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

E2SSB 5908

Brief Description: Providing extended foster care services to youth ages 18 to 21.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Wilson, C., Frame, Billig, Dhingra, Hasegawa, Hunt, Kuderer, Lias, Lovelett, Lovick, Nguyen, Nobles, Stanford, Trudeau and Valdez).

Brief Summary of Engrossed Second Substitute Bill

- Removes the eligibility criteria for participation in extended foster care and allows any person who is dependent at age 18 to receive extended foster care until they turn 21 or withdraw their agreement to participate.
- Allows a youth to sign a voluntary placement agreement to participate in extended foster care before turning age 18, which takes effect on the person's eighteenth birthday.
- Requires Department of Children, Youth, and Families to ensure that dependent youth age 15 and older are informed of the extended foster care program.
- Expands extended foster care services to include a supervised independent living subsidy, and beginning July 1, 2025, an additional incentive payment when the participant engages in certain education or employment-related activities.

Hearing Date: 2/16/24

Staff: Omeara Harrington (786-7136).

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.

Background:

Dependency and Foster Care.

Anyone, including the Department of Children, Youth, and Families (DCYF), may file a petition in court alleging that a child should be a dependent of the state due to abuse, neglect, or because there is no parent, guardian, or custodian capable of adequately caring for the child. If a court determines that a child is dependent, the court will conduct periodic reviews and make determinations regarding the child's placement, provision of services by the DCYF, and compliance and progress of the parents.

When a child is removed from the home of a parent or guardian due to allegations of abuse or neglect, the child may be placed with relatives or in foster care. Foster parents are licensed by either the DCYF or private child-placing agencies and provide temporary care to children with the goal of reunifying the child with their parent or guardian. The DCYF may not discharge a child to an independent living situation before the child turns 18 unless the child becomes emancipated.

When a dependent youth is between the ages of 17 and 17-and-a-half, the DCYF must provide the youth with written documentation explaining the availability of extended foster care services and detailed instructions regarding how to access those services after reaching age 18.

Extended Foster Care.

Young adults who are dependent when they turn age 18 and meet certain qualifying criteria may agree to continue receiving foster care services up to the age of 21 by entering into a voluntary placement agreement. A voluntary placement agreement is a written voluntary agreement of a nonminor dependent who agrees to submit to the care and authority of the DCYF for purposes of participating in extended foster care. In addition, qualifying young adults who had their dependency end at age 18 may elect later to enter into a voluntary placement agreement to access extended foster care at any time up to the age of 21.

Young adults in extended foster care may live in a foster home placement or in a supervised independent living placement such as an apartment, a college dormitory, or a shared roommate setting. When placed in a foster home, the foster family receives foster care maintenance payments to support the young adult's living expenses; young adults in a supervised independent living placement receive payments directly for living expenses. Additional extended foster care services may include assistance in meeting basic needs, independent living services, medical assistance, and counseling or treatment, among other services.

To qualify for extended foster care, a youth must be:

- enrolled in a secondary educational program;
- enrolled in or able to demonstrate intent to enroll in a postsecondary academic or vocational program;
- participating in an employment program;
- employed for 80 hours or more per month; or

- not able to engage in any of these activities due to a documented medical condition.

Eligible young adults may enter and exit the extended foster care program as they wish until they turn 21.

Federal Funding.

Under Title IV-E of the Social Security Act, the federal government provides a dollar-for-dollar match to states to pay for foster care for eligible families. Federal law authorizes states to use Title IV-E funds to provide extended foster care services to youth up to age 21 who are engaged in activities that match those in Washington's current state eligibility criteria for extended foster care.

Summary of Bill:

The eligibility criteria for participating in extended foster care are removed, meaning that any young adult who is dependent at age 18 may receive extended foster care services. The court must continue the dependency proceeding for any youth who is dependent at age 18 until the youth turns 21 or withdraws their agreement to participate in extended foster care. The DCYF may request that the court make findings related to enrollment in educational programs or participation in work activities for the sole purpose of pursuing federal matching funds.

The DCYF must ensure dependent youth age 15 and older are informed of the extended foster care program. A youth may sign a voluntary placement agreement to participate in extended foster care within the six months prior to the youth's eighteenth birthday, in which case the agreement will take effect on the youth's eighteenth birthday. The youth may withdraw consent to participate in extended foster care at any time, including prior to their eighteenth birthday. Voluntary placement agreements may be signed electronically.

A young adult enrolled in extended foster care may elect to receive a licensed foster care placement or may live independently. Extended foster care services include a supervised independent living subsidy, consisting of a foster care maintenance payment, for those not living in a foster care placement. If a youth who is living independently is not residing in an approved supervised independent living setting, the DCYF must continue to pay the supervised independent living subsidy while it works with the youth to identify an appropriate living arrangement.

The DCYF must develop a program to make incentive payments to extended foster care participants who participate in education or employment-related activities that provide access to federal matching funds. The program design must include stakeholder engagement from impacted communities. Subject to appropriated funding, the DCYF must make incentive payments, in addition to the supervised independent living subsidy, beginning July 1, 2025.

The DCYF may not create additional eligibility requirements for extended foster care. In addition, it must develop and implement rules and policies designed to provide age-appropriate

social work support for youth in extended foster care through a codesign process that includes those with lived experience in the foster care system.

Appropriation: None.

Fiscal Note: Requested on February 12, 2024.

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