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**HOUSE BILL 2185**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Dent, Senn, Reed, Graham, Tharinger, and Reeves

Prefiled 01/05/24. Read first time 01/08/24. Referred to Committee on Human Services, Youth, & Early Learning.

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 physician with experience working with children or  
34 youth;

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

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

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

7 (c) The governor shall appoint the representative from the  
8 governor's office.

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

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

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

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

20 (c) To select its officers and adoption of rules for orderly  
21 procedure;

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

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

28 (f) To determine whether the department is achieving the  
29 performance measures;

30 (g) If final review is requested by a licensee, to review whether  
31 department licensors appropriately and consistently applied agency  
32 rules in inspection reports that do not involve a violation of health  
33 and safety standards as defined in RCW 43.216.395 in cases that have  
34 already been reviewed by the internal review process described in RCW  
35 43.216.395 with the authority to overturn, change, or uphold such  
36 decisions; and

37 (h) To conduct annual reviews of a sample of department contracts  
38 for services from a variety of program and service areas to ensure  
39 that those contracts are performance-based and to assess the measures  
40 included in each contract.

1 (4) Upon receipt of records or data from the office of the family  
2 and children's ombuds or the department, the board is subject to the  
3 same confidentiality restrictions as the office of the family and  
4 children's ombuds is under RCW 43.06A.050. The provisions of RCW  
5 43.06A.060 also apply to the board.

6 (5) The board has general oversight over the performance and  
7 policies of the department and shall provide advice and input to the  
8 department and the governor.

9 (6) The board must no less than twice per year convene  
10 stakeholder meetings to allow feedback to the board regarding  
11 contracting with the department, departmental use of local, state,  
12 private, and federal funds, and other matters as relating to carrying  
13 out the duties of the department.

14 (7) The board shall review existing surveys of providers,  
15 customers, parent groups, and external services to assess whether the  
16 department is effectively delivering services, and shall conduct  
17 additional surveys as needed to assess whether the department is  
18 effectively delivering services.

19 (8) The board is subject to the open public meetings act, chapter  
20 42.30 RCW, except to the extent disclosure of records or information  
21 is otherwise confidential under state or federal law.

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

25 (10) The board members shall receive no compensation for their  
26 service on the board, but shall be reimbursed for travel expenses  
27 incurred while conducting business of the board when authorized by  
28 the board and within resources allocated for this purpose, except  
29 appointed legislators who shall be reimbursed for travel expenses in  
30 accordance with RCW 43.03.050 and 43.03.060.

31 (11) The board shall select, by majority vote, an executive  
32 director who shall be the chief administrative officer of the board  
33 and shall be responsible for carrying out the policies adopted by the  
34 board. The executive director is exempt from the provisions of the  
35 state civil service law, chapter 41.06 RCW, and shall serve at the  
36 pleasure of the board established in this section.

37 (12) The board shall maintain a staff not to exceed one full-time  
38 equivalent employee. The board-selected executive director of the  
39 board is responsible for coordinating staff appointments.

1 (13) The board shall issue an annual report to the governor and  
2 legislature by December 1st of each year. The report must review the  
3 department's progress towards meeting stated performance measures and  
4 desired performance outcomes, and must also include a review of the  
5 department's strategic plan, policies, and rules.

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

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

10 (b) "Department" means the department of children, youth, and  
11 families.

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

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

25 The joint legislative audit and review committee, the joint  
26 transportation committee, the select committee on pension policy, the  
27 legislative evaluation and accountability program committee, the  
28 office of legislative support services, the joint higher education  
29 committee, and the (~~joint legislative systems committee~~) oversight  
30 board for children, youth, and families are subject to such  
31 operational policies, procedures, and oversight as are deemed  
32 necessary by the facilities and operations committee of the senate  
33 and the executive rules committee of the house of representatives to  
34 ensure operational adequacy of the agencies of the legislative  
35 branch. As used in this section, "operational policies, procedures,  
36 and oversight" includes the development process of biennial budgets,  
37 contracting procedures, personnel policies, and compensation plans,  
38 selection of a chief administrator, facilities, and expenditures.

1 This section does not grant oversight authority to the facilities and  
2 operations committee of the senate over any standing committee of the  
3 house of representatives or oversight authority to the executive  
4 rules committee of the house of representatives over any standing  
5 committee of the senate.

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

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

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

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

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

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

32 (i) Facilitating real-time information sharing and collaboration  
33 among cross-sector professionals participating in the early childhood  
34 court program;

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

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

38 (iv) Building relationships and forming new partnerships across  
39 traditional and nontraditional services and systems;

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

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

4 (vii) Performing the tasks outlined in this subsection describing  
5 the core components of an early childhood court program unless  
6 otherwise specified.

