
HOUSE BILL 2034

State of Washington

66th Legislature

2019 Regular Session

By Representatives Chambers, Van Werven, Caldier, Harris, Eslick, and Corry

1 AN ACT Relating to extended foster care for eighteen year olds;
2 amending RCW 74.13.336; and reenacting and amending RCW 74.13.031.

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

4 **Sec. 1.** RCW 74.13.336 and 2018 c 34 s 4 are each amended to read
5 as follows:

6 (1) A youth who has reached age eighteen years may request
7 extended foster care services authorized under RCW 74.13.031 at any
8 time before he or she reaches the age of twenty-one years if:

9 (a) The dependency proceeding of the youth was dismissed pursuant
10 to RCW 13.34.267(4) at the time that he or she reached age eighteen
11 years; (~~or~~)

12 (b) The court, after holding the dependency case open pursuant to
13 RCW 13.34.267(1), has dismissed the case because the youth became
14 ineligible for extended foster care services; or

15 (c) Subsection (4) of this section applies.

16 (2)(a) Upon a request for extended foster care services by a
17 youth pursuant to subsection (1) of this section, a determination
18 that the youth is eligible for extended foster care services, and the
19 completion of a voluntary placement agreement, the department shall
20 provide extended foster care services to the youth.

1 (b) Except under subsections (1)(c) and (4) of this section, in
2 order to continue receiving extended foster care services after
3 entering into a voluntary placement agreement with the department,
4 the youth must agree to the entry of an order of dependency within
5 one hundred eighty days of the date that the youth is placed in
6 extended foster care pursuant to a voluntary placement agreement.

7 (3) A youth may enter into a voluntary placement agreement for
8 extended foster care services. A youth may transition among the
9 eligibility categories identified in RCW 74.13.031 while under the
10 same voluntary placement agreement, provided that the youth remains
11 eligible for extended foster care services during the transition.

12 (4) Subject to the availability of amounts appropriated for this
13 specific purpose, the department shall provide extended foster care
14 services to an eighteen year old who: (a) Is enrolled in a secondary
15 education program or a secondary education equivalency program; and
16 (b) establishes that one of his or her parents was not fulfilling the
17 parent's parental responsibilities before the youth reached age
18 eighteen. The department is authorized to develop criteria for
19 establishing whether a parent was not fulfilling the parent's
20 parental responsibilities under this section, which could include
21 evidence that the youth was homeless or not receiving proper
22 nutrition. The eligibility established under this section does not
23 require that a youth have been dependent under chapter 13.34 RCW.

24 (5) "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. 2.** RCW 74.13.031 and 2018 c 284 s 37, 2018 c 80 s 1, and
30 2018 c 34 s 5 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

1 encouraged to group monthly visits to caregivers by geographic area
2 so that in the event an unannounced visit cannot be completed, the
3 caseworker may complete other required monthly visits. The department
4 shall use a method of random selection that does not cause a fiscal
5 impact to the department.

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

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

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

22 (9) The department shall have authority to purchase care for
23 children.

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

31 (11)(a) The department shall provide continued extended foster
32 care services to a nonminor dependent(~~(s)~~) who (~~(are)~~) is:

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;
40 (~~(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; or

4 (vi) Age eighteen and: (A) Enrolled in a secondary education
5 program or a secondary education equivalency program; and (B)
6 establishes that one of his or her parents was not fulfilling the
7 parent's parental responsibilities before the youth reached age
8 eighteen under RCW 74.13.336.

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-one years of age
37 who are or have been in foster care.

38 (17) The department shall consult at least quarterly with foster
39 parents, including members of the foster parent association of
40 Washington state, for the purpose of receiving information and

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

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

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

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

16 (iii) Parent-child visits;

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

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

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

24 (19)(a) The department shall have the authority to purchase legal
25 representation for parents or kinship caregivers, or both, of
26 children who are at risk of being dependent, or who are dependent, to
27 establish or modify a parenting plan under RCW 13.34.155 or chapter
28 26.09 (~~or 26.26~~), 26.26A, or 26.26B RCW or secure orders
29 establishing other relevant civil legal relationships authorized by
30 law, when it is necessary for the child's safety, permanence, or
31 well-being. The department's purchase of legal representation for
32 kinship caregivers must be within the department's appropriations.
33 This subsection does not create an entitlement to legal
34 representation purchased by the department and does not create
35 judicial authority to order the department to purchase legal
36 representation for a parent or kinship caregiver. Such determinations
37 are solely within the department's discretion. The term "kinship
38 caregiver" as used in this section means a caregiver who meets the
39 definition of "kin" in RCW 74.13.600(1), unless the child is an
40 Indian child as defined in RCW 13.38.040 and 25 U.S.C. Sec. 1903. For

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

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