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**SUBSTITUTE HOUSE BILL 2330**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Fey, Goodman, Tarleton, McBride, Wylie, Slatter, Stonier, Kagi, Senn, Frame, Stanford, Reeves, Kilduff, Clibborn, Macri, Stambaugh, Jinkins, Ryu, Graves, Doglio, Valdez, Ortiz-Self, Riccelli, and Orwall)

1       AN ACT Relating to expansion of extended foster care eligibility;  
2 amending RCW 13.34.267, 13.34.268, 74.13.020, and 74.13.336;  
3 reenacting and amending RCW 74.13.031; and providing an effective  
4 date.

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

6       **Sec. 1.** RCW 13.34.267 and 2015 c 240 s 1 are each amended to  
7 read as follows:

8       (1) In order to facilitate the delivery of extended foster care  
9 services, the court, upon the agreement of the youth to participate  
10 in the extended foster care program, shall maintain the dependency  
11 proceeding for any youth who is dependent (~~in foster care~~) at the  
12 age of eighteen years and who, at the time of his or her eighteenth  
13 birthday, is:

14       (a) Enrolled in a secondary education program or a secondary  
15 education equivalency program;

16       (b) Enrolled and participating in a postsecondary academic or  
17 postsecondary vocational program, or has applied for and can  
18 demonstrate that he or she intends to timely enroll in a  
19 postsecondary academic or postsecondary vocational program;

20       (c) Participating in a program or activity designed to promote  
21 employment or remove barriers to employment;

1 (d) Engaged in employment for eighty hours or more per month; or

2 (e) Not able to engage in any of the activities described in (a)  
3 through (d) of this subsection due to a documented medical condition.

4 (2) If the court maintains the dependency proceeding of a youth  
5 pursuant to subsection (1) of this section, the youth is eligible to  
6 receive extended foster care services pursuant to RCW 74.13.031,  
7 subject to the youth's continuing eligibility and agreement to  
8 participate.

9 (3) A dependent youth receiving extended foster care services is  
10 a party to the dependency proceeding. The youth's parent or guardian  
11 must be dismissed from the dependency proceeding when the youth  
12 reaches the age of eighteen.

13 (4) The court shall dismiss the dependency proceeding for any  
14 youth who is a dependent (~~in foster care~~) and who, at the age of  
15 eighteen years, does not meet any of the criteria described in  
16 subsection (1)(a) through (e) of this section or does not agree to  
17 participate in the program.

18 (5) The court shall order a youth participating in extended  
19 foster care services to be under the placement and care authority of  
20 the department, subject to the youth's continuing agreement to  
21 participate in extended foster care services. The department may  
22 establish foster care rates appropriate to the needs of the youth  
23 participating in extended foster care services. The department's  
24 placement and care authority over a youth receiving extended foster  
25 care services is solely for the purpose of providing services and  
26 does not create a legal responsibility for the actions of the youth  
27 receiving extended foster care services.

28 (6) The court shall appoint counsel to represent a youth, as  
29 defined in RCW 13.34.030(2)(b), in dependency proceedings under this  
30 section.

31 (7) The case plan for and delivery of services to a youth  
32 receiving extended foster care services is subject to the review  
33 requirements set forth in RCW 13.34.138 and 13.34.145, and should be  
34 applied in a developmentally appropriate manner, as they relate to  
35 youth age eighteen to twenty-one years. Additionally, the court shall  
36 consider:

37 (a) Whether the youth is safe in his or her placement;

38 (b) Whether the youth continues to be eligible for extended  
39 foster care services;

1 (c) Whether the current placement is developmentally appropriate  
2 for the youth;

3 (d) The youth's development of independent living skills; and

4 (e) The youth's overall progress toward transitioning to full  
5 independence and the projected date for achieving such transition.

6 (8) Prior to the review hearing, the youth's attorney shall  
7 indicate whether there are any contested issues and may provide  
8 additional information necessary for the court's review.

9 **Sec. 2.** RCW 13.34.268 and 2013 c 332 s 6 are each amended to  
10 read as follows:

11 (1)(a) If a youth prior to reaching age (~~nineteen~~) twenty-one  
12 years requests extended foster care services from the department  
13 pursuant to RCW 74.13.336, and the department declines to enter into  
14 a voluntary placement agreement with the youth, the department must  
15 provide written documentation to the youth which contains:

16 (i) The date that the youth requested extended foster care  
17 services;

18 (ii) The department's reasons for declining to enter into a  
19 voluntary placement agreement with the youth and the date of the  
20 department's decision; and

21 (iii) Information regarding the youth's right to ask the court to  
22 establish a dependency for the purpose of providing extended foster  
23 care services and his or her right to counsel to assist in making  
24 that request.

