
HOUSE BILL 1791

State of Washington

65th Legislature

2017 Regular Session

By Representatives Senn, Dent, and Kagi; by request of Department of Social and Health Services

1 AN ACT Relating to authorizing the department of social and
2 health services to assess and offer services to child sex trafficking
3 victims; and amending RCW 74.13.031.

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

5 **Sec. 1.** RCW 74.13.031 and 2015 c 240 s 3 are each amended to
6 read as follows:

7 (1) The department and supervising agencies shall develop,
8 administer, supervise, and monitor a coordinated and comprehensive
9 plan that establishes, aids, and strengthens services for the
10 protection and care of runaway, dependent, or neglected children.

11 (2) Within available resources, the department and supervising
12 agencies shall recruit an adequate number of prospective adoptive and
13 foster homes, both regular and specialized, i.e. homes for children
14 of ethnic minority, including Indian homes for Indian children,
15 sibling groups, handicapped and emotionally disturbed, teens,
16 pregnant and parenting teens, and the department shall annually
17 report to the governor and the legislature concerning the
18 department's and supervising agency's success in: (a) Meeting the
19 need for adoptive and foster home placements; (b) reducing the foster
20 parent turnover rate; (c) completing home studies for legally free
21 children; and (d) implementing and operating the passport program

1 required by RCW 74.13.285. The report shall include a section
2 entitled "Foster Home Turn-Over, Causes and Recommendations."

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

17 (4) As provided in the federal child abuse prevention and
18 treatment act, codified as amended at 42 U.S.C. Sec. 5101-5107
19 (1984), the department may assess and offer services to children it
20 identifies as victims of sex trafficking and victims of severe forms
21 of trafficking in persons. For purposes of this subsection, the terms
22 "victim of sex trafficking" and "victim of severe forms of
23 trafficking in persons" have the same meanings as provided under
24 federal law.

25 (5) As provided in RCW 26.44.030(11), the department may respond
26 to a report of child abuse or neglect by using the family assessment
27 response.

28 ~~((+5))~~ (6) The department or supervising agencies shall offer,
29 on a voluntary basis, family reconciliation services to families who
30 are in conflict.

31 ~~((+6))~~ (7) The department or supervising agencies shall monitor
32 placements of children in out-of-home care and in-home dependencies
33 to assure the safety, well-being, and quality of care being provided
34 is within the scope of the intent of the legislature as defined in
35 RCW 74.13.010 and 74.15.010. Under this section children in out-of-
36 home care and in-home dependencies and their caregivers shall receive
37 a private and individual face-to-face visit each month. The
38 department and the supervising agencies shall randomly select no less
39 than ten percent of the caregivers currently providing care to
40 receive one unannounced face-to-face visit in the caregiver's home

1 per year. No caregiver will receive an unannounced visit through the
2 random selection process for two consecutive years. If the caseworker
3 makes a good faith effort to conduct the unannounced visit to a
4 caregiver and is unable to do so, that month's visit to that
5 caregiver need not be unannounced. The department and supervising
6 agencies are encouraged to group monthly visits to caregivers by
7 geographic area so that in the event an unannounced visit cannot be
8 completed, the caseworker may complete other required monthly visits.
9 The department shall use a method of random selection that does not
10 cause a fiscal impact to the department.

11 The department or supervising agencies shall conduct the monthly
12 visits with children and caregivers to whom it is providing child
13 welfare services.

14 ~~((7))~~ (8) The department and supervising agencies shall have
15 authority to accept custody of children from parents and to accept
16 custody of children from juvenile courts, where authorized to do so
17 under law, to provide child welfare services including placement for
18 adoption, to provide for the routine and necessary medical, dental,
19 and mental health care, or necessary emergency care of the children,
20 and to provide for the physical care of such children and make
21 payment of maintenance costs if needed. Except where required by
22 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency
23 which receives children for adoption from the department shall
24 discriminate on the basis of race, creed, or color when considering
25 applications in their placement for adoption.

26 ~~((8))~~ (9) The department and supervising agency shall have
27 authority to provide temporary shelter to children who have run away
28 from home and who are admitted to crisis residential centers.

29 ~~((9))~~ (10) The department and supervising agency shall have
30 authority to purchase care for children.

31 ~~((10))~~ (11) The department shall establish a children's
32 services advisory committee with sufficient members representing
33 supervising agencies which shall assist the secretary in the
34 development of a partnership plan for utilizing resources of the
35 public and private sectors, and advise on all matters pertaining to
36 child welfare, licensing of child care agencies, adoption, and
37 services related thereto. At least one member shall represent the
38 adoption community.

