
SUBSTITUTE HOUSE BILL 2185

State of Washington

68th Legislature

2024 Regular Session

By House Human Services, Youth, & Early Learning (originally sponsored by Representatives Dent, Senn, Reed, Graham, Tharinger, and Reeves)

READ FIRST TIME 01/29/24.

1 AN ACT Relating to the oversight board for children, youth, and
2 families; amending RCW 43.216.015, 2.30.100, 43.06A.030, 43.216.395,
3 and 74.13B.020; reenacting and amending RCW 44.04.260; adding a new
4 section to chapter 44.04 RCW; and creating a new section.

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

6 **Sec. 1.** RCW 43.216.015 and 2021 c 304 s 4 are each amended to
7 read as follows:

8 (1)(a) The department of children, youth, and families is created
9 as an executive branch agency. The department is vested with all
10 powers and duties transferred to it under chapter 6, Laws of 2017 3rd
11 sp. sess. and such other powers and duties as may be authorized by
12 law. The vision for the department is that Washington state's
13 children and youth grow up safe and healthy—thriving physically,
14 emotionally, and academically, nurtured by family and community.

15 (b) The department, in partnership with state and local agencies,
16 tribes, and communities, shall protect children and youth from harm
17 and promote healthy development with effective, high quality
18 prevention, intervention, and early education services delivered in
19 an equitable manner. An important role for the department shall be to
20 provide preventative services to help secure and preserve families in
21 crisis. The department shall partner with the federally recognized

1 Indian tribes to develop effective services for youth and families
2 while respecting the sovereignty of those tribes and the government-
3 to-government relationship. Nothing in chapter 6, Laws of 2017 3rd
4 sp. sess. alters the duties, requirements, and policies of the
5 federal Indian child welfare act, 25 U.S.C. Secs. 1901 through 1963,
6 as amended, or the Indian child welfare act, chapter 13.38 RCW.

7 (2) Beginning July 1, 2018, the department must develop
8 definitions for, work plans to address, and metrics to measure the
9 outcomes for children, youth, and families served by the department
10 and must work with state agencies to ensure services for children,
11 youth, and families are science-based, outcome-driven, data-informed,
12 and collaborative.

13 (3) (a) Beginning July 1, 2018, the department must establish
14 short and long-term population level outcome measure goals, including
15 metrics regarding reducing disparities by family income, race, and
16 ethnicity in each outcome.

17 (b) In addition to transparent, frequent reporting of the outcome
18 measures in (c) (i) through (viii) of this subsection, the department
19 must report to the legislature an examination of engagement, resource
20 utilization, and outcomes for clients receiving department services
21 and youth participating in juvenile court alternative programs funded
22 by the department, no less than annually and beginning September 1,
23 2020. The data in this report must be disaggregated by race,
24 ethnicity, and geography. This report must identify areas of focus to
25 advance equity that will inform department strategies so that all
26 children, youth, and families are thriving. Metrics detailing
27 progress towards eliminating disparities and disproportionality over
28 time must also be included. The report must also include information
29 on department outcome measures, actions taken, progress toward these
30 goals, and plans for the future year.

31 (c) The outcome measures must include, but are not limited to:

32 (i) Improving child development and school readiness through
33 voluntary, high quality early learning opportunities as measured by:
34 (A) Increasing the number and proportion of children kindergarten-
35 ready as measured by the Washington kindergarten inventory of
36 developing skills (WAKids) assessment including mathematics; (B)
37 increasing the proportion of children in early learning programs that
38 have achieved the level 3 or higher early achievers quality standard;
39 and (C) increasing the available supply of licensed child care in

1 child care centers, outdoor nature-based child care, and family
2 homes, including providers not receiving state subsidy;

3 (ii) Preventing child abuse and neglect;

4 (iii) Improving child and youth safety, permanency, and well-
5 being as measured by: (A) Reducing the number of children entering
6 out-of-home care; (B) reducing a child's length of stay in out-of-
7 home care; (C) reducing maltreatment of youth while in out-of-home
8 care; (D) licensing more foster homes than there are children in
9 foster care; (E) reducing the number of children that reenter out-of-
10 home care within twelve months; (F) increasing the stability of
11 placements for children in out-of-home care; and (G) developing
12 strategies to demonstrate to foster families that their service and
13 involvement is highly valued by the department, as demonstrated by
14 the development of strategies to consult with foster families
15 regarding future placement of a foster child currently placed with a
16 foster family;

17 (iv) Improving reconciliation of children and youth with their
18 families as measured by: (A) Increasing family reunification; and (B)
19 increasing the number of youth who are reunified with their family of
20 origin;

21 (v) In collaboration with county juvenile justice programs,
22 improving adolescent outcomes including reducing multisystem
23 involvement and homelessness; and increasing school graduation rates
24 and successful transitions to adulthood for youth involved in the
25 child welfare and juvenile justice systems;

26 (vi) Reducing future demand for mental health and substance use
27 disorder treatment for youth involved in the child welfare and
28 juvenile justice systems;

29 (vii) In collaboration with county juvenile justice programs,
30 reducing criminal justice involvement and recidivism as measured by:
31 (A) An increase in the number of youth who successfully complete the
32 terms of diversion or alternative sentencing options; (B) a decrease
33 in the number of youth who commit subsequent crimes; and (C)
34 eliminating the discharge of youth from institutional settings into
35 homelessness; and

36 (viii) Eliminating racial and ethnic disproportionality and
37 disparities in system involvement and across child and youth outcomes
38 in collaboration with other state agencies.

