and 74.15.010. Under this section children in out-of-  
29 home care and in-home dependencies and their caregivers shall receive  
30 a private and individual face-to-face visit each month. The  
31 department and the supervising agencies shall randomly select no less  
32 than ten percent of the caregivers currently providing care to  
33 receive one unannounced face-to-face visit in the caregiver's home  
34 per year. No caregiver will receive an unannounced visit through the  
35 random selection process for two consecutive years. If the caseworker  
36 makes a good faith effort to conduct the unannounced visit to a  
37 caregiver and is unable to do so, that month's visit to that  
38 caregiver need not be unannounced. The department and supervising  
39 agencies are encouraged to group monthly visits to caregivers by  
40 geographic area so that in the event an unannounced visit cannot be

1 completed, the caseworker may complete other required monthly visits.  
2 The department shall use a method of random selection that does not  
3 cause a fiscal impact to the department.

4 The department or supervising agencies shall conduct the monthly  
5 visits with children and caregivers to whom it is providing child  
6 welfare services.

7 (7) The department and supervising agencies shall have authority  
8 to accept custody of children from parents and to accept custody of  
9 children from juvenile courts, where authorized to do so under law,  
10 to provide child welfare services including placement for adoption,  
11 to provide for the routine and necessary medical, dental, and mental  
12 health care, or necessary emergency care of the children, and to  
13 provide for the physical care of such children and make payment of  
14 maintenance costs if needed. Except where required by Public Law  
15 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which  
16 receives children for adoption from the department shall discriminate  
17 on the basis of race, creed, or color when considering applications  
18 in their placement for adoption. The department shall not use hotel  
19 rooms or department offices as placements for children.

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

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

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

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

35 (i) Enrolled in a secondary education program or a secondary  
36 education equivalency program;

37 (ii) Enrolled and participating in a postsecondary academic or  
38 postsecondary vocational education program;

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

1 (iv) Engaged in employment for eighty hours or more per month; or  
2 (v) Not able to engage in any of the activities described in  
3 (a)(i) through (iv) of this subsection due to a documented medical  
4 condition.

5 (b) To be eligible for extended foster care services, the  
6 nonminor dependent must have been dependent and in foster care at the  
7 time that he or she reached age eighteen years. If the dependency  
8 case of the nonminor dependent was dismissed pursuant to RCW  
9 13.34.267, he or she may receive extended foster care services  
10 pursuant to a voluntary placement agreement under RCW 74.13.336 or  
11 pursuant to an order of dependency issued by the court under RCW  
12 13.34.268. A nonminor dependent whose dependency case was dismissed  
13 by the court must have requested extended foster care services before  
14 reaching age nineteen years.

15 (c) The department shall develop and implement rules regarding  
16 youth eligibility requirements.

17 (d) The department shall make efforts to ensure that extended  
18 foster care services maximize medicaid reimbursements. This must  
19 include the department ensuring that health and mental health  
20 extended foster care providers participate in medicaid, unless the  
21 condition of the extended foster care youth requires specialty care  
22 that is not available among participating medicaid providers or there  
23 are no participating medicaid providers in the area. The department  
24 shall coordinate other services to maximize federal resources and the  
25 most cost-efficient delivery of services to extended foster care  
26 youth.

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

33 (13) The department shall refer cases to the division of child  
34 support whenever state or federal funds are expended for the care and  
35 maintenance of a child, including a child with a developmental  
36 disability who is placed as a result of an action under chapter 13.34  
37 RCW, unless the department finds that there is good cause not to  
38 pursue collection of child support against the parent or parents of  
39 the child. Cases involving individuals age eighteen through twenty

1 shall not be referred to the division of child support unless  
2 required by federal law.

3 (14) The department and supervising agencies shall have authority  
4 within funds appropriated for foster care services to purchase care  
5 for Indian children who are in the custody of a federally recognized  
6 Indian tribe or tribally licensed child-placing agency pursuant to  
7 parental consent, tribal court order, or state juvenile court order.  
8 The purchase of such care is exempt from the requirements of chapter  
9 74.13B RCW and may be purchased from the federally recognized Indian  
10 tribe or tribally licensed child-placing agency, and shall be subject  
11 to the same eligibility standards and rates of support applicable to  
12 other children for whom the department purchases care.

13 Notwithstanding any other provision of RCW 13.32A.170 through  
14 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
15 services to be provided by the department under subsections (4), (7),  
16 and (8) of this section, subject to the limitations of these  
17 subsections, may be provided by any program offering such services  
18 funded pursuant to Titles II and III of the federal juvenile justice  
19 and delinquency prevention act of 1974.

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

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

28 (17) The department and supervising agencies shall consult at  
29 least quarterly with foster parents, including members of the foster  
30 parent association of Washington state, for the purpose of receiving  
31 information and comment regarding how the department and supervising  
32 agencies are performing the duties and meeting the obligations  
33 specified in this section and RCW 74.13.250 and 74.13.320 regarding  
34 the recruitment of foster homes, reducing foster parent turnover  
35 rates, providing effective training for foster parents, and  
36 administering a coordinated and comprehensive plan that strengthens  
37 services for the protection of children. Consultation shall occur at  
38 the regional and statewide levels.

39 (18)(a) The department shall, within current funding levels,  
40 place on its public web site a document listing the duties and

1 responsibilities the department has to a child subject to a  
2 dependency petition including, but not limited to, the following:

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

5 (ii) Sibling visits subject to the restrictions in RCW  
6 13.34.136(2)(b)(ii);

7 (iii) Parent-child visits;

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

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

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

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13  
16 RCW to read as follows:

17 The department shall, in compliance with RCW 43.01.036, submit  
18 the following reports to the governor and the appropriate committees  
19 of the legislature:

20 (1) Monthly reports until December 1, 2018, that include the  
21 following:

22 (a) The number, ages, and gender of children who have been placed  
23 in either a hotel room or a department office; and

24 (b) The average length of stay for children who have been placed  
25 in either a hotel room or a department office.

26 (2) Quarterly reports until January 1, 2019, that include the  
27 following:

28 (a) The number, ages, and gender of children who have been placed  
29 in either a hotel room or a department office;

30 (b) The average length of stay for children who have been placed  
31 in either a hotel room or a department office;

32 (c) The efforts the department is making to increase foster  
33 placement alternatives to hotel room or department office placements;

34 (d) The reasons for placing children in hotel rooms or department  
35 offices; and

36 (e) The cost of placing children in hotel rooms.

37 (3) A final report due by January 1, 2019, that incorporates the  
38 information that is included in subsections (1) and (2) of this

1 section and describes the department plan for eliminating placements  
2 in hotel rooms and department offices.

3 NEW SECTION. **Sec. 3.** Section 1 of this act takes effect January  
4 1, 2019.

5 NEW SECTION. **Sec. 4.** Section 2 of this act expires July 1,  
6 2019.

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