1 (~~(11)~~) (12)(a) The department and supervising agencies shall
2 provide continued extended foster care services to nonminor
3 dependents who are:

4 (i) Enrolled in a secondary education program or a secondary
5 education equivalency program;

6 (ii) Enrolled and participating in a postsecondary academic or
7 postsecondary vocational education program;

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

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

11 (v) Not able to engage in any of the activities described in
12 (a)(i) through (iv) of this subsection due to a documented medical
13 condition.

14 (b) To be eligible for extended foster care services, the
15 nonminor dependent must have been dependent and in foster care at the
16 time that he or she reached age eighteen years. If the dependency
17 case of the nonminor dependent was dismissed pursuant to RCW
18 13.34.267, he or she may receive extended foster care services
19 pursuant to a voluntary placement agreement under RCW 74.13.336 or
20 pursuant to an order of dependency issued by the court under RCW
21 13.34.268. A nonminor dependent whose dependency case was dismissed
22 by the court must have requested extended foster care services before
23 reaching age nineteen years.

24 (c) The department shall develop and implement rules regarding
25 youth eligibility requirements.

26 (d) The department shall make efforts to ensure that extended
27 foster care services maximize medicaid reimbursements. This must
28 include the department ensuring that health and mental health
29 extended foster care providers participate in medicaid, unless the
30 condition of the extended foster care youth requires specialty care
31 that is not available among participating medicaid providers or there
32 are no participating medicaid providers in the area. The department
33 shall coordinate other services to maximize federal resources and the
34 most cost-efficient delivery of services to extended foster care
35 youth.

36 (~~(12)~~) (13) The department shall have authority to provide
37 adoption support benefits, or relative guardianship subsidies on
38 behalf of youth ages eighteen to twenty-one years who achieved
39 permanency through adoption or a relative guardianship at age sixteen

1 or older and who meet the criteria described in subsection (~~(11)~~)
2 (12) of this section.

3 (~~(13)~~) (14) The department shall refer cases to the division of
4 child support whenever state or federal funds are expended for the
5 care and maintenance of a child, including a child with a
6 developmental disability who is placed as a result of an action under
7 chapter 13.34 RCW, unless the department finds that there is good
8 cause not to pursue collection of child support against the parent or
9 parents of the child. Cases involving individuals age eighteen
10 through twenty shall not be referred to the division of child support
11 unless required by federal law.

12 (~~(14)~~) (15) The department and supervising agencies shall have
13 authority within funds appropriated for foster care services to
14 purchase care for Indian children who are in the custody of a
15 federally recognized Indian tribe or tribally licensed child-placing
16 agency pursuant to parental consent, tribal court order, or state
17 juvenile court order. The purchase of such care is exempt from the
18 requirements of chapter 74.13B RCW and may be purchased from the
19 federally recognized Indian tribe or tribally licensed child-placing
20 agency, and shall be subject to the same eligibility standards and
21 rates of support applicable to other children for whom the department
22 purchases care.

23 Notwithstanding any other provision of RCW 13.32A.170 through
24 13.32A.200 (~~and 74.13.032 through~~), 43.185C.295, 74.13.035, and
25 74.13.036, or of this section all services to be provided by the
26 department under subsections (~~(4), (7), and~~) (5), (8), and (9) of
27 this section, subject to the limitations of these subsections, may be
28 provided by any program offering such services funded pursuant to
29 Titles II and III of the federal juvenile justice and delinquency
30 prevention act of 1974.

31 (~~(15)~~) (16) Within amounts appropriated for this specific
32 purpose, the supervising agency or department shall provide
33 preventive services to families with children that prevent or shorten
34 the duration of an out-of-home placement.

35 (~~(16)~~) (17) The department and supervising agencies shall have
36 authority to provide independent living services to youths, including
37 individuals who have attained eighteen years of age, and have not
38 attained twenty-one years of age who are or have been in foster care.

39 (~~(17)~~) (18) The department and supervising agencies shall
40 consult at least quarterly with foster parents, including members of

1 the foster parent association of Washington state, for the purpose of
2 receiving information and comment regarding how the department and
3 supervising agencies are performing the duties and meeting the
4 obligations specified in this section and RCW 74.13.250 and 74.13.320
5 regarding the recruitment of foster homes, reducing foster parent
6 turnover rates, providing effective training for foster parents, and
7 administering a coordinated and comprehensive plan that strengthens
8 services for the protection of children. Consultation shall occur at
9 the regional and statewide levels.

10 ~~((18))~~ (19)(a) The department shall, within current funding
11 levels, place on its public web site a document listing the duties
12 and responsibilities the department has to a child subject to a
13 dependency petition including, but not limited to, the following:

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

16 (ii) Sibling visits subject to the restrictions in RCW
17 13.34.136(2)(b)(ii);

18 (iii) Parent-child visits;

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

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

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

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