39 (4) Beginning July 1, 2018, the department must:

1 (a) Lead ongoing collaborative work to minimize or eliminate
2 systemic barriers to effective, integrated services in collaboration
3 with state agencies serving children, youth, and families;

4 (b) Identify necessary improvements and updates to statutes
5 relevant to their responsibilities and proposing legislative changes
6 to the governor no less than biennially;

7 (c) Help create a data-focused environment in which there are
8 aligned outcomes and shared accountability for achieving those
9 outcomes, with shared, real-time data that is accessible to
10 authorized persons interacting with the family, child, or youth to
11 identify what is needed and which services would be effective;

12 (d) Lead the provision of state services to adolescents, focusing
13 on key transition points for youth, including exiting foster care and
14 institutions, and coordinating with the office of homeless youth
15 prevention and protection programs to address the unique needs of
16 homeless youth; and

17 (e) Create and annually update a list of the rights and
18 responsibilities of foster parents in partnership with foster parent
19 representatives. The list of foster parent rights and
20 responsibilities must be posted on the department's website, provided
21 to individuals participating in a foster parent orientation before
22 licensure, provided to foster parents in writing at the time of
23 licensure, and provided to foster parents applying for license
24 renewal.

25 (5) The department is accountable to the public. To ensure
26 transparency, beginning December 30, 2018, agency performance data
27 for the services provided by the department, including outcome data
28 for contracted services, must be available to the public, consistent
29 with confidentiality laws, federal protections, and individual rights
30 to privacy. Publicly available data must include budget and funding
31 decisions, performance-based contracting data, including data for
32 contracted services, and performance data on metrics identified in
33 this section. The board must work with the secretary and director to
34 develop the most effective and cost-efficient ways to make department
35 data available to the public, including making this data readily
36 available on the department's website.

37 (6) The department shall ensure that all new and renewed
38 contracts for services are performance-based.

39 (7) The department must execute all new and renewed contracts for
40 services in accordance with this section and consistent with RCW

1 74.13B.020. When contracted services are managed through a network
2 administrator or other third party, the department must execute data-
3 sharing agreements with the entities managing the contracts to track
4 provider performance measures. Contracts with network administrators
5 or other third parties must provide the contract administrator the
6 ability to shift resources from one provider to another, to evaluate
7 individual provider performance, to add or delete services in
8 consultation with the department, and to reinvest savings from
9 increased efficiencies into new or improved services in their
10 catchment area. Whenever possible, contractor performance data must
11 be made available to the public, consistent with confidentiality laws
12 and individual rights to privacy.

13 ~~(8) ((a) The board shall begin its work and call the first~~
14 ~~meeting of the board on or after July 1, 2018. The board shall~~
15 ~~immediately assume the duties of the legislative children's oversight~~
16 ~~committee, as provided for in RCW 74.13.570 and assume the full~~
17 ~~functions of the board as provided for in this section by July 1,~~
18 ~~2019. The office of innovation, alignment, and accountability shall~~
19 ~~provide quarterly updates regarding the implementation of the~~
20 ~~department to the board between July 1, 2018, and July 1, 2019.~~

21 ~~(b) The office of the family and children's ombuds shall~~
22 ~~establish the board. The board is authorized for the purpose of~~
23 ~~monitoring and ensuring that the department achieves the stated~~
24 ~~outcomes of chapter 6, Laws of 2017 3rd sp. sess., and complies with~~
25 ~~administrative acts, relevant statutes, rules, and policies~~
26 ~~pertaining to early learning, juvenile rehabilitation, juvenile~~
27 ~~justice, and children and family services.~~

28 ~~(9) (a) The board shall consist of the following members:~~

29 ~~(i) Two senators and two representatives from the legislature~~
30 ~~with one member from each major caucus;~~

31 ~~(ii) One nonvoting representative from the governor's office;~~

32 ~~(iii) One subject matter expert in early learning;~~

33 ~~(iv) One subject matter expert in child welfare;~~

34 ~~(v) One subject matter expert in juvenile rehabilitation and~~
35 ~~justice;~~

36 ~~(vi) One subject matter expert in eliminating disparities in~~
37 ~~child outcomes by family income and race and ethnicity;~~

38 ~~(vii) One tribal representative from west of the crest of the~~
39 ~~Cascade mountains;~~

1 ~~(viii) One tribal representative from east of the crest of the~~
2 ~~Cascade mountains;~~

3 ~~(ix) One current or former foster parent representative;~~

4 ~~(x) One representative of an organization that advocates for the~~
5 ~~best interest of the child;~~

