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**Human Services, Youth, & Early  
Learning Committee**

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**HB 1278**

**Brief Description:** Supporting guardianships and voluntary placement with nonrelative kin.

**Sponsors:** Representatives Ortiz-Self, Senn, Callan, Simmons, Davis, Reeves, Reed, Fey, Cortes and Ormsby; by request of Department of Children, Youth, and Families.

**Brief Summary of Bill**

- Expands guardianship assistance subsidies provided by the Department of Children, Youth, and Families to include children any age who are placed with certain nonrelative guardians.
- Expands placement options under a voluntary placement agreement to include "suitable persons."

**Hearing Date:** 1/24/23

**Staff:** Luke Wickham

**Background:**

The Relative Guardianship Assistance Program (RGAP) operated by the Department of Children, Youth, and Families provides a subsidy for children placed with a qualified, licensed relative. To qualify for the RGAP, a person must:

- have cared for the child for at least six consecutive months and have been a licensed foster parent for at least six consecutive months;
- be eligible according to federal funding criteria;
- be a relative; or
- care for a sibling who is receiving assistance through the RGAP.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

The RGAP subsidy payments cannot exceed the foster care maintenance payments for the child had the child remained in a licensed foster home during the same period.

A RGAP subsidy may be provided for youth age 16 until their twenty-first birthday when the youth qualifies for extended foster care. To qualify for extended foster care, a youth must have been dependent at the time the youth reaches age 18 and:

- enrolled in a secondary education program;
- enrolled in a post-secondary education program;
- participating in an employment program;
- employed for 80 hours or more per month; or
- not able to engage in any of the above activities due to documented medical condition.

A "suitable person" is defined to mean a nonrelative with whom the child or the child's family has a preexisting relationship; who has completed all required criminal history background checks and otherwise appears to be suitable and competent to provide care for the child; and with whom the child has been placed pursuant to a dependency court order.

For purposes of the RGAP, a relative includes any:

- blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;
- stepfather, stepmother, stepbrother, and stepsister;
- person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents;
- spouses of any persons named above, even after the marriage is terminated;
- relatives, as named above of any half sibling of the child; or
- extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached age 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a 24-hour basis to an Indian child.

### **Summary of Bill:**

The eligibility for guardianship subsidies is expanded to include any guardian who is a licensed foster parent, instead of just relatives licensed as foster parents.

The eligibility for guardianship subsidies is further expanded to apply to a child placed:

- for at least six consecutive months with a guardian who has been licensed for at least six consecutive months; or
- with a guardian who is already receiving a guardianship assistance subsidy for the benefit of the child's sibling.

A child does not need to be eligible for federal foster care reimbursement to qualify for state-funded guardianship assistance.

The Department of Children, Youth, and Families (DCYF) is authorized to provide subsidies for eligible guardians who are appointed as guardian of an Indian child by a tribal court.

The DCYF is authorized to accept custody of children from parents through a voluntary placement agreement to provide child welfare services and the DCYF may place the child with a relative, a suitable person, or a licensed foster home. In seeking a placement following a voluntary placement agreement, the DCYF should consider the preferences of the parents and attempt to place with relatives or suitable persons over licensed foster care.

The DCYF is authorized to provide guardianship subsidies on behalf of a youth at any age when the youth qualifies for extended foster care (not just at age 16 or older).

**Appropriation:** None.

**Fiscal Note:** Requested on January 19, 2023.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.