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HOUSE BILL 2663

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Pettigrew, Ortiz-Self, Hargrove, McCaslin, and Senn

1 AN ACT Relating to legal support for kinship caregivers; and  
2 reenacting and amending RCW 74.13.031.

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

4 **Sec. 1.** RCW 74.13.031 and 2017 3rd sp.s. c 20 s 7 and 2017 c 265  
5 s 2 are each reenacted and amended to read as follows:

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

10 (2) Within available resources, the department and supervising  
11 agencies shall recruit an adequate number of prospective adoptive and  
12 foster homes, both regular and specialized, i.e. homes for children  
13 of ethnic minority, including Indian homes for Indian children,  
14 sibling groups, handicapped and emotionally disturbed, teens,  
15 pregnant and parenting teens, and the department shall annually  
16 report to the governor and the legislature concerning the  
17 department's and supervising agency's success in: (a) Meeting the  
18 need for adoptive and foster home placements; (b) reducing the foster  
19 parent turnover rate; (c) completing home studies for legally free  
20 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 RCW 26.44.030(11), the department may respond  
18 to a report of child abuse or neglect by using the family assessment  
19 response.

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

23 (6) The department or supervising agencies shall monitor  
24 placements of children in out-of-home care and in-home dependencies  
25 to assure the safety, well-being, and quality of care being provided  
26 is within the scope of the intent of the legislature as defined in  
27 RCW 74.13.010 and 74.15.010. Under this section children in out-of-  
28 home care and in-home dependencies and their caregivers shall receive  
29 a private and individual face-to-face visit each month. The  
30 department and the supervising agencies shall randomly select no less  
31 than ten percent of the caregivers currently providing care to  
32 receive one unannounced face-to-face visit in the caregiver's home  
33 per year. No caregiver will receive an unannounced visit through the  
34 random selection process for two consecutive years. If the caseworker  
35 makes a good faith effort to conduct the unannounced visit to a  
36 caregiver and is unable to do so, that month's visit to that  
37 caregiver need not be unannounced. The department and supervising  
38 agencies are encouraged to group monthly visits to caregivers by  
39 geographic area so that in the event an unannounced visit cannot be  
40 completed, the caseworker may complete other required monthly visits.

1 The department shall use a method of random selection that does not  
2 cause a fiscal impact to the department.

3 The department or supervising agencies shall conduct the monthly  
4 visits with children and caregivers to whom it is providing child  
5 welfare services.

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

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

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

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

30 (11)(a) The department and supervising agencies shall provide  
31 continued extended foster care services to nonminor dependents who  
32 are:

33 (i) Enrolled in a secondary education program or a secondary  
34 education equivalency program;

35 (ii) Enrolled and participating in a postsecondary academic or  
36 postsecondary vocational education program;

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

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

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

4 (b) To be eligible for extended foster care services, the  
5 nonminor dependent must have been dependent and in foster care at the  
6 time that he or she reached age eighteen years. If the dependency  
7 case of the nonminor dependent was dismissed pursuant to RCW  
8 13.34.267, he or she may receive extended foster care services  
9 pursuant to a voluntary placement agreement under RCW 74.13.336 or  
10 pursuant to an order of dependency issued by the court under RCW  
11 13.34.268. A nonminor dependent whose dependency case was dismissed  
12 by the court must have requested extended foster care services before  
13 reaching age nineteen years. Eligible nonminor dependents may  
14 unenroll and reenroll in extended foster care through a voluntary  
15 placement agreement once between ages eighteen and twenty-one.

16 (c) The department shall develop and implement rules regarding  
17 youth eligibility requirements.

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

28 (e) The department shall allow a youth who has received extended  
29 foster care services, but lost his or her eligibility, to reenter the  
30 extended foster care program once through a voluntary placement  
31 agreement when he or she meets the eligibility criteria again.

32 (12) The department shall have authority to provide adoption  
33 support benefits, or relative guardianship subsidies on behalf of  
34 youth ages eighteen to twenty-one years who achieved permanency  
35 through adoption or a relative guardianship at age sixteen or older  
36 and who meet the criteria described in subsection (11) of this  
37 section.

38 (13) The department shall refer cases to the division of child  
39 support whenever state or federal funds are expended for the care and  
40 maintenance of a child, including a child with a developmental

1 disability who is placed as a result of an action under chapter 13.34  
2 RCW, unless the department finds that there is good cause not to  
3 pursue collection of child support against the parent or parents of  
4 the child. Cases involving individuals age eighteen through twenty  
5 shall not be referred to the division of child support unless  
6 required by federal law.

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

17 Notwithstanding any other provision of RCW 13.32A.170 through  
18 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section  
19 all services to be provided by the department under subsections (4),  
20 (7), and (8) of this section, subject to the limitations of these  
21 subsections, may be provided by any program offering such services  
22 funded pursuant to Titles II and III of the federal juvenile justice  
23 and delinquency prevention act of 1974.

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

28 (16) The department and supervising agencies shall have authority  
29 to provide independent living services to youths, including  
30 individuals who have attained eighteen years of age, and have not  
31 attained twenty-one years of age who are or have been in foster care.

32 (17) The department and supervising agencies shall consult at  
33 least quarterly with foster parents, including members of the foster  
34 parent association of Washington state, for the purpose of receiving  
35 information and comment regarding how the department and supervising  
36 agencies are performing the duties and meeting the obligations  
37 specified in this section and RCW 74.13.250 and 74.13.320 regarding  
38 the recruitment of foster homes, reducing foster parent turnover  
39 rates, providing effective training for foster parents, and  
40 administering a coordinated and comprehensive plan that strengthens

1 services for the protection of children. Consultation shall occur at  
2 the regional and statewide levels.

3 (18)(a) The department shall, within current funding levels,  
4 place on its public web site a document listing the duties and  
5 responsibilities the department has to a child subject to a  
6 dependency petition including, but not limited to, the following:

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

9 (ii) Sibling visits subject to the restrictions in RCW  
10 13.34.136(2)(b)(ii);

11 (iii) Parent-child visits;

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

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

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

19 (19)(a) The department shall have the authority to purchase legal  
20 representation for parents and kinship caregivers of children who are  
21 at risk of being dependent, or who are dependent, to establish or  
22 modify a parenting plan under chapter 26.09 or 26.26 RCW or secure  
23 orders establishing other relevant civil legal relationships  
24 authorized by law, when it is necessary for the child's safety,  
25 permanence, or well-being. This subsection does not create an  
26 entitlement to legal representation purchased by the department and  
27 does not create judicial authority to order the department to  
28 purchase legal representation for a parent or kinship caregiver. Such  
29 determinations are solely within the department's discretion. The  
30 term "kinship caregiver" as used in this section has the meaning set  
31 forth in RCW 74.13.600.

32 (b) The department is encouraged to work with the office of  
33 public defense parent representation program and the office of civil  
34 legal aid to develop a cost-effective system for providing effective  
35 civil legal representation for parents and kinship caregivers  
36 authorized under this subsection.

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