6 ~~(xi) One parent stakeholder group representative;~~

7 ~~(xii) One law enforcement representative;~~

8 ~~(xiii) One child welfare caseworker representative;~~

9 ~~(xiv) One early childhood learning program implementation~~
10 ~~practitioner;~~

11 ~~(xv) One current or former foster youth under age twenty-five;~~

12 ~~(xvi) One individual under age twenty-five with current or~~
13 ~~previous experience with the juvenile justice system;~~

14 ~~(xvii) One physician with experience working with children or~~
15 ~~youth; and~~

16 ~~(xviii) One judicial representative presiding over child welfare~~
17 ~~court proceedings or other children's matters.~~

18 ~~(b) The senate members of the board shall be appointed by the~~
19 ~~leaders of the two major caucuses of the senate. The house of~~
20 ~~representatives members of the board shall be appointed by the~~
21 ~~leaders of the two major caucuses of the house of representatives.~~
22 ~~Members shall be appointed before the close of each regular session~~
23 ~~of the legislature during an odd-numbered year.~~

24 ~~(c) The remaining board members shall be nominated by the~~
25 ~~governor, subject to the approval of the appointed legislators by~~
26 ~~majority vote, and serve four-year terms. When nominating and~~
27 ~~approving members after July 28, 2019, the governor and appointed~~
28 ~~legislators must ensure that at least five of the board members~~
29 ~~reside east of the crest of the Cascade mountains.~~

30 ~~(10) The board has the following powers, which may be exercised~~
31 ~~by majority vote of the board:~~

32 ~~(a) To receive reports of the office of the family and children's~~
33 ~~ombuds;~~

34 ~~(b) To obtain access to all relevant records in the possession of~~
35 ~~the office of the family and children's ombuds, except as prohibited~~
36 ~~by law;~~

37 ~~(c) To select its officers and adoption of rules for orderly~~
38 ~~procedure;~~

39 ~~(d) To request investigations by the office of the family and~~
40 ~~children's ombuds of administrative acts;~~

1 ~~(e) To request and receive information, outcome data, documents,~~
2 ~~materials, and records from the department relating to children and~~
3 ~~family welfare, juvenile rehabilitation, juvenile justice, and early~~
4 ~~learning;~~

5 ~~(f) To determine whether the department is achieving the~~
6 ~~performance measures;~~

7 ~~(g) If final review is requested by a licensee, to review whether~~
8 ~~department licensors appropriately and consistently applied agency~~
9 ~~rules in inspection reports that do not involve a violation of health~~
10 ~~and safety standards as defined in RCW 43.216.395 in cases that have~~
11 ~~already been reviewed by the internal review process described in RCW~~
12 ~~43.216.395 with the authority to overturn, change, or uphold such~~
13 ~~decisions;~~

14 ~~(h) To conduct annual reviews of a sample of department contracts~~
15 ~~for services from a variety of program and service areas to ensure~~
16 ~~that those contracts are performance-based and to assess the measures~~
17 ~~included in each contract; and~~

18 ~~(i) Upon receipt of records or data from the office of the family~~
19 ~~and children's ombuds or the department, the board is subject to the~~
20 ~~same confidentiality restrictions as the office of the family and~~
21 ~~children's ombuds is under RCW 43.06A.050. The provisions of RCW~~
22 ~~43.06A.060 also apply to the board.~~

23 ~~(11) The board has general oversight over the performance and~~
24 ~~policies of the department and shall provide advice and input to the~~
25 ~~department and the governor.~~

26 ~~(12) The board must no less than twice per year convene~~
27 ~~stakeholder meetings to allow feedback to the board regarding~~
28 ~~contracting with the department, departmental use of local, state,~~
29 ~~private, and federal funds, and other matters as relating to carrying~~
30 ~~out the duties of the department.~~

31 ~~(13) The board shall review existing surveys of providers,~~
32 ~~customers, parent groups, and external services to assess whether the~~
33 ~~department is effectively delivering services, and shall conduct~~
34 ~~additional surveys as needed to assess whether the department is~~
35 ~~effectively delivering services.~~

36 ~~(14) The board is subject to the open public meetings act,~~
37 ~~chapter 42.30 RCW, except to the extent disclosure of records or~~
38 ~~information is otherwise confidential under state or federal law.~~

1 ~~(15) Records or information received by the board is confidential~~
2 ~~to the extent permitted by state or federal law. This subsection does~~
3 ~~not create an exception for records covered by RCW 13.50.100.~~

4 ~~(16) The board members shall receive no compensation for their~~
5 ~~service on the board, but shall be reimbursed for travel expenses~~
6 ~~incurred while conducting business of the board when authorized by~~
7 ~~the board and within resources allocated for this purpose, except~~
8 ~~appointed legislators who shall be reimbursed for travel expenses in~~
9 ~~accordance with RCW 43.03.050 and 43.03.060.~~

10 ~~(17) The board shall select, by majority vote, an executive~~
11 ~~director who shall be the chief administrative officer of the board~~
12 ~~and shall be responsible for carrying out the policies adopted by the~~
13 ~~board. The executive director is exempt from the provisions of the~~
14 ~~state civil service law, chapter 41.06 RCW, and shall serve at the~~
15 ~~pleasure of the board established in this section.~~

