

E2SSB 5908 - H COMM AMD

By Committee on Human Services, Youth, & Early Learning

ADOPTED 02/28/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that the
4 extended foster care program strives to help hundreds of young
5 Washingtonians in foster care prepare for adulthood and to prevent
6 them from experiencing homelessness.

7 The legislature finds that extended foster care can reduce
8 homelessness, receipt of public assistance, use of medical emergency
9 departments, diagnosis of substance abuse and treatment, criminal
10 convictions, and involvement of children in the child welfare system.
11 An analysis from the department of social and health services found
12 that, at age 18, 41 percent of youth exiting the foster care system
13 experienced homelessness or housing instability compared to 23
14 percent of youth in extended foster care.

15 The legislature finds that the Washington state institute for
16 public policy's benefit-cost analysis found that the extended foster
17 care program produces \$3.95 of lifetime benefits for each \$1
18 invested. Furthermore, of the total benefits, 40 percent represents
19 savings and revenue that would accrue to state, local, and federal
20 governments.

21 However, the legislature recognizes that young people in foster
22 care still experience barriers to accessing the program: In 2022, 27
23 percent of young people leaving foster care did not participate in
24 extended foster care. The legislature intends to improve outcomes for
25 youth in the foster care system by improving access to the foster
26 care program.

27 Therefore, the legislature resolves to reduce barriers that young
28 people currently experience when seeking to participate in extended
29 foster care and to make the transition from foster care to extended
30 foster care as seamless as possible, such that all dependent youth

1 are aware of the program when they turn 18 and all youth who want to
2 participate are able to participate.

3 **Sec. 2.** RCW 13.34.030 and 2021 c 304 s 1 and 2021 c 67 s 2 are
4 each reenacted and amended to read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

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

16 (2) "Child," "juvenile," and "youth" mean:

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

18 (b) Any individual age (~~(eighteen)~~) 18 to (~~(twenty-one)~~) 21 years
19 who is eligible to receive and who elects to receive the extended
20 foster care services authorized under RCW 74.13.031. A youth who
21 remains dependent and who receives extended foster care services
22 under RCW 74.13.031 shall not be considered a "child" under any other
23 statute or for any other purpose.

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

31 (4) "Department" means the department of children, youth, and
32 families.

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

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

38 (a) Has been abandoned;

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

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

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

9 (7) "Developmental disability" means a disability attributable to
10 intellectual disability, cerebral palsy, epilepsy, autism, or another
11 neurological or other condition of an individual found by the
12 secretary of the department of social and health services to be
13 closely related to an intellectual disability or to require treatment
14 similar to that required for individuals with intellectual
15 disabilities, which disability originates before the individual
16 attains age eighteen, which has continued or can be expected to
17 continue indefinitely, and which constitutes a substantial limitation
18 to the individual.

19 (8) "Educational liaison" means a person who has been appointed
20 by the court to fulfill responsibilities outlined in RCW 13.34.046.

21 (9) "Experiencing homelessness" means lacking a fixed, regular,
22 and adequate nighttime residence, including circumstances such as
23 sharing the housing of other persons due to loss of housing, economic
24 hardship, fleeing domestic violence, or a similar reason as described
25 in the federal McKinney-Vento homeless assistance act (Title 42
26 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

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

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

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

16 (14) "Guardianship" means a guardianship pursuant to chapter
17 13.36 RCW or a limited guardianship of a minor pursuant to RCW
18 11.130.215 or equivalent laws of another state or a federally
19 recognized Indian tribe.

20 (15) "Housing assistance" means appropriate referrals by the
21 department or other agencies to federal, state, local, or private
22 agencies or organizations, assistance with forms, applications, or
23 financial subsidies or other monetary assistance for housing. For
24 purposes of this chapter, "housing assistance" is not a remedial
25 service or family reunification service as described in RCW
26 13.34.025(2).

27 (16) "Indigent" means a person who, at any stage of a court
28 proceeding, is:

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

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

38 (c) Receiving an annual income, after taxes, of (~~one hundred~~
39 ~~twenty-five~~) 125 percent or less of the federally established
40 poverty level; or

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

4 (17) "Nonminor dependent" means any individual age (~~(eighteen)~~)
5 18 to (~~(twenty-one)~~) 21 years who is participating in extended foster
6 care services authorized under RCW 74.13.031.

