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HOUSE BILL 1347

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State of Washington

67th Legislature

2021 Regular Session

By Representatives Caldier, Robertson, Davis, Simmons, Senn, and Berg

Read first time 01/22/21. Referred to Committee on Children, Youth & Families.

1 AN ACT Relating to exceptional foster care maintenance payments;  
2 amending RCW 74.13.031; and adding a new section to chapter 74.13  
3 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13  
6 RCW to read as follows:

7 (1) For children in the department's custody that meet the  
8 description provided in subsection (3) of this section, the  
9 department shall provide maintenance payments to the foster parent  
10 that are at least one-third of the payment that would otherwise be  
11 provided to a qualified residential treatment program as defined in  
12 RCW 13.34.030 for the first six months of the child's stay with the  
13 foster parent.

14 (2) After a foster parent has provided care for the child for six  
15 months, and every six months thereafter, the department shall  
16 negotiate an appropriate maintenance payment with the foster parent  
17 who is caring for a child meeting the description provided in  
18 subsection (3) of this section with the goal of maintaining stability  
19 for the child and based on factors listed in subsection (3) of this  
20 section that exist at the time the payment amount is reviewed.

1 (3) The circumstances that trigger foster parent maintenance  
2 payments described under subsection (1) of this section include when  
3 the caseworker is aware of any of the following:

4 (a) Developmentally inappropriate sexually aggressive behavior on  
5 the part of the child;

6 (b) A potential for the child to hurt animals or a history of the  
7 child hurting animals;

8 (c) Suicidal ideation on the part of the child within the last  
9 year;

10 (d) Self-harm behaviors on the part of the child within the last  
11 year;

12 (e) Aggressive behaviors on the part of the child within the last  
13 year;

14 (f) A requirement that the child remain in a room alone during  
15 periods of the day to maintain the safety of the child or others;

16 (g) A prohibition on the child being around children age two or  
17 younger;

18 (h) The child experiencing 15 or more placements in the preceding  
19 six months;

20 (i) Homicidal ideation on the part of the child; or

21 (j) A history of arson on the part of the child.

22 **Sec. 2.** RCW 74.13.031 and 2020 c 274 s 61 are each amended to  
23 read as follows:

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

28 (2) Within available resources, the department shall recruit an  
29 adequate number of prospective adoptive and foster homes, both  
30 regular and specialized, i.e. homes for children of ethnic minority,  
31 including Indian homes for Indian children, sibling groups, children  
32 with disabilities or behavioral health conditions, teens, pregnant  
33 and parenting teens, and the department shall annually report to the  
34 governor and the legislature concerning the department's success in:

35 (a) Meeting the need for adoptive and foster home placements; (b)  
36 reducing the foster parent turnover rate; (c) completing home studies  
37 for legally free children; and (d) implementing and operating the  
38 passport program required by RCW 74.13.285. The report shall include

1 a section entitled "Foster Home Turn-Over, Causes and  
2 Recommendations."

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

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

20 (5) The department shall offer, on a voluntary basis, family  
21 reconciliation services to families who are in conflict.

22 (6) The department shall monitor placements of children in out-  
23 of-home care and in-home dependencies to assure the safety, well-  
24 being, and quality of care being provided is within the scope of the  
25 intent of the legislature as defined in RCW 74.13.010 and 74.15.010.  
26 Under this section children in out-of-home care and in-home  
27 dependencies and their caregivers shall receive a private and  
28 individual face-to-face visit each month. The department shall  
29 randomly select no less than (~~ten~~) 10 percent of the caregivers  
30 currently providing care to receive one unannounced face-to-face  
31 visit in the caregiver's home per year. No caregiver will receive an  
32 unannounced visit through the random selection process for two  
33 consecutive years. If the caseworker makes a good faith effort to  
34 conduct the unannounced visit to a caregiver and is unable to do so,  
35 that month's visit to that caregiver need not be unannounced. The  
36 department is encouraged to group monthly visits to caregivers by  
37 geographic area so that in the event an unannounced visit cannot be  
38 completed, the caseworker may complete other required monthly visits.  
39 The department shall use a method of random selection that does not  
40 cause a fiscal impact to the department.

1 The department shall conduct the monthly visits with children and  
2 caregivers to whom it is providing child welfare services.

3 (7) The department shall have authority to accept custody of  
4 children from parents and to accept custody of children from juvenile  
5 courts, where authorized to do so under law, to provide child welfare  
6 services including placement for adoption, to provide for the routine  
7 and necessary medical, dental, and mental health care, or necessary  
8 emergency care of the children, and to provide for the physical care  
9 of such children and make payment of maintenance costs if needed,  
10 including those required under section 1 of this act. Except where  
11 required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private  
12 adoption agency which receives children for adoption from the  
13 department shall discriminate on the basis of race, creed, or color  
14 when considering applications in their placement for adoption.

15 (8) The department shall have authority to provide temporary  
16 shelter to children who have run away from home and who are admitted  
17 to crisis residential centers.

18 (9) The department shall have authority to purchase care for  
19 children.

20 (10) The department shall establish a children's services  
21 advisory committee which shall assist the secretary in the  
22 development of a partnership plan for utilizing resources of the  
23 public and private sectors, and advise on all matters pertaining to  
24 child welfare, licensing of child care agencies, adoption, and  
25 services related thereto. At least one member shall represent the  
26 adoption community.