7 (c) A community team established by the court and consisting of  
8 stakeholders to the court that serve as an advisory body to the court  
9 and who implement the early childhood court program. The community  
10 team shall include diverse membership to include, but not be limited  
11 to, former parent participants, foster parents, parent and child  
12 advocates, an attorney for parents, a department of children, youth,  
13 and families caseworker, and a judicial officer. The community team  
14 aims to:

15 (i) Foster a learning environment and encourage an  
16 interdisciplinary approach to meeting the needs of young children and  
17 families;

18 (ii) Identify and respond to challenges to accessing resources  
19 and needed systems reforms;

20 (iii) Support multidisciplinary trainings; and

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

24 (d) More frequent status hearings than the review hearings  
25 required under RCW 13.34.138 established by the judicial officer,  
26 these status hearings are separate from the review hearings required  
27 under RCW 13.34.138 and are intended to provide additional support to  
28 the family.

29 (e) A community coordinator that serves as a liaison between the  
30 court and community-based resources to identify community-based  
31 resources, identify barriers to engagement, and collaborate with  
32 stakeholders to connect families to assessments and referrals. The  
33 community coordinator shall facilitate connecting parents with  
34 informal and formal social supports, including but not limited to  
35 peer, community, and cultural supports.

36 (f) Family team meetings neutrally facilitated by the community  
37 coordinator. The family team may include all parties to the case and  
38 other people or other service providers identified by the parent to  
39 be part of the support system for the parent involved. The family  
40 team engages the parents, and the attorney for the parent, in their

1 case plan and expediently addresses family needs and access to  
2 services and support.

3 (g) Ensuring that parents are critical participants in the early  
4 childhood court program. Having experienced and culturally informed  
5 professionals supporting and working with families involved in the  
6 dependency court system is critical to successful reunification of  
7 families. The court shall aim to foster an environment in which all  
8 professionals involved in the early childhood court program increase  
9 their awareness of different forms of bias and the trauma and  
10 adversity that often accompany poverty, mental health, and substance  
11 use by identifying or developing training that increases such  
12 awareness.

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

18 (i) The court shall ensure that the individualized case plan for  
19 parents involved in the early childhood court program address  
20 protective factors that mitigate or eliminate safety risks to the  
21 child.

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

25 (k) The court shall support the development of agreements that  
26 encourage:

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

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

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

34 (l) Each early childhood court program must collect and review  
35 its data, including data related to race and ethnicity of program  
36 participants, to assess its effectiveness and share this data with  
37 the oversight board for children, youth, and families established  
38 (~~under RCW 43.216.015~~) in section 2 of this act. The oversight  
39 board for children, youth, and families (~~established under RCW~~  
40 ~~43.216.015~~) shall share this data and hold or offer to assist in

1 holding statewide meetings to support alignment to the core  
2 components and statewide consistency.

3 (m) The caseworker assigned to an early childhood court program  
4 must have received training and competency related to cultural  
5 antibias((~~r~~)) and antiracism.

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

9 (i) Black, indigenous, and persons of color;

10 (ii) Lesbian, gay, bisexual, transgender, and queer; and

11 (iii) Experiencing disabilities.

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

14 (p) Ensuring that parents voluntarily participating in the early  
15 childhood court program receive all available and appropriate  
16 services.

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

19 The ombuds shall perform the following duties:

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

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

30 (3) Monitor the procedures as established, implemented, and  
31 practiced by the department of children, youth, and families to carry  
32 out its responsibilities in delivering family and children's services  
33 with a view toward appropriate preservation of families and ensuring  
34 children's health and safety;

35 (4) Review periodically the facilities and procedures of state  
36 institutions serving children, youth, and families, and state-  
37 licensed facilities or residences;

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



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

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

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

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

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

21 (2) The definitions in this subsection apply throughout this  
22 section.

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

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

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

1 (a) Three department employees who may include child care  
2 licensors; and

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

6 (4) The internal review process established in this section may  
7 overturn, change, or uphold a department licensing decision by  
8 majority vote. In the event that the six individuals conducting the  
9 internal review process are equally divided, the secretary or the  
10 secretary's designee shall make the decision of the internal review  
11 process. The internal review process must provide the parties with a  
12 written decision of the outcome after completion of the internal  
13 review process. A licensee must request a review under the internal  
14 review process within ten days of the development of an inspection  
15 report and the internal review process must be completed within sixty  
16 days after the request from the licensee to initiate the internal  
17 review process is received.

18 (5) A licensee may request a final review by the oversight board  
19 for children, youth, and families after completing the internal  
20 review process established in this section by giving notice to the  
21 department and the oversight board for children, youth, and families  
22 within ten days of receiving the written decision produced by the  
23 internal review process.