7 (18) "Out-of-home care" means placement in a foster family home
8 or group care facility licensed pursuant to chapter 74.15 RCW or
9 placement in a home, other than that of the child's parent, guardian,
10 or legal custodian, not required to be licensed pursuant to chapter
11 74.15 RCW.

12 (19) "Parent" means the biological or adoptive parents of a
13 child, or an individual who has established a parent-child
14 relationship under RCW 26.26A.100, unless the legal rights of that
15 person have been terminated by a judicial proceeding pursuant to this
16 chapter, chapter 26.33 RCW, or the equivalent laws of another state
17 or a federally recognized Indian tribe.

18 (20) "Prevention and family services and programs" means specific
19 mental health prevention and treatment services, substance abuse
20 prevention and treatment services, and in-home parent skill-based
21 programs that qualify for federal funding under the federal family
22 first prevention services act, P.L. 115-123. For purposes of this
23 chapter, prevention and family services and programs are not remedial
24 services or family reunification services as described in RCW
25 13.34.025(2).

26 (21) "Prevention services" means preservation services, as
27 defined in chapter 74.14C RCW, and other reasonably available
28 services, including housing assistance, capable of preventing the
29 need for out-of-home placement while protecting the child. Prevention
30 services include, but are not limited to, prevention and family
31 services and programs as defined in this section.

32 (22) "Qualified residential treatment program" means a program
33 that meets the requirements provided in RCW 13.34.420, qualifies for
34 funding under the family first prevention services act under 42
35 U.S.C. Sec. 672(k), and, if located within Washington state, is
36 licensed as a group care facility under chapter 74.15 RCW.

37 (23) "Relative" includes persons related to a child in the
38 following ways:

39 (a) Any blood relative, including those of half-blood, and
40 including first cousins, second cousins, nephews or nieces, and

1 persons of preceding generations as denoted by prefixes of grand,
2 great, or great-great;

3 (b) Stepfather, stepmother, stepbrother, and stepsister;

4 (c) A person who legally adopts a child or the child's parent as
5 well as the natural and other legally adopted children of such
6 persons, and other relatives of the adoptive parents in accordance
7 with state law;

8 (d) Spouses of any persons named in (a), (b), or (c) of this
9 subsection, even after the marriage is terminated;

10 (e) Relatives, as named in (a), (b), (c), or (d) of this
11 subsection, of any half sibling of the child; or

12 (f) Extended family members, as defined by the law or custom of
13 the Indian child's tribe or, in the absence of such law or custom, a
14 person who has reached the age of (~~eighteen~~) 18 and who is the
15 Indian child's grandparent, aunt or uncle, brother or sister,
16 brother-in-law or sister-in-law, niece or nephew, first or second
17 cousin, or stepparent who provides care in the family abode on a
18 (~~twenty-four~~) 24 hour basis to an Indian child as defined in 25
19 U.S.C. Sec. 1903(4).

20 (24) "Shelter care" means temporary physical care in a facility
21 licensed pursuant to RCW 74.15.030 or in a home not required to be
22 licensed pursuant to RCW 74.15.030.

23 (25) "Sibling" means a child's birth brother, birth sister,
24 adoptive brother, adoptive sister, half-brother, or half-sister, or
25 as defined by the law or custom of the Indian child's tribe for an
26 Indian child as defined in RCW 13.38.040.

27 (26) "Social study" means a written evaluation of matters
28 relevant to the disposition of the case that contains the information
29 required by RCW 13.34.430.

30 (27) "Supervised independent living setting" includes, but is not
31 limited to, apartment living, room and board arrangements, college or
32 university dormitories, and shared roommate settings. Supervised
33 independent living settings must be approved by the department or the
34 court.

35 (28) "Supervised independent living subsidy" has the same meaning
36 as in RCW 74.13.020.

37 (29) "Voluntary placement agreement" (~~means~~) has, for the
38 purposes of extended foster care services, (~~a written voluntary~~
39 agreement between a nonminor dependent who agrees to submit to the
40 care and authority of the department for the purposes of

1 ~~participating in the extended foster care program))~~ the same meaning
2 as in RCW 74.13.336.

3 **Sec. 3.** RCW 13.34.267 and 2021 c 210 s 10 are each amended to
4 read as follows:

5 (1) In order to facilitate the delivery of extended foster care
6 services, the court, upon the agreement of the youth to participate
7 in the extended foster care program, shall maintain the dependency
8 proceeding for any youth who is dependent at the age of ~~((eighteen))~~
9 18 years ~~((and who, at the time of his or her eighteenth birthday,))~~
10 until the youth turns 21 or withdraws their agreement to participate.