16 ~~(18) The board shall maintain a staff not to exceed one full-time~~
17 ~~equivalent employee. The board-selected executive director of the~~
18 ~~board is responsible for coordinating staff appointments.~~

19 ~~(19) The board shall issue an annual report to the governor and~~
20 ~~legislature by December 1st of each year with an initial report~~
21 ~~delivered by December 1, 2019. The report must review the~~
22 ~~department's progress towards meeting stated performance measures and~~
23 ~~desired performance outcomes, and must also include a review of the~~
24 ~~department's strategic plan, policies, and rules.~~

25 ~~(20))~~ The definitions in this subsection apply throughout this
26 section unless the context clearly requires otherwise.

27 (a) "Board" means the oversight board for children, youth, and
28 families established in ~~((subsection (8) of this))~~ section 2 of this
29 act.

30 (b) "Director" means the director of the office of innovation,
31 alignment, and accountability.

32 (c) "Performance-based contract" means results-oriented
33 contracting that focuses on the quality or outcomes that tie at least
34 a portion of the contractor's payment, contract extensions, or
35 contract renewals to the achievement of specific measurable
36 performance standards and requirements.

37 NEW SECTION. **Sec. 2.** A new section is added to chapter 44.04
38 RCW to read as follows:

1 (1) The oversight board for children, youth, and families is
2 established and authorized for the purpose of monitoring and ensuring
3 that the department achieves the stated outcomes of chapter 6, Laws
4 of 2017 3rd sp. sess., and complies with administrative acts,
5 relevant statutes, rules, and policies pertaining to early learning,
6 juvenile rehabilitation, juvenile justice, and children and family
7 services.

8 (2) (a) The board shall consist of the following members:

9 (i) Two senators and two representatives from the legislature
10 with one member from each major caucus;

11 (ii) One nonvoting representative from the governor's office;

12 (iii) One subject matter expert in early learning;

13 (iv) One subject matter expert in child welfare;

14 (v) One subject matter expert in juvenile rehabilitation and
15 justice;

16 (vi) One subject matter expert in eliminating disparities in
17 child outcomes by family income and race and ethnicity;

18 (vii) One tribal representative from west of the crest of the
19 Cascade mountains;

20 (viii) One tribal representative from east of the crest of the
21 Cascade mountains;

22 (ix) One current or former foster parent representative;

23 (x) One current or recent representative of an organization that
24 advocates for the best interest of the child;

25 (xi) One parent stakeholder group representative;

26 (xii) One law enforcement representative;

27 (xiii) One child welfare caseworker representative;

28 (xiv) One early childhood learning program implementation
29 practitioner;

30 (xv) One current or recent foster youth;

31 (xvi) One individual with current or recent experience in the
32 juvenile justice system;

33 (xvii) One pediatrician;

34 (xviii) One judicial representative presiding over child welfare
35 court proceedings or other children's matters; and

36 (xix) One subject matter expert on education for youth who are
37 dependent under chapter 13.34 RCW or placed in an institution as
38 defined in RCW 13.40.020.

39 (b) The senate members of the board shall be appointed by the
40 leaders of the two major caucuses of the senate. The house of

1 representatives members of the board shall be appointed by the
2 leaders of the two major caucuses of the house of representatives.
3 Members shall be appointed before the close of each regular session
4 of the legislature during an odd-numbered year.

5 (c) The governor shall appoint the representative from the
6 governor's office.

7 (d) The remaining board members shall be nominated and approved
8 by a majority of the legislative board members, and serve four-year
9 terms. The board members must ensure that at least five of the board
10 members reside east of the crest of the Cascade mountains.

11 (3) The board has the following powers, which may be exercised by
12 majority vote of the board:

13 (a) To receive reports of the office of the family and children's
14 ombuds;

15 (b) To obtain access to all relevant records in the possession of
16 the office of the family and children's ombuds, except as prohibited
17 by law;

18 (c) To select its officers and adoption of rules for orderly
19 procedure;

20 (d) To request investigations by the office of the family and
21 children's ombuds of administrative acts;

22 (e) To request and receive information, outcome data, documents,
23 materials, and records from the department relating to children and
24 family welfare, juvenile rehabilitation, juvenile justice, and early
25 learning;

26 (f) To determine whether the department is achieving the
27 performance measures; and

28 (g) To review a sample of department contracts for services from
29 a variety of program and service areas to ensure that those contracts
30 are performance-based and to assess the measures included in each
31 contract.

32 (4) Upon receipt of records or data from the office of the family
33 and children's ombuds or the department, the board is subject to the
34 same confidentiality restrictions as the office of the family and
35 children's ombuds is under RCW 43.06A.050. The provisions of RCW
36 43.06A.060 also apply to the board.

37 (5) The board has general oversight over the performance and
38 policies of the department and shall provide advice and input to the
39 department and the governor.

1 (6) The board must allow feedback to the board relating to
2 carrying out the duties of the department.

