

---

HOUSE BILL 2218

---

State of Washington

68th Legislature

2024 Regular Session

By Representative Cortes

1 AN ACT Relating to the provision of extended foster care services  
2 to youth ages 18 to 21; amending RCW 13.34.267, 74.13.031, and  
3 74.13.336; reenacting and amending RCW 13.34.030 and 74.13.020; and  
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that the  
7 extended foster care program strives to help hundreds of young  
8 Washingtonians in foster care prepare for adulthood and to prevent  
9 them from experiencing homelessness.

10 The legislature finds that extended foster care can reduce  
11 homelessness, receipt of public assistance, use of medical emergency  
12 departments, diagnosis of substance abuse and treatment, criminal  
13 convictions, and involvement of children in the child welfare system.  
14 An analysis from the department of social and health services found  
15 that, at age 18, 41 percent of youth exiting the foster care system  
16 experienced homelessness or housing instability compared to 23  
17 percent of youth in extended foster care.

18 The legislature finds that the Washington state institute for  
19 public policy's benefit-cost analysis found that the extended foster  
20 care program produces \$3.95 of lifetime benefits for each \$1  
21 invested. Furthermore, of the total benefits, 40 percent represents

1 savings and revenue that would accrue to state, local, and federal  
2 governments.

3 However, the legislature recognizes that young people in foster  
4 care still experience barriers to accessing the program: In 2022, 27  
5 percent of young people leaving foster care did not participate in  
6 extended foster care. The legislature intends to improve outcomes for  
7 youth in the foster care system by improving access to the foster  
8 care program.

9 Therefore, the legislature resolves to reduce barriers that young  
10 people currently experience when seeking to participate in extended  
11 foster care and to make the transition from foster care to extended  
12 foster care as seamless as possible, such that all dependent youth  
13 are aware of the program when they turn 18 and all youth who want to  
14 participate are able to participate.

15 **Sec. 2.** RCW 13.34.030 and 2021 c 304 s 1 and 2021 c 67 s 2 are  
16 each reenacted and amended to read as follows:

17 The definitions in this section apply throughout this chapter  
18 unless the context clearly requires otherwise.

19 (1) "Abandoned" means when the child's parent, guardian, or other  
20 custodian has expressed, either by statement or conduct, an intent to  
21 forego, for an extended period, parental rights or responsibilities  
22 despite an ability to exercise such rights and responsibilities. If  
23 the court finds that the petitioner has exercised due diligence in  
24 attempting to locate the parent, no contact between the child and the  
25 child's parent, guardian, or other custodian for a period of three  
26 months creates a rebuttable presumption of abandonment, even if there  
27 is no expressed intent to abandon.

28 (2) "Child," "juvenile," and "youth" mean:

29 (a) Any individual under the age of eighteen years; or

30 (b) Any individual age (~~eighteen~~) 18 to (~~twenty-one~~) 21 years  
31 who is eligible to receive and who elects to receive the extended  
32 foster care services authorized under RCW 74.13.031. A youth who  
33 remains dependent and who receives extended foster care services  
34 under RCW 74.13.031 shall not be considered a "child" under any other  
35 statute or for any other purpose.

36 (3) "Current placement episode" means the period of time that  
37 begins with the most recent date that the child was removed from the  
38 home of the parent, guardian, or legal custodian for purposes of  
39 placement in out-of-home care and continues until: (a) The child

1 returns home; (b) an adoption decree, a permanent custody order, or  
2 guardianship order is entered; or (c) the dependency is dismissed,  
3 whichever occurs first.

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

6 (5) "Dependency guardian" means the person, nonprofit  
7 corporation, or Indian tribe appointed by the court pursuant to this  
8 chapter for the limited purpose of assisting the court in the  
9 supervision of the dependency.

10 (6) "Dependent child" means any child who:

11 (a) Has been abandoned;

12 (b) Is abused or neglected as defined in chapter 26.44 RCW by a  
13 person legally responsible for the care of the child;

14 (c) Has no parent, guardian, or custodian capable of adequately  
15 caring for the child, such that the child is in circumstances which  
16 constitute a danger of substantial damage to the child's  
17 psychological or physical development; or

18 (d) Is receiving extended foster care services, as authorized by  
19 RCW 74.13.031.

20 (7) "Developmental disability" means a disability attributable to  
21 intellectual disability, cerebral palsy, epilepsy, autism, or another  
22 neurological or other condition of an individual found by the  
23 secretary of the department of social and health services to be  
24 closely related to an intellectual disability or to require treatment  
25 similar to that required for individuals with intellectual  
26 disabilities, which disability originates before the individual  
27 attains age eighteen, which has continued or can be expected to  
28 continue indefinitely, and which constitutes a substantial limitation  
29 to the individual.