11 (2) For the purposes of pursuing federal reimbursement only, the
12 department may request judicial findings that a youth 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
18 postsecondary academic or postsecondary vocational program;

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

21 (d) Engaged in employment for ~~((eighty))~~ 80 hours or more per
22 month; or

23 (e) Not able to engage in any of the activities described in (a)
24 through (d) of this subsection due to a documented medical condition.

25 ~~((2) If))~~ (3) When the court maintains the dependency proceeding
26 of a youth pursuant to subsection (1) of this section, the youth is
27 eligible to receive extended foster care services pursuant to RCW
28 74.13.031, subject to the youth's continuing ~~((eligibility and))~~
29 agreement to participate.

30 ~~((3))~~ (4) A dependent youth receiving extended foster care
31 services is a party to the dependency proceeding. The youth's parent
32 or guardian must be dismissed from the dependency proceeding when the
33 youth reaches the age of ~~((eighteen))~~ 18.

34 ~~((4))~~ (5) The court shall dismiss the dependency proceeding for
35 any youth who is a dependent and who, at the age of ~~((eighteen))~~ 18
36 years, ~~((does not meet any of the criteria described in subsection~~
37 ~~(1)(a) through (e) of this section or))~~ does not agree to participate
38 in the program.

1 ~~((5))~~ (6) The court shall order a youth participating in
2 extended foster care services to be under the placement and care
3 authority of the department, subject to the youth's continuing
4 agreement to participate in extended foster care services. The
5 department may establish foster care rates appropriate to the needs
6 of the youth participating in extended foster care services. The
7 department's placement and care authority over a youth receiving
8 extended foster care services is solely for the purpose of providing
9 services and does not create a legal responsibility for the actions
10 of the youth receiving extended foster care services.

11 ~~((6)(a) The)~~ (7)(a) If a youth does not already have counsel,
12 the court shall appoint counsel to represent a youth, as defined in
13 RCW 13.34.030(2)(b), in dependency proceedings under this section.
14 Subject to amounts appropriated, the state shall pay the costs of
15 legal services provided by an attorney appointed pursuant to this
16 subsection based on the phase-in schedule outlined in RCW 13.34.212,
17 provided that the legal services are provided in accordance with the
18 rules of professional conduct, the standards of practice, caseload
19 limits, and training guidelines adopted by the children's
20 representation work group established in section 9, chapter 210, Laws
21 of 2021.

22 (b) In cases where the statewide children's legal representation
23 program provides funding and where consistent with its administration
24 and oversight responsibilities, the statewide children's legal
25 representation program should prioritize continuity of counsel for
26 children who are already represented at county expense when the
27 statewide children's legal representation program becomes effective
28 in a county. The statewide children's legal representation program
29 shall coordinate with relevant county stakeholders to determine how
30 best to prioritize continuity of counsel.

31 ~~((7))~~ (8) The case plan for and delivery of services to a youth
32 receiving extended foster care services is subject to the review
33 requirements set forth in RCW 13.34.138 and 13.34.145, and should be
34 applied in a developmentally appropriate manner, as they relate to
35 youth age ~~((eighteen))~~ 18 to ~~((twenty-one))~~ 21 years. Additionally,
36 the court shall consider:

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

38 (b) ~~((Whether the youth continues to be eligible for extended
39 foster care services;~~

1 ~~(e)~~) Whether the current placement is developmentally
2 appropriate for the youth;

3 ~~((d))~~ (c) The youth's development of independent living skills;
4 and

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

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

11 **Sec. 4.** RCW 74.13.020 and 2020 c 270 s 4 are each reenacted and
12 amended to read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

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

24 (2) "Certificate of parental improvement" means a certificate
25 issued under RCW 74.13.720 to an individual who has a founded finding
26 of physical abuse or negligent treatment or maltreatment, or a court
27 finding that the individual's child was dependent as a result of a
28 finding that the individual abused or neglected their child pursuant
29 to RCW 13.34.030(6)(b).

30 (3) "Child" means:

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

32 (b) A person age eighteen to twenty-one years who is eligible to
33 receive the extended foster care services authorized under RCW
34 74.13.031.