3 (7) The board shall review existing surveys of providers,
4 customers, parent groups, and external services to assess whether the
5 department is effectively delivering services, and shall conduct
6 additional surveys as needed to assess whether the department is
7 effectively delivering services.

8 (8) The board is subject to the open public meetings act, chapter
9 42.30 RCW, except to the extent disclosure of records or information
10 is otherwise confidential under state or federal law.

11 (9) Records or information received by the board is confidential
12 to the extent permitted by state or federal law. This subsection does
13 not create an exception for records covered by RCW 13.50.100.

14 (10) The board members shall receive no compensation for their
15 service on the board, but shall be reimbursed for travel expenses
16 incurred while conducting business of the board when authorized by
17 the board and within resources allocated for this purpose, except
18 appointed legislators who shall be reimbursed for travel expenses in
19 accordance with RCW 43.03.050 and 43.03.060.

20 (11) The board shall select, by majority vote, an executive
21 director who shall be the chief administrative officer of the board
22 and shall be responsible for carrying out the policies adopted by the
23 board. The executive director is exempt from the provisions of the
24 state civil service law, chapter 41.06 RCW, and shall serve at the
25 pleasure of the board established in this section.

26 (12) The board shall maintain a staff not to exceed the executive
27 director and one additional staff person. The board-selected
28 executive director of the board is responsible for coordinating staff
29 appointments.

30 (13) The board shall issue an annual report to the governor and
31 legislature by December 1st of each year with a review of the
32 department's progress towards meeting stated performance measures and
33 desired performance outcomes, and provide advice and input to the
34 department and governor on the department's progress towards meeting
35 stated performance measures and desired performance outcomes.

36 (14) The definitions in this subsection apply throughout this
37 section unless the context clearly requires otherwise.

38 (a) "Board" means the oversight board for children, youth, and
39 families established in this section.

1 (b) "Department" means the department of children, youth, and
2 families.

3 NEW SECTION. **Sec. 3.** Authority over the oversight board for
4 children, youth, and families is transferred from the governor's
5 office to the legislature. The continuing existence of the oversight
6 board for children, youth, and families is not interrupted by
7 sections 1 and 2 of this act. All members of the board serving on the
8 effective date of this section continue to serve as members until the
9 expiration of their terms. All records and tangible property in the
10 possession of the board shall remain in the possession of the board.
11 All pending business before the board shall be continued and acted
12 upon by the board. All existing contracts and obligations shall
13 remain in full force.

14 **Sec. 4.** RCW 44.04.260 and 2012 c 229 s 204 and 2012 c 113 s 6
15 are each reenacted and amended to read as follows:

16 The joint legislative audit and review committee, the joint
17 transportation committee, the select committee on pension policy, the
18 legislative evaluation and accountability program committee, the
19 office of legislative support services, the joint higher education
20 committee, and the (~~joint legislative systems committee~~) oversight
21 board for children, youth, and families are subject to such
22 operational policies, procedures, and oversight as are deemed
23 necessary by the facilities and operations committee of the senate
24 and the executive rules committee of the house of representatives to
25 ensure operational adequacy of the agencies of the legislative
26 branch. As used in this section, "operational policies, procedures,
27 and oversight" includes the development process of biennial budgets,
28 contracting procedures, personnel policies, and compensation plans,
29 selection of a chief administrator, facilities, and expenditures.
30 This section does not grant oversight authority to the facilities and
31 operations committee of the senate over any standing committee of the
32 house of representatives or oversight authority to the executive
33 rules committee of the house of representatives over any standing
34 committee of the senate.

35 **Sec. 5.** RCW 2.30.100 and 2021 c 285 s 2 are each amended to read
36 as follows:

1 (1) (a) A superior court may establish an early childhood court
2 program to serve the needs of infants and toddlers who are under the
3 age of three at the time the case enters the program and dependent
4 pursuant to chapter 13.34 RCW.

5 (b) An early childhood court program is a therapeutic court as
6 defined in this chapter that provides an intensive court process for
7 families with a child under age three who has been found dependent
8 pursuant to chapter 13.34 RCW. To be eligible for the early childhood
9 court program, a parent must have a child under age three that is
10 dependent pursuant to chapter 13.34 RCW at the time the case enters
11 the early childhood court program. The case may remain in the early
12 childhood court program after the child is age three or older if the
13 child is still dependent pursuant to chapter 13.34 RCW.

14 (2) If a superior court creates an early childhood court program,
15 it shall incorporate the following core components into the program:

16 (a) The court shall obtain a memorandum of understanding or other
17 agreement with the department of children, youth, and families
18 developed in collaboration with counsel for parents and children that
19 outlines how the two entities will coordinate and collaborate to
20 implement the core components overall.

21 (b) A community coordinator who may be employed by the courts,
22 the county, or a nonprofit entity and who is a person with experience
23 and training in diversity, equity, and inclusion measures and is
24 dedicated to:

25 (i) Facilitating real-time information sharing and collaboration
26 among cross-sector professionals participating in the early childhood
27 court program;

28 (ii) Coordinating and participating in family team meetings;

29 (iii) Identifying community-based resources and supporting the
30 family's connection to these resources;

31 (iv) Building relationships and forming new partnerships across
32 traditional and nontraditional services and systems;

33 (v) Identifying training needs of early childhood court
34 professionals and facilitating the provision of training;

35 (vi) Supporting the convening of community team meetings; and

36 (vii) Performing the tasks outlined in this subsection describing
37 the core components of an early childhood court program unless
38 otherwise specified.