27 (11)(a) The department shall provide continued extended foster  
28 care services to nonminor dependents who are:

29 (i) Enrolled in a secondary education program or a secondary  
30 education equivalency program;

31 (ii) Enrolled and participating in a postsecondary academic or  
32 postsecondary vocational education program;

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

35 (iv) Engaged in employment for (~~eighty~~) 80 hours or more per  
36 month; or

37 (v) Not able to engage in any of the activities described in  
38 (a)(i) through (iv) of this subsection due to a documented medical  
39 condition.

1 (b) To be eligible for extended foster care services, the  
2 nonminor dependent must have been dependent at the time that he or  
3 she reached age (~~(eighteen)~~) 18 years. If the dependency case of the  
4 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she  
5 may receive extended foster care services pursuant to a voluntary  
6 placement agreement under RCW 74.13.336 or pursuant to an order of  
7 dependency issued by the court under RCW 13.34.268. A nonminor  
8 dependent whose dependency case was dismissed by the court may  
9 request extended foster care services before reaching age (~~(twenty-~~  
10 ~~one)~~) 21 years. Eligible nonminor dependents may unenroll and  
11 reenroll in extended foster care through a voluntary placement  
12 agreement an unlimited number of times between ages (~~(eighteen)~~) 18  
13 and (~~(twenty-one)~~) 21.

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

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

26 (e) The department shall allow a youth who has received extended  
27 foster care services, but lost his or her eligibility, to reenter the  
28 extended foster care program an unlimited number of times through a  
29 voluntary placement agreement when he or she meets the eligibility  
30 criteria again.

31 (12) The department shall have authority to provide adoption  
32 support benefits, or relative guardianship subsidies on behalf of  
33 youth ages (~~(eighteen)~~) 18 to (~~(twenty-one)~~) 21 years who achieved  
34 permanency through adoption or a relative guardianship at age  
35 (~~(sixteen)~~) 16 or older and who meet the criteria described in  
36 subsection (11) of this section.

37 (13) The department shall refer cases to the division of child  
38 support whenever state or federal funds are expended for the care and  
39 maintenance of a child, including a child with a developmental  
40 disability who is placed as a result of an action under chapter 13.34

1 RCW, unless the department finds that there is good cause not to  
2 pursue collection of child support against the parent or parents of  
3 the child. Cases involving individuals age (~~(eighteen)~~) 18 through  
4 (~~(twenty)~~) 20 shall not be referred to the division of child support  
5 unless required by federal law.

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

16 Notwithstanding any other provision of RCW 13.32A.170 through  
17 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section  
18 all services to be provided by the department under subsections (4),  
19 (7), and (8) of this section, subject to the limitations of these  
20 subsections, may be provided by any program offering such services  
21 funded pursuant to Titles II and III of the federal juvenile justice  
22 and delinquency prevention act of 1974.

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

27 (16) The department shall have authority to provide independent  
28 living services to youths, including individuals who have attained  
29 (~~(eighteen)~~) 18 years of age, and have not attained (~~(twenty-three)~~)  
30 23 years of age, who are or have been in the department's care and  
31 custody, or who are or were nonminor dependents.

32 (17) The department shall consult at least quarterly with foster  
33 parents, including members of the foster parent association of  
34 Washington state, for the purpose of receiving information and  
35 comment regarding how the department is performing the duties and  
36 meeting the obligations specified in this section and RCW 74.13.250  
37 regarding the recruitment of foster homes, reducing foster parent  
38 turnover rates, providing effective training for foster parents, and  
39 administering a coordinated and comprehensive plan that strengthens

1 services for the protection of children. Consultation shall occur at  
2 the regional and statewide levels.

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

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

9 (ii) Sibling visits subject to the restrictions in RCW  
10 13.34.136(2)(b)(ii);

11 (iii) Parent-child visits;

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

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

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

19 (19)(a) The department shall have the authority to purchase legal  
20 representation for parents or kinship caregivers, or both, of  
21 children who are at risk of being dependent, or who are dependent, to  
22 establish or modify a parenting plan under RCW 13.34.155 or chapter  
23 26.09, 26.26A, or 26.26B RCW or secure orders establishing other  
24 relevant civil legal relationships authorized by law, when it is  
25 necessary for the child's safety, permanence, or well-being. The  
26 department's purchase of legal representation for kinship caregivers  
27 must be within the department's appropriations. This subsection does  
28 not create an entitlement to legal representation purchased by the  
29 department and does not create judicial authority to order the  
30 department to purchase legal representation for a parent or kinship  
31 caregiver. Such determinations are solely within the department's  
32 discretion. The term "kinship caregiver" as used in this section  
33 means a caregiver who meets the definition of "kin" in RCW  
34 74.13.600(1), unless the child is an Indian child as defined in RCW  
35 13.38.040 and 25 U.S.C. Sec. 1903. For an Indian child as defined in  
36 RCW 13.38.040 and 25 U.S.C. Sec. 1903, the term "kinship caregiver"  
37 as used in this section means a caregiver who is an "extended family  
38 member" as defined in RCW 13.38.040(8).

39 (b) The department is encouraged to work with the office of  
40 public defense parent representation program and the office of civil

1 legal aid to develop a cost-effective system for providing effective  
2 civil legal representation for parents and kinship caregivers if it  
3 exercises its authority under this subsection.

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