35 (4) "Child protective services" has the same meaning as in RCW
36 26.44.020.

37 (5) "Child welfare services" means social services including
38 voluntary and in-home services, out-of-home care, case management,

1 and adoption services which strengthen, supplement, or substitute
2 for, parental care and supervision for the purpose of:

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

6 (b) Protecting and caring for dependent, abused, or neglected
7 children;

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

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

14 (e) Providing adequate care of children away from their homes in
15 foster family homes or day care or other child care agencies or
16 facilities.

17 "Child welfare services" does not include child protection
18 services.

19 (6) "Child who is a candidate for foster care" means a child who
20 the department identifies as being at imminent risk of entering
21 foster care but who can remain safely in the child's home or in a
22 kinship placement as long as services or programs that are necessary
23 to prevent entry of the child into foster care are provided, and
24 includes but is not limited to a child whose adoption or guardianship
25 arrangement is at risk of a disruption or dissolution that would
26 result in a foster care placement. The term includes a child for whom
27 there is reasonable cause to believe that any of the following
28 circumstances exist:

29 (a) The child has been abandoned by the parent as defined in RCW
30 13.34.030 and the child's health, safety, and welfare is seriously
31 endangered as a result;

32 (b) The child has been abused or neglected as defined in chapter
33 26.44 RCW and the child's health, safety, and welfare is seriously
34 endangered as a result;

35 (c) There is no parent capable of meeting the child's needs such
36 that the child is in circumstances that constitute a serious danger
37 to the child's development;

38 (d) The child is otherwise at imminent risk of harm.

39 (7) "Department" means the department of children, youth, and
40 families.

1 (8) "Extended foster care services" means residential and other
2 support services the department is authorized to provide to dependent
3 children. These services include, but are not limited to, placement
4 in licensed, relative, or otherwise approved care, or supervised
5 independent living settings; assistance in meeting basic needs;
6 independent living services; medical assistance; supervised
7 independent living subsidy; and counseling or treatment.

8 (9) "Family assessment" means a comprehensive assessment of child
9 safety, risk of subsequent child abuse or neglect, and family
10 strengths and needs that is applied to a child abuse or neglect
11 report. Family assessment does not include a determination as to
12 whether child abuse or neglect occurred, but does determine the need
13 for services to address the safety of the child and the risk of
14 subsequent maltreatment.

15 (10) "Medical condition" means, for the purposes of qualifying
16 for extended foster care services, a physical or mental health
17 condition as documented by any licensed health care provider
18 regulated by a disciplining authority under RCW 18.130.040.

19 (11) "Nonminor dependent" means any individual age ((~~eighteen~~)
20 18 to ((~~twenty-one~~) 21 years who is participating in extended foster
21 care services authorized under RCW 74.13.031.

22 (12) "Out-of-home care services" means services provided after
23 the shelter care hearing to or for children in out-of-home care, as
24 that term is defined in RCW 13.34.030, and their families, including
25 the recruitment, training, and management of foster parents, the
26 recruitment of adoptive families, and the facilitation of the
27 adoption process, family reunification, independent living, emergency
28 shelter, residential group care, and foster care, including relative
29 placement.

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

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

1 (15) "Prevention and family services and programs" means specific
2 mental health prevention and treatment services, substance abuse
3 prevention and treatment services, and in-home parent skill-based
4 programs that qualify for federal funding under the federal family
5 first prevention services act, P.L. 115-123. For purposes of this
6 chapter, prevention and family services and programs are not remedial
7 services or family reunification services as described in RCW
8 13.34.025(2).

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

14 (17) "Secretary" means the secretary of the department.

15 (18) "Supervised independent living setting" includes, but is not
16 limited to, apartment living, room and board arrangements, college or
17 university dormitories, and shared roommate settings. Supervised
18 independent living settings must be approved by the department or the
19 court.

20 (19) "Supervised independent living subsidy" means a foster care
21 maintenance payment.

22 (20) "Unsupervised" has the same meaning as in RCW 43.43.830.

23 ~~((+20))~~ (21) "Voluntary placement agreement" ~~((means))~~ has, for
24 the purposes of extended foster care services, ~~((a written voluntary
25 agreement between a nonminor dependent who agrees to submit to the
26 care and authority of the department for the purposes of
27 participating in the extended foster care program))~~ the same meaning
28 as in RCW 74.13.336.