25 (b) The written documentation pursuant to (a) of this subsection  
26 must be provided to the youth within ten days of the department's  
27 decision not to enter into a voluntary placement agreement with the  
28 youth.

29 (2)(a) A youth seeking to participate in extended foster care  
30 after being declined by the department under subsection (1) of this  
31 section may file a notice of intent to file a petition for  
32 dependency, asking the court to determine his or her eligibility for  
33 extended foster care services, and to enter an order of dependency.  
34 If the youth chooses to file such notice, it must be filed within  
35 thirty days of the date of the department's decision.

36 (b) Upon filing the notice, the youth must be provided counsel at  
37 no cost to him or her. Upon receipt of the youth's petition, the  
38 court must set a hearing date to determine whether the petition  
39 should be granted.

1       **Sec. 3.** RCW 74.13.020 and 2017 3rd sp.s. c 6 s 401 are each  
2 amended to read as follows:

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

5       (1) "Case management" means convening family meetings,  
6 developing, revising, and monitoring implementation of any case plan  
7 or individual service and safety plan, coordinating and monitoring  
8 services needed by the child and family, caseworker-child visits,  
9 family visits, and the assumption of court-related duties, excluding  
10 legal representation, including preparing court reports, attending  
11 judicial hearings and permanency hearings, and ensuring that the  
12 child is progressing toward permanency within state and federal  
13 mandates, including the Indian child welfare act.

14       (2) "Child" means:

15       (a) A person less than eighteen years of age; or

16       (b) A person age eighteen to twenty-one years who is eligible to  
17 receive the extended foster care services authorized under RCW  
18 74.13.031.

19       (3) "Child protective services" has the same meaning as in RCW  
20 26.44.020.

21       (4) "Child welfare services" means social services including  
22 voluntary and in-home services, out-of-home care, case management,  
23 and adoption services which strengthen, supplement, or substitute  
24 for, parental care and supervision for the purpose of:

25       (a) Preventing or remedying, or assisting in the solution of  
26 problems which may result in families in conflict, or the neglect,  
27 abuse, exploitation, or criminal behavior of children;

28       (b) Protecting and caring for dependent, abused, or neglected  
29 children;

30       (c) Assisting children who are in conflict with their parents,  
31 and assisting parents who are in conflict with their children, with  
32 services designed to resolve such conflicts;

33       (d) Protecting and promoting the welfare of children, including  
34 the strengthening of their own homes where possible, or, where  
35 needed;

36       (e) Providing adequate care of children away from their homes in  
37 foster family homes or day care or other child care agencies or  
38 facilities.

39       "Child welfare services" does not include child protection  
40 services.

1 (5) "Committee" means the child welfare transformation design  
2 committee.

3 (6) "Department" means the department of children, youth, and  
4 families.

5 (7) "Extended foster care services" means residential and other  
6 support services the department is authorized to provide to  
7 (~~foster~~) dependent children. These services include, but are not  
8 limited to, placement in licensed, relative, or otherwise approved  
9 care, or supervised independent living settings; assistance in  
10 meeting basic needs; independent living services; medical assistance;  
11 and counseling or treatment.

12 (8) "Family assessment" means a comprehensive assessment of child  
13 safety, risk of subsequent child abuse or neglect, and family  
14 strengths and needs that is applied to a child abuse or neglect  
15 report. Family assessment does not include a determination as to  
16 whether child abuse or neglect occurred, but does determine the need  
17 for services to address the safety of the child and the risk of  
18 subsequent maltreatment.

19 (9) "Measurable effects" means a statistically significant change  
20 which occurs as a result of the service or services a supervising  
21 agency is assigned in a performance-based contract, in time periods  
22 established in the contract.

23 (10) "Medical condition" means, for the purposes of qualifying  
24 for extended foster care services, a physical or mental health  
25 condition as documented by any licensed health care provider  
26 regulated by a disciplining authority under RCW 18.130.040.

27 (11) "Nonminor dependent" means any individual age eighteen to  
28 twenty-one years who is participating in extended foster care  
29 services authorized under RCW 74.13.031.

30 (12) "Out-of-home care services" means services provided after  
31 the shelter care hearing to or for children in out-of-home care, as  
32 that term is defined in RCW 13.34.030, and their families, including  
33 the recruitment, training, and management of foster parents, the  
34 recruitment of adoptive families, and the facilitation of the  
35 adoption process, family reunification, independent living, emergency  
36 shelter, residential group care, and foster care, including relative  
37 placement.

