
HOUSE BILL 1205

State of Washington

67th Legislature

2021 Regular Session

By Representative Caldier

1 AN ACT Relating to payment for medical, dental, and behavioral
2 health care for children in the custody of the department of
3 children, youth, and families; and amending RCW 74.13.031 and
4 13.34.315.

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

6 **Sec. 1.** RCW 74.13.031 and 2020 c 274 s 61 are each amended to
7 read as follows:

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

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

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

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

18 (4) As provided in RCW 26.44.030, the department may respond to a
19 report of child abuse or neglect by using the family assessment
20 response.

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

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

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

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

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

16 (b) The department shall provide payment for medical, dental, and
17 behavioral health care for children in the custody of the department
18 that is:

19 (i) Not approved by the integrated managed health and behavioral
20 health care program required for foster children under RCW 74.09.860;
21 and

22 (ii) Approved in writing by a department caseworker assigned to
23 work with the child.

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

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

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

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

38 (i) Enrolled in a secondary education program or a secondary
39 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 at the time that he or
11 she reached age eighteen years. If the dependency case of the
12 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she
13 may receive extended foster care services pursuant to a voluntary
14 placement agreement under RCW 74.13.336 or pursuant to an order of
15 dependency issued by the court under RCW 13.34.268. A nonminor
16 dependent whose dependency case was dismissed by the court may
17 request extended foster care services before reaching age twenty-one
18 years. Eligible nonminor dependents may unenroll and reenroll in
19 extended foster care through a voluntary placement agreement an
20 unlimited number of times between ages eighteen and twenty-one.

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

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

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

38 (12) The department shall have authority to provide adoption
39 support benefits, or relative guardianship subsidies on behalf of
40 youth ages eighteen to twenty-one years who achieved permanency

1 through adoption or a relative guardianship at age sixteen or older
2 and who meet the criteria described in subsection (11) of this
3 section.

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

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

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

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

34 (16) The department shall have authority to provide independent
35 living services to youths, including individuals who have attained
36 eighteen years of age, and have not attained twenty-three years of
37 age, who are or have been in the department's care and custody, or
38 who are or were nonminor dependents.

39 (17) The department shall consult at least quarterly with foster
40 parents, including members of the foster parent association of

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

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

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

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

17 (iii) Parent-child visits;

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

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

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

25 (19)(a) The department shall have the authority to purchase legal
26 representation for parents or kinship caregivers, or both, of
27 children who are at risk of being dependent, or who are dependent, to
28 establish or modify a parenting plan under RCW 13.34.155 or chapter
29 26.09, 26.26A, or 26.26B RCW or secure orders establishing other
30 relevant civil legal relationships authorized by law, when it is
31 necessary for the child's safety, permanence, or well-being. The
32 department's purchase of legal representation for kinship caregivers
33 must be within the department's appropriations. This subsection does
34 not create an entitlement to legal representation purchased by the
35 department and does not create judicial authority to order the
36 department to purchase legal representation for a parent or kinship
37 caregiver. Such determinations are solely within the department's
38 discretion. The term "kinship caregiver" as used in this section
39 means a caregiver who meets the definition of "kin" in RCW
40 74.13.600(1), unless the child is an Indian child as defined in RCW

1 13.38.040 and 25 U.S.C. Sec. 1903. For an Indian child as defined in
2 RCW 13.38.040 and 25 U.S.C. Sec. 1903, the term "kinship caregiver"
3 as used in this section means a caregiver who is an "extended family
4 member" as defined in RCW 13.38.040(8).

5 (b) The department is encouraged to work with the office of
6 public defense parent representation program and the office of civil
7 legal aid to develop a cost-effective system for providing effective
8 civil legal representation for parents and kinship caregivers if it
9 exercises its authority under this subsection.

10 **Sec. 2.** RCW 13.34.315 and 2006 c 221 s 2 are each amended to
11 read as follows:

12 (1) Whenever a child is ordered removed from his or her home
13 pursuant to this chapter, the agency charged with his or her care may
14 authorize an evaluation and treatment for the child's routine and
15 necessary medical, dental, or mental health care, and all necessary
16 emergency care.

17 (2) The department shall provide payment for medical, dental, and
18 behavioral health care for children in the custody of the department
19 that is:

20 (a) Not approved by the integrated managed health and behavioral
21 health care program required for foster children under RCW 74.09.860;
22 and

23 (b) Approved in writing by a department caseworker assigned to
24 work with the child.

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