29 **Sec. 5.** RCW 74.13.031 and 2023 c 221 s 3 are each amended to
30 read as follows:

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

35 (2) Within available resources, the department shall recruit an
36 adequate number of prospective adoptive and foster homes, both
37 regular and specialized, i.e. homes for children of ethnic minority,
38 including Indian homes for Indian children, sibling groups, children
39 with disabilities or behavioral health conditions, teens, pregnant

1 and parenting teens, and the department shall annually provide data
2 and information to the governor and the legislature concerning the
3 department's success in: (a) Placing children with relatives; (b)
4 providing supports to kinship caregivers including guardianship
5 assistance payments; (c) supporting relatives to pass home studies
6 and become licensed caregivers; and (d) meeting the need for
7 nonrelative family foster homes when children cannot be placed with
8 relatives.

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

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

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

28 (6) The department shall monitor placements of children in out-
29 of-home care and in-home dependencies to assure the safety, well-
30 being, and quality of care being provided is within the scope of the
31 intent of the legislature as defined in RCW 74.13.010 and 74.15.010.
32 Under this section children in out-of-home care and in-home
33 dependencies and their caregivers shall receive a private and
34 individual face-to-face visit each month. The department shall
35 randomly select no less than ten percent of the caregivers currently
36 providing care to receive one unannounced face-to-face visit in the
37 caregiver's home per year. No caregiver will receive an unannounced
38 visit through the random selection process for two consecutive years.
39 If the caseworker makes a good faith effort to conduct the
40 unannounced visit to a caregiver and is unable to do so, that month's

1 visit to that caregiver need not be unannounced. The department is
2 encouraged to group monthly visits to caregivers by geographic area
3 so that in the event an unannounced visit cannot be completed, the
4 caseworker may complete other required monthly visits. The department
5 shall use a method of random selection that does not cause a fiscal
6 impact to the department.

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

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

20 (8) The department may accept custody of children from parents
21 through a voluntary placement agreement to provide child welfare
22 services. The department may place children with a relative, a
23 suitable person, or a licensed foster home under a voluntary
24 placement agreement. In seeking a placement for a voluntary placement
25 agreement, the department should consider the preferences of the
26 parents and attempt to place with relatives or suitable persons over
27 licensed foster care.

28 (9) The department shall have authority to provide temporary
29 shelter to children who have run away from home and who are admitted
30 to crisis residential centers.

31 (10) The department shall have authority to purchase care for
32 children.

33 (11) The department shall establish a children's services
34 advisory committee which shall assist the secretary in the
35 development of a partnership plan for utilizing resources of the
36 public and private sectors, and advise on all matters pertaining to
37 child welfare, licensing of child care agencies, adoption, and
38 services related thereto. At least one member shall represent the
39 adoption community.

1 (12)(a) The department shall provide continued extended foster
2 care services to ~~((nonminor dependents))~~ eligible youth who ~~((are))~~
3 request extended foster care. The department shall develop policies
4 and procedures to ensure that dependent youth aged 15 and older are
5 informed of the extended foster care program.

6 (b) The department shall pursue federal reimbursement, where
7 appropriate, when a youth is:

8 (i) Enrolled in a secondary education program or a secondary
9 education equivalency program;

10 (ii) Enrolled and participating in a postsecondary academic or
11 postsecondary vocational education program;

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

14 (iv) Engaged in employment for eighty hours or more per month; or

15 (v) Not able to engage in any of the activities described in
16 ~~((a))~~ (b) (i) through (iv) of this subsection due to a documented
17 medical condition.

18 ~~((b))~~ (c) To be eligible for extended foster care services, the
19 ~~((nonminor dependent))~~ youth must have been dependent at the time
20 that he or she reached age ~~((eighteen))~~ 18 years. If the dependency
21 case of the ~~((nonminor dependent))~~ youth was dismissed pursuant to
22 RCW 13.34.267, he or she may receive extended foster care services
23 pursuant to a voluntary placement agreement under RCW 74.13.336 or
24 pursuant to an order of dependency issued by the court under RCW
25 13.34.268. A ~~((nonminor dependent))~~ youth whose dependency case was
26 dismissed by the court may request extended foster care services
27 before reaching age ~~((twenty-one))~~ 21 years. Eligible ~~((nonminor~~
28 ~~dependents))~~ youths may unenroll and reenroll in extended foster care
29 through a voluntary placement agreement an unlimited number of times
30 between ages ~~((eighteen))~~ 18 and ~~((twenty-one))~~ 21.