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

26 (1) The department shall enter into performance-based contracts  
27 for the provision of family support and related services. The  
28 department may enter into performance-based contracts for additional  
29 services, other than case management.

30 (2) It is the goal of the legislature to expand the coverage area  
31 of network administrators to encompass the entire state. Recognizing  
32 that phased implementation may be necessary, the department shall  
33 conduct one or more procurement processes to expand the geographic  
34 coverage of network administrators for family support and related  
35 services. Expenditures for family support and related services  
36 purchased under this section must remain within the levels  
37 appropriated in the operating budget.

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

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

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

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

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

12 (b) While the department caseworker retains responsibility for  
13 case management, nothing in chapter 205, Laws of 2012 limits the  
14 ability of the department to continue to contract for the provision  
15 of case management services by child-placing agencies, behavioral  
16 rehabilitation services agencies, or other entities that provided  
17 case management under contract with the department prior to July 1,  
18 2005.

19 (4) The procurement process must be developed and implemented in  
20 a manner that complies with applicable provisions of  
21 intergovernmental agreements between the state of Washington and  
22 tribal governments and must provide an opportunity for tribal  
23 governments to contract for service delivery through network  
24 administrators.

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

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

30 (b) The use of parents and youth who are successful veterans of  
31 the child welfare system to act as mentors through activities that  
32 include, but are not limited to, helping families navigate the  
33 system, facilitating parent engagement, and minimizing distrust of  
34 the child welfare system;

35 (c) The establishment of qualifications for service providers  
36 participating in provider networks, such as appropriate licensure or  
37 certification, education, and accreditation by professional  
38 accrediting entities;

39 (d) Adequate provider capacity to meet the anticipated service  
40 needs in the network administrator's contracted service area. The

1 network administrator must be able to demonstrate that its provider  
2 network is culturally competent and has adequate capacity to address  
3 disproportionality, including utilization of tribal and other ethnic  
4 providers capable of serving children and families of color or who  
5 need language-appropriate services;

6 (e) Fiscal solvency of network administrators and providers  
7 participating in the network;

8 (f) The use of evidence-based, research-based, and promising  
9 practices, where appropriate, including fidelity and quality  
10 assurance provisions;

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

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

16 (i) Network administrator compliance with applicable provisions  
17 of intergovernmental agreements between the state of Washington and  
18 tribal governments and the federal and Washington state Indian child  
19 welfare act.

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

36 ~~(7))~~ Performance-based payment methodologies must be used in  
37 network administrator contracting. Performance measures should relate  
38 to successful engagement by a child or parent in services included in  
39 their case plan, and resulting improvement in identified problem  
40 behaviors and interactions. For the initial three-year period of

1 implementation of performance-based contracting, the department may  
2 transfer financial risk for the provision of services to network  
3 administrators only to the limited extent necessary to implement a  
4 performance-based payment methodology, such as phased payment for  
5 services. However, the department may develop a shared savings  
6 methodology through which the network administrator will receive a  
7 defined share of any savings that result from improved performance.  
8 If the department receives a Title IV-E waiver, the shared savings  
9 methodology must be consistent with the terms of the waiver. If a  
10 shared savings methodology is adopted, the network administrator  
11 shall reinvest the savings in enhanced services to better meet the  
12 needs of the families and children they serve.

13 ~~((+8))~~ (7) The department must actively monitor network  
14 administrator compliance with the terms of contracts executed under  
15 this section.

16 ~~((+9))~~ (8) The use of performance-based contracts under this  
17 section must be done in a manner that does not adversely affect the  
18 state's ability to continue to obtain federal funding for child  
19 welfare-related functions currently performed by the state and with  
20 consideration of options to further maximize federal funding  
21 opportunities and increase flexibility in the use of such funds,  
22 including use for preventive and in-home child welfare services.

23 ~~((+10))~~ (9) The department shall, consistent with state and  
24 federal confidentiality requirements:

25 (a) Share all relevant data with the network administrators in  
26 order for the network administrators to track the performance and  
27 effectiveness of the services in the network; and

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

29 ~~((+11))~~ (10) The department must not require existing network  
30 administrators to reapply to provide network administrator services  
31 in the coverage area of the existing network administrator on June 7,  
32 2018.

33 ~~((+12))~~ (11) Beginning January 1, 2019, and in compliance with  
34 RCW 43.01.036, the department shall annually submit to the oversight  
35 board for children, youth, and families established pursuant to ~~((RCW  
36 43.216.015))~~ section 2 of this act and the appropriate committees of  
37 the legislature a report detailing the status of the network  
38 administrator procurement and implementation process.

1        (~~(13)~~) (12) In determining the cost estimate for expanded  
2 network administrator implementation, the department shall consider  
3 the value of the existing data platform for child welfare services.

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