39 (c) A community team established by the court and consisting of
40 stakeholders to the court that serve as an advisory body to the court

1 and who implement the early childhood court program. The community
2 team shall include diverse membership to include, but not be limited
3 to, former parent participants, foster parents, parent and child
4 advocates, an attorney for parents, a department of children, youth,
5 and families caseworker, and a judicial officer. The community team
6 aims to:

7 (i) Foster a learning environment and encourage an
8 interdisciplinary approach to meeting the needs of young children and
9 families;

10 (ii) Identify and respond to challenges to accessing resources
11 and needed systems reforms;

12 (iii) Support multidisciplinary trainings; and

13 (iv) Recommend local court policies and procedures to improve
14 families receipt of equitable and timely access to resources and
15 remedial services for the parent and child.

16 (d) More frequent status hearings than the review hearings
17 required under RCW 13.34.138 established by the judicial officer,
18 these status hearings are separate from the review hearings required
19 under RCW 13.34.138 and are intended to provide additional support to
20 the family.

21 (e) A community coordinator that serves as a liaison between the
22 court and community-based resources to identify community-based
23 resources, identify barriers to engagement, and collaborate with
24 stakeholders to connect families to assessments and referrals. The
25 community coordinator shall facilitate connecting parents with
26 informal and formal social supports, including but not limited to
27 peer, community, and cultural supports.

28 (f) Family team meetings neutrally facilitated by the community
29 coordinator. The family team may include all parties to the case and
30 other people or other service providers identified by the parent to
31 be part of the support system for the parent involved. The family
32 team engages the parents, and the attorney for the parent, in their
33 case plan and expediently addresses family needs and access to
34 services and support.

35 (g) Ensuring that parents are critical participants in the early
36 childhood court program. Having experienced and culturally informed
37 professionals supporting and working with families involved in the
38 dependency court system is critical to successful reunification of
39 families. The court shall aim to foster an environment in which all
40 professionals involved in the early childhood court program increase

1 their awareness of different forms of bias and the trauma and
2 adversity that often accompany poverty, mental health, and substance
3 use by identifying or developing training that increases such
4 awareness.

5 (h) Ensuring that families receive early, consistent, and
6 frequent visitation that is developmentally appropriate for infants
7 and toddlers; minimizes stress and anxiety for both children and
8 parents; and occurs in a safe, comfortable, and unthreatening
9 setting that supports parents to nurture and care for their child.

10 (i) The court shall ensure that the individualized case plan for
11 parents involved in the early childhood court program address
12 protective factors that mitigate or eliminate safety risks to the
13 child.

14 (j) The court should encourage a respectful, strength-based,
15 compassionate approach to working with parents in the context of the
16 early childhood court program.

17 (k) The court shall support the development of agreements that
18 encourage:

19 (i) Stakeholders participation in any available statewide
20 structure that supports alignment to the approach of the early
21 childhood court program, cross-site cooperation, and consistency;

22 (ii) Program data is regularly and continuously reviewed to
23 ensure equity and inform and improve practice; and

24 (iii) Stakeholder utilization of technical assistance, training,
25 and evaluation to assess effectiveness and improve outcomes.

26 (l) Each early childhood court program must collect and review
27 its data, including data related to race and ethnicity of program
28 participants, to assess its effectiveness and share this data with
29 the oversight board for children, youth, and families established
30 (~~under RCW 43.216.015~~) in section 2 of this act. The oversight
31 board for children, youth, and families (~~established under RCW~~
32 ~~43.216.015~~) shall share this data and hold or offer to assist in
33 holding statewide meetings to support alignment to the core
34 components and statewide consistency.

35 (m) The caseworker assigned to an early childhood court program
36 must have received training and competency related to cultural
37 antiracism and antiracism.

38 (n) Each early childhood court program must be responsive to
39 community needs and adopt best practices related to family
40 reunification and serving all families, including those who are:

- 1 (i) Black, indigenous, and persons of color;
- 2 (ii) Lesbian, gay, bisexual, transgender, and queer; and
- 3 (iii) Experiencing disabilities.

4 (o) An attorney for the parent must be present during every
5 meeting of the early childhood court program.

6 (p) Ensuring that parents voluntarily participating in the early
7 childhood court program receive all available and appropriate
8 services.