31 ~~((e))~~ (d) The department shall ~~((develop and implement rules~~
32 ~~regarding youth eligibility requirements))~~ not create additional
33 eligibility requirements for extended foster care. The department
34 shall develop and implement rules and policies designed to provide
35 age-appropriate social work support for youth in extended foster care
36 through a codesign process that includes those with lived experience
37 in the foster care system.

38 ~~((d))~~ (e) The department shall make efforts to ensure that
39 extended foster care services maximize medicaid reimbursements. This
40 must include the department ensuring that health and mental health

1 extended foster care providers participate in medicaid, unless the
2 condition of the extended foster care youth requires specialty care
3 that is not available among participating medicaid providers or there
4 are no participating medicaid providers in the area. The department
5 shall coordinate other services to maximize federal resources and the
6 most cost-efficient delivery of services to extended foster care
7 youth.

8 ~~((e))~~ (f) The department shall allow ~~((a))~~ eligible youth ~~((who~~
9 ~~has received extended foster care services, but lost his or her~~
10 ~~eligibility,))~~ to reenter the extended foster care program an
11 unlimited number of times through a voluntary placement agreement
12 ~~((when he or she meets the eligibility criteria again)).~~

13 (g) A youth enrolled in extended foster care may elect to receive
14 a licensed foster care placement or may live independently. A youth
15 who is not in a licensed foster care placement is eligible for a
16 monthly supervised independent living subsidy effective the date the
17 youth signs the voluntary placement agreement, agrees to dependency,
18 or informs their social worker that they are living independently,
19 whichever occurs first.

20 (h) The department shall pursue federal reimbursement, where
21 appropriate, when a youth is residing in an approved supervised
22 independent living setting. If the youth is not residing in an
23 approved supervised independent living setting, the department is to
24 work with the youth to help identify an appropriate living
25 arrangement until the youth is living in a safe location approved by
26 the department or the court. During this time, the department shall
27 continue to pay the monthly supervised independent living subsidy.

28 (13) The department shall have authority to provide adoption
29 support benefits on behalf of youth ages 18 to 21 years who achieved
30 permanency through adoption at age 16 or older and who meet the
31 criteria described in subsection (12) (b) (i) through (v) of this
32 section.

33 (14) The department shall have the authority to provide
34 guardianship subsidies on behalf of youth ages 18 to 21 who achieved
35 permanency through guardianship and who meet the criteria described
36 in subsection (12) (b) (i) through (v) of this section.

37 (15) 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 (16) 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 (9) 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 (17) The department may, within funds appropriated for
24 guardianship subsidies, provide subsidies for eligible guardians who
25 are appointed as guardian of an Indian child by the tribal court of a
26 federally recognized tribe located in Washington state, as defined in
27 RCW 13.38.040. The provision of subsidies shall be subject to the
28 same eligibility standards and rates of support applicable to other
29 children for whom the department provides subsidies. To be eligible,
30 the guardian must either be certified by a department-licensed child-
31 placing agency or licensed by a federally recognized tribe located in
32 Washington state that is a Title IV-E agency, as defined in 45 C.F.R.
33 1355.20.

34 (18) Within amounts appropriated for this specific purpose, the
35 department shall provide preventive services to families with
36 children that prevent or shorten the duration of an out-of-home
37 placement.

38 (19) The department shall have authority to provide independent
39 living services to youths, including individuals who have attained
40 eighteen years of age, and have not attained twenty-three years of

1 age, who are or have been in the department's care and custody, or
2 who are or were nonminor dependents.

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

13 (21)(a) The department shall, within current funding levels,
14 place on its public website a document listing the duties and
15 responsibilities the department has to a child subject to a
16 dependency petition including, but not limited to, the following:

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

19 (ii) Sibling visits subject to the restrictions in RCW
20 13.34.136(2)(b)(ii);

21 (iii) Parent-child visits;

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

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

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

29 (22)(a) The department shall have the authority to purchase legal
30 representation for parents or kinship caregivers, or both, of
31 children who are at risk of being dependent, or who are dependent, to
32 establish or modify a parenting plan under RCW 13.34.155 or chapter
33 26.09, 26.26A, or 26.26B RCW or secure orders establishing other
34 relevant civil legal relationships authorized by law, when it is
35 necessary for the child's safety, permanence, or well-being. The
36 department's purchase of legal representation for kinship caregivers
37 must be within the department's appropriations. This subsection does
38 not create an entitlement to legal representation purchased by the
39 department and does not create judicial authority to order the
40 department to purchase legal representation for a parent or kinship