38 (13) "Performance-based contracting" means the structuring of all  
39 aspects of the procurement of services around the purpose of the work  
40 to be performed and the desired results with the contract

1 requirements set forth in clear, specific, and objective terms with  
2 measurable outcomes. Contracts shall also include provisions that  
3 link the performance of the contractor to the level and timing of  
4 reimbursement.

5 (14) "Permanency services" means long-term services provided to  
6 secure a child's safety, permanency, and well-being, including foster  
7 care services, family reunification services, adoption services, and  
8 preparation for independent living services.

9 (15) "Primary prevention services" means services which are  
10 designed and delivered for the primary purpose of enhancing child and  
11 family well-being and are shown, by analysis of outcomes, to reduce  
12 the risk to the likelihood of the initial need for child welfare  
13 services.

14 (16) "Secretary" means the secretary of the department.

15 (17) "Supervised independent living" includes, but is not limited  
16 to, apartment living, room and board arrangements, college or  
17 university dormitories, and shared roommate settings. Supervised  
18 independent living settings must be approved by the children's  
19 administration or the court.

20 (18) "Supervising agency" means an agency licensed by the state  
21 under RCW 74.15.090, or licensed by a federally recognized Indian  
22 tribe located in this state under RCW 74.15.190, that has entered  
23 into a performance-based contract with the department to provide case  
24 management for the delivery and documentation of child welfare  
25 services, as defined in this section. This definition is applicable  
26 on or after December 30, 2015.

27 (19) "Unsupervised" has the same meaning as in RCW 43.43.830.

28 (20) "Voluntary placement agreement" means, for the purposes of  
29 extended foster care services, a written voluntary agreement between  
30 a nonminor dependent who agrees to submit to the care and authority  
31 of the department for the purposes of participating in the extended  
32 foster care program.

33 **Sec. 4.** RCW 74.13.336 and 2013 c 332 s 5 are each amended to  
34 read as follows:

35 (1) A youth who has reached age eighteen years may request  
36 extended foster care services authorized under RCW 74.13.031 at any  
37 time before he or she reaches the age of (~~nineteen~~) twenty-one  
38 years if (~~on or after July 28, 2013~~):

1 (a) The dependency proceeding of the youth was dismissed pursuant  
2 to RCW 13.34.267(4) at the time that he or she reached age eighteen  
3 years; or

4 (b) The court, after holding the dependency case open pursuant to  
5 RCW 13.34.267(1), has dismissed the case because the youth became  
6 ineligible for extended foster care services.

7 (2)(a) Upon a request for extended foster care services by a  
8 youth pursuant to subsection (1) of this section, a determination  
9 that the youth is eligible for extended foster care services, and the  
10 completion of a voluntary placement agreement, the department shall  
11 provide extended foster care services to the youth.

12 (b) In order to continue receiving extended foster care services  
13 after entering into a voluntary placement agreement with the  
14 department, the youth must agree to the entry of an order of  
15 dependency within one hundred eighty days of the date that the youth  
16 is placed in extended foster care pursuant to a voluntary placement  
17 agreement.

18 (3) A youth may enter into a voluntary placement agreement for  
19 extended foster care services (~~only once~~). A youth may transition  
20 among the eligibility categories identified in RCW 74.13.031 while  
21 under the same voluntary placement agreement, provided that the youth  
22 remains eligible for extended foster care services during the  
23 transition.

24 (4) "Voluntary placement agreement," for the purposes of this  
25 section, means a written voluntary agreement between a nonminor  
26 dependent who agrees to submit to the care and authority of the  
27 department for the purposes of participating in the extended foster  
28 care program.

29 **Sec. 5.** RCW 74.13.031 and 2017 3rd sp.s. c 20 s 7 and 2017 c 265  
30 s 2 are each reenacted and amended to read as follows:

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

35 (2) Within available resources, the department and supervising  
36 agencies shall recruit an adequate number of prospective adoptive and  
37 foster homes, both regular and specialized, i.e. homes for children  
38 of ethnic minority, including Indian homes for Indian children,  
39 sibling groups, handicapped and emotionally disturbed, teens,

1 pregnant and parenting teens, and the department shall annually  
2 report to the governor and the legislature concerning the  
3 department's and supervising agency's success in: (a) Meeting the  
4 need for adoptive and foster home placements; (b) reducing the foster  
5 parent turnover rate; (c) completing home studies for legally free  
6 children; and (d) implementing and operating the passport program  
7 required by RCW 74.13.285. The report shall include a section  
8 entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

26 (5) The department or supervising agencies shall offer, on a  
27 voluntary basis, family reconciliation services to families who are  
28 in conflict.