9 **Sec. 6.** RCW 43.06A.030 and 2018 c 58 s 77 are each amended to
10 read as follows:

11 The ombuds shall perform the following duties:

12 (1) Provide information as appropriate on the rights and
13 responsibilities of individuals receiving family and children's
14 services, juvenile justice, juvenile rehabilitation, and child early
15 learning, and on the procedures for providing these services;

16 (2) Investigate, upon his or her own initiative or upon receipt
17 of a complaint, an administrative act alleged to be contrary to law,
18 rule, or policy, imposed without an adequate statement of reason, or
19 based on irrelevant, immaterial, or erroneous grounds; however, the
20 ombuds may decline to investigate any complaint as provided by rules
21 adopted under this chapter;

22 (3) Monitor the procedures as established, implemented, and
23 practiced by the department of children, youth, and families to carry
24 out its responsibilities in delivering family and children's services
25 with a view toward appropriate preservation of families and ensuring
26 children's health and safety;

27 (4) Review periodically the facilities and procedures of state
28 institutions serving children, youth, and families, and state-
29 licensed facilities or residences;

30 (5) Recommend changes in the procedures for addressing the needs
31 of children, youth, and families;

32 (6) Submit annually to the oversight board for children, youth,
33 and families created in (~~RCW 43.216.015~~) section 2 of this act and
34 to the governor by November 1st a report analyzing the work of the
35 department of children, youth, and families, including
36 recommendations;

37 (7) Grant the oversight board for children, youth, and families
38 access to all relevant records in the possession of the ombuds unless
39 prohibited by law; and

1 (8) Adopt rules necessary to implement this chapter.

2 **Sec. 7.** RCW 43.216.395 and 2021 c 304 s 18 are each amended to
3 read as follows:

4 (1) The department shall develop an internal review process to
5 determine whether department licensors have appropriately and
6 consistently applied agency rules in inspection reports that do not
7 involve a violation of health and safety standards. Adverse licensing
8 decisions including license denial, suspension, revocation,
9 modification, or nonrenewal pursuant to RCW 43.216.325 or imposition
10 of civil fines pursuant to RCW 43.216.335 are not subject to the
11 internal review process in this section, but may be appealed using
12 the administrative procedure act, chapter 34.05 RCW.

13 (2) The definitions in this subsection apply throughout this
14 section.

15 (a) "Child care facility licensing compliance agreement" means an
16 agreement issued by the department in lieu of the department taking
17 enforcement action against a child care provider that contains: (i) A
18 description of the violation and the rule or law that was violated;
19 (ii) a statement from the licensee regarding the proposed plan to
20 comply with the rule or law; (iii) the date the violation must be
21 corrected; (iv) information regarding other licensing action that may
22 be imposed if compliance does not occur by the required date; and (v)
23 the signature of the licensor and licensee or the licensee's
24 delegate.

25 (b) "Health and safety standards" means rules or requirements
26 developed by the department to protect the health and safety of
27 children against risk of bodily, mental, or psychological injury,
28 harm, illness, or death.

29 (3) The internal review process shall be conducted by the
30 following six individuals:

31 (a) Three department employees who may include child care
32 licensors; and

33 (b) Three child care providers selected by the department from
34 names submitted by the oversight board for children, youth, and
35 families established in (~~RCW 43.216.015~~) section 2 of this act.

36 (4) The internal review process established in this section may
37 overturn, change, or uphold a department licensing decision by
38 majority vote. In the event that the six individuals conducting the
39 internal review process are equally divided, the secretary or the

1 secretary's designee shall make the decision of the internal review
2 process. The internal review process must provide the parties with a
3 written decision of the outcome after completion of the internal
4 review process. A licensee must request a review under the internal
5 review process within ten days of the development of an inspection
6 report and the internal review process must be completed within sixty
7 days after the request from the licensee to initiate the internal
8 review process is received.

9 ~~((5) A licensee may request a final review by the oversight
10 board for children, youth, and families after completing the internal
11 review process established in this section by giving notice to the
12 department and the oversight board for children, youth, and families
13 within ten days of receiving the written decision produced by the
14 internal review process.))~~

15 **Sec. 8.** RCW 74.13B.020 and 2018 c 284 s 64 are each amended to
16 read as follows:

17 (1) The department shall enter into performance-based contracts
18 for the provision of family support and related services. The
19 department may enter into performance-based contracts for additional
20 services, other than case management.

21 (2) It is the goal of the legislature to expand the coverage area
22 of network administrators to encompass the entire state. Recognizing
23 that phased implementation may be necessary, the department shall
24 conduct one or more procurement processes to expand the geographic
25 coverage of network administrators for family support and related
26 services. Expenditures for family support and related services
27 purchased under this section must remain within the levels
28 appropriated in the operating budget.

29 (3) (a) Network administrators shall, directly or through
30 subcontracts with service providers:

31 (i) Assist caseworkers in meeting their responsibility for
32 implementation of case plans and individual service and safety plans;

33 (ii) Provide the family support and related services within the
34 categories of contracted services that are included in a child or
35 family's case plan or individual service and safety plan within funds
36 available under contract;

37 (iii) Manage the entire family support and related service array
38 within the geographic boundaries of a given network; and

1 (iv) Have the authority to redistribute funding within the
2 network based on provider performance and the need to address service
3 gaps if approval is provided by the department.

4 (b) While the department caseworker retains responsibility for
5 case management, nothing in chapter 205, Laws of 2012 limits the
6 ability of the department to continue to contract for the provision
7 of case management services by child-placing agencies, behavioral
8 rehabilitation services agencies, or other entities that provided
9 case management under contract with the department prior to July 1,
10 2005.