1 caregiver. Such determinations are solely within the department's
2 discretion. The term "kinship caregiver" as used in this section
3 means a caregiver who meets the definition of "kin" in RCW
4 74.13.600(1), unless the child is an Indian child as defined in RCW
5 13.38.040 and 25 U.S.C. Sec. 1903. For an Indian child as defined in
6 RCW 13.38.040 and 25 U.S.C. Sec. 1903, the term "kinship caregiver"
7 as used in this section means a caregiver who is an "extended family
8 member" as defined in RCW 13.38.040(8).

9 (b) The department is encouraged to work with the office of
10 public defense parent representation program and the office of civil
11 legal aid to develop a cost-effective system for providing effective
12 civil legal representation for parents and kinship caregivers if it
13 exercises its authority under this subsection.

14 **Sec. 6.** RCW 74.13.336 and 2018 c 34 s 4 are each amended to read
15 as follows:

16 (1) A youth who has reached age (~~(eighteen)~~) 18 years may request
17 extended foster care services authorized under RCW 74.13.031 at any
18 time before he or she reaches the age of (~~(twenty-one)~~) 21 years if:

19 (a) The dependency proceeding of the youth was dismissed pursuant
20 to RCW 13.34.267(~~(4)~~) (5) at the time that he or she reached age
21 (~~(eighteen)~~) 18 years; or

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

25 (2)(a) Upon a request for extended foster care services by a
26 youth pursuant to subsection (1) of this section, a determination
27 that the youth is eligible for extended foster care services, and the
28 completion of a voluntary placement agreement, the department shall
29 provide extended foster care services to the youth.

30 (b) In order to continue receiving extended foster care services
31 after entering into a voluntary placement agreement with the
32 department, the youth must agree to the entry of an order of
33 dependency within (~~(one hundred eighty)~~) 180 days of the date that
34 the youth is placed in extended foster care pursuant to a voluntary
35 placement agreement.

36 (3) A youth may enter into a voluntary placement agreement for
37 extended foster care services. A youth (~~(may transition among the~~
38 ~~eligibility categories identified in RCW 74.13.031 while under the~~
39 ~~same voluntary placement agreement, provided that the youth remains~~

1 ~~eligible for extended foster care services during the transition))~~
2 becomes eligible for extended foster care services as of the date the
3 youth either signs an extended foster care agreement or voluntary
4 placement agreement or turns 18, whichever occurs later. A youth may
5 sign a voluntary placement agreement or an extended foster care
6 agreement anytime within six months of the youth's 18th birthday, in
7 which case the agreement will take effect on the youth's 18th
8 birthday. A youth may sign a voluntary placement agreement or
9 agreement to participate in extended foster care at any time after
10 turning 18. The youth may withdraw his or her consent to participate,
11 at any time, including prior to their 18th birthday. A voluntary
12 placement agreement may be signed by a dependent child or eligible
13 youth over the age of 18 electronically.

14 (4) A youth who is not in a licensed foster care placement upon
15 signing an extended foster care agreement or voluntary placement
16 agreement, and who has turned 18 years old, shall receive their first
17 supervised independent living subsidy within one month.

18 ~~((4))~~ (5) The department shall develop a program to make
19 incentive payments to youth in extended foster care who participate
20 in qualifying activities described in RCW 74.13.031(12)(b) (i)
21 through (v). This program design must include stakeholder engagement
22 from impacted communities. Subject to appropriations for this
23 specific purpose, the department shall make incentive payments to
24 qualifying youth in addition to the supervised independent living
25 subsidy, beginning by July 1, 2025.

26 (6) "Voluntary placement agreement," for the purposes of this
27 section, means a written voluntary agreement ~~((between))~~ by a
28 ~~((nonminor dependent))~~ youth who agrees to ~~((submit to the care and~~
29 ~~authority of the department for the purposes of participating in~~
30 ~~the))~~ participate in extended foster care ~~((program))."~~

31 Correct the title.

EFFECT: Makes technical changes to harmonize definitions, reorganize provisions, and update cross-references.

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