29 (6) The department or supervising agencies shall monitor  
30 placements of children in out-of-home care and in-home dependencies  
31 to assure the safety, well-being, and quality of care being provided  
32 is within the scope of the intent of the legislature as defined in  
33 RCW 74.13.010 and 74.15.010. Under this section children in out-of-  
34 home care and in-home dependencies and their caregivers shall receive  
35 a private and individual face-to-face visit each month. The  
36 department and the supervising agencies shall randomly select no less  
37 than ten percent of the caregivers currently providing care to  
38 receive one unannounced face-to-face visit in the caregiver's home  
39 per year. No caregiver will receive an unannounced visit through the  
40 random selection process for two consecutive years. If the caseworker



1 makes a good faith effort to conduct the unannounced visit to a  
2 caregiver and is unable to do so, that month's visit to that  
3 caregiver need not be unannounced. The department and supervising  
4 agencies are encouraged to group monthly visits to caregivers by  
5 geographic area so that in the event an unannounced visit cannot be  
6 completed, the caseworker may complete other required monthly visits.  
7 The department shall use a method of random selection that does not  
8 cause a fiscal impact to the department.

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

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

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

27 (9) The department and supervising agency shall have authority to  
28 purchase care for children.

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

36 (11)(a) The department and supervising agencies shall provide  
37 continued extended foster care services to nonminor dependents who  
38 are:

39 (i) Enrolled in a secondary education program or a secondary  
40 education equivalency program;

1 (ii) Enrolled and participating in a postsecondary academic or  
2 postsecondary vocational education program;

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

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

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

9 (b) To be eligible for extended foster care services, the  
10 nonminor dependent must have been dependent (~~((and in foster care))~~) at  
11 the time that he or she reached age eighteen years. If the dependency  
12 case of the nonminor dependent was dismissed pursuant to RCW  
13 13.34.267, he or she may receive extended foster care services  
14 pursuant to a voluntary placement agreement under RCW 74.13.336 or  
15 pursuant to an order of dependency issued by the court under RCW  
16 13.34.268. A nonminor dependent whose dependency case was dismissed  
17 by the court (~~((must have requested))~~) may request extended foster care  
18 services before reaching age (~~((nineteen))~~) twenty-one years. Eligible  
19 nonminor dependents may unenroll and reenroll in extended foster care  
20 through a voluntary placement agreement (~~((once))~~) an unlimited number  
21 of times between ages eighteen and twenty-one.

22 (c) The department shall develop and implement rules regarding  
23 youth eligibility requirements.

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

34 (e) The department shall allow a youth who has received extended  
35 foster care services, but lost his or her eligibility, to reenter the  
36 extended foster care program (~~((once))~~) an unlimited number of times  
37 through a voluntary placement agreement when he or she meets the  
38 eligibility criteria again.

39 (12) The department shall have authority to provide adoption  
40 support benefits, or relative guardianship subsidies on behalf of

1 youth ages eighteen to twenty-one years who achieved permanency  
2 through adoption or a relative guardianship at age sixteen or older  
3 and who meet the criteria described in subsection (11) of this  
4 section.

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

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

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

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

35 (16) The department and supervising agencies shall have authority  
36 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) The department and supervising agencies shall consult at  
40 least quarterly with foster parents, including members of the foster

1 parent association of Washington state, for the purpose of receiving  
2 information and comment regarding how the department and supervising  
3 agencies are performing the duties and meeting the obligations  
4 specified in this section and RCW 74.13.250 and 74.13.320 regarding  
5 the recruitment of foster homes, reducing foster parent turnover  
6 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)(a) The department shall, within current funding levels,  
11 place on its public web site a document listing the duties and  
12 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.

26 (19) The department shall have the authority to purchase legal  
27 representation for parents of children who are at risk of being  
28 dependent, or who are dependent, to establish or modify a parenting  
29 plan under chapter 26.09 or 26.26 RCW, when it is necessary for the  
30 child's safety, permanence, or well-being. This subsection does not  
31 create an entitlement to legal representation purchased by the  
32 department and does not create judicial authority to order the  
33 department to purchase legal representation for a parent. Such  
34 determinations are solely within the department's discretion.

35 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2018.

--- END ---