11 (4) The procurement process must be developed and implemented in
12 a manner that complies with applicable provisions of
13 intergovernmental agreements between the state of Washington and
14 tribal governments and must provide an opportunity for tribal
15 governments to contract for service delivery through network
16 administrators.

17 (5) The procurement and resulting contracts must include, but are
18 not limited to, the following standards and requirements:

19 (a) The use of family engagement approaches to successfully
20 motivate families to engage in services and training of the network's
21 contracted providers to apply such approaches;

22 (b) The use of parents and youth who are successful veterans of
23 the child welfare system to act as mentors through activities that
24 include, but are not limited to, helping families navigate the
25 system, facilitating parent engagement, and minimizing distrust of
26 the child welfare system;

27 (c) The establishment of qualifications for service providers
28 participating in provider networks, such as appropriate licensure or
29 certification, education, and accreditation by professional
30 accrediting entities;

31 (d) Adequate provider capacity to meet the anticipated service
32 needs in the network administrator's contracted service area. The
33 network administrator must be able to demonstrate that its provider
34 network is culturally competent and has adequate capacity to address
35 disproportionality, including utilization of tribal and other ethnic
36 providers capable of serving children and families of color or who
37 need language-appropriate services;

38 (e) Fiscal solvency of network administrators and providers
39 participating in the network;

1 (f) The use of evidence-based, research-based, and promising
2 practices, where appropriate, including fidelity and quality
3 assurance provisions;

4 (g) Network administrator quality assurance activities, including
5 monitoring of the performance of providers in their provider network,
6 with respect to meeting measurable service outcomes;

7 (h) Network administrator data reporting, including data on
8 contracted provider performance and service outcomes; and

9 (i) Network administrator compliance with applicable provisions
10 of intergovernmental agreements between the state of Washington and
11 tribal governments and the federal and Washington state Indian child
12 welfare act.

13 ~~(6) ((As part of the procurement process under this section to
14 expand the coverage of network administrators, the department shall
15 issue the request for proposals or request for information no later
16 than September 30, 2018, to expand the coverage area of the existing
17 network administrator or expand the number of network administrators
18 so that there is expanded network administrator coverage on the east
19 side of the crest of the Cascade mountain range. Expanded
20 implementation of performance-based contracting must begin no later
21 than January 30, 2019, if a qualified organization responds to the
22 procurement process. Based on the costs and benefits of the network
23 administrator expansion in this subsection, the department shall
24 submit a recommendation to the oversight board for children, youth,
25 and families established pursuant to RCW 43.216.015 and the
26 appropriate committees of the legislature by September 1, 2020,
27 regarding the time frame for expansion of network administrator
28 coverage to additional regions of the state.~~

29 ~~(7))~~) Performance-based payment methodologies must be used in
30 network administrator contracting. Performance measures should relate
31 to successful engagement by a child or parent in services included in
32 their case plan, and resulting improvement in identified problem
33 behaviors and interactions. For the initial three-year period of
34 implementation of performance-based contracting, the department may
35 transfer financial risk for the provision of services to network
36 administrators only to the limited extent necessary to implement a
37 performance-based payment methodology, such as phased payment for
38 services. However, the department may develop a shared savings
39 methodology through which the network administrator will receive a
40 defined share of any savings that result from improved performance.

1 If the department receives a Title IV-E waiver, the shared savings
2 methodology must be consistent with the terms of the waiver. If a
3 shared savings methodology is adopted, the network administrator
4 shall reinvest the savings in enhanced services to better meet the
5 needs of the families and children they serve.

6 ~~((8))~~ (7) The department must actively monitor network
7 administrator compliance with the terms of contracts executed under
8 this section.

9 ~~((9))~~ (8) The use of performance-based contracts under this
10 section must be done in a manner that does not adversely affect the
11 state's ability to continue to obtain federal funding for child
12 welfare-related functions currently performed by the state and with
13 consideration of options to further maximize federal funding
14 opportunities and increase flexibility in the use of such funds,
15 including use for preventive and in-home child welfare services.

16 ~~((10))~~ (9) The department shall, consistent with state and
17 federal confidentiality requirements:

18 (a) Share all relevant data with the network administrators in
19 order for the network administrators to track the performance and
20 effectiveness of the services in the network; and

21 (b) Make all performance data available to the public.

22 ~~((11))~~ (10) The department must not require existing network
23 administrators to reapply to provide network administrator services
24 in the coverage area of the existing network administrator on June 7,
25 2018.

26 ~~((12) Beginning January 1, 2019, and in compliance with RCW
27 43.01.036, the department shall annually submit to the oversight
28 board for children, youth, and families established pursuant to RCW
29 43.216.015 and the appropriate committees of the legislature a report
30 detailing the status of the network administrator procurement and
31 implementation process.~~

32 ~~(13) In determining the cost estimate for expanded network
33 administrator implementation, the department shall consider the value
34 of the existing data platform for child welfare services.)~~

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