30 (8) "Educational liaison" means a person who has been appointed  
31 by the court to fulfill responsibilities outlined in RCW 13.34.046.

32 (9) "Experiencing homelessness" means lacking a fixed, regular,  
33 and adequate nighttime residence, including circumstances such as  
34 sharing the housing of other persons due to loss of housing, economic  
35 hardship, fleeing domestic violence, or a similar reason as described  
36 in the federal McKinney-Vento homeless assistance act (Title 42  
37 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

38 (10) "Extended foster care services" means residential and other  
39 support services the department is authorized to provide under RCW  
40 74.13.031. These services may include placement in licensed,

1 relative, or otherwise approved care, or supervised independent  
2 living settings; assistance in meeting basic needs; independent  
3 living services; medical assistance; and counseling or treatment.

4 (11) "Guardian" means the person or agency that: (a) Has been  
5 appointed as the guardian of a child in a legal proceeding, including  
6 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the  
7 legal right to custody of the child pursuant to such appointment. The  
8 term "guardian" does not include a "dependency guardian" appointed  
9 pursuant to a proceeding under this chapter.

10 (12) "Guardian ad litem" means a person, appointed by the court  
11 to represent the best interests of a child in a proceeding under this  
12 chapter, or in any matter which may be consolidated with a proceeding  
13 under this chapter. A "court-appointed special advocate" appointed by  
14 the court to be the guardian ad litem for the child, or to perform  
15 substantially the same duties and functions as a guardian ad litem,  
16 shall be deemed to be guardian ad litem for all purposes and uses of  
17 this chapter.

18 (13) "Guardian ad litem program" means a court-authorized  
19 volunteer program, which is or may be established by the superior  
20 court of the county in which such proceeding is filed, to manage all  
21 aspects of volunteer guardian ad litem representation for children  
22 alleged or found to be dependent. Such management shall include but  
23 is not limited to: Recruitment, screening, training, supervision,  
24 assignment, and discharge of volunteers.

25 (14) "Guardianship" means a guardianship pursuant to chapter  
26 13.36 RCW or a limited guardianship of a minor pursuant to RCW  
27 11.130.215 or equivalent laws of another state or a federally  
28 recognized Indian tribe.

29 (15) "Housing assistance" means appropriate referrals by the  
30 department or other agencies to federal, state, local, or private  
31 agencies or organizations, assistance with forms, applications, or  
32 financial subsidies or other monetary assistance for housing. For  
33 purposes of this chapter, "housing assistance" is not a remedial  
34 service or family reunification service as described in RCW  
35 13.34.025(2).

36 (16) "Indigent" means a person who, at any stage of a court  
37 proceeding, is:

38 (a) Receiving one of the following types of public assistance:  
39 Temporary assistance for needy families, aged, blind, or disabled  
40 assistance benefits, medical care services under RCW 74.09.035,

1 pregnant women assistance benefits, poverty-related veterans'  
2 benefits, food stamps or food stamp benefits transferred  
3 electronically, refugee resettlement benefits, medicaid, or  
4 supplemental security income; or

5 (b) Involuntarily committed to a public mental health facility;  
6 or

7 (c) Receiving an annual income, after taxes, of (~~one hundred~~  
8 ~~twenty-five~~) 125 percent or less of the federally established  
9 poverty level; or

10 (d) Unable to pay the anticipated cost of counsel for the matter  
11 before the court because his or her available funds are insufficient  
12 to pay any amount for the retention of counsel.

13 (17) "Nonminor dependent" means any individual age (~~eighteen~~)  
14 18 to (~~twenty-one~~) 21 years who is participating in extended foster  
15 care services authorized under RCW 74.13.031.

16 (18) "Out-of-home care" means placement in a foster family home  
17 or group care facility licensed pursuant to chapter 74.15 RCW or  
18 placement in a home, other than that of the child's parent, guardian,  
19 or legal custodian, not required to be licensed pursuant to chapter  
20 74.15 RCW.

21 (19) "Parent" means the biological or adoptive parents of a  
22 child, or an individual who has established a parent-child  
23 relationship under RCW 26.26A.100, unless the legal rights of that  
24 person have been terminated by a judicial proceeding pursuant to this  
25 chapter, chapter 26.33 RCW, or the equivalent laws of another state  
26 or a federally recognized Indian tribe.

27 (20) "Prevention and family services and programs" means specific  
28 mental health prevention and treatment services, substance abuse  
29 prevention and treatment services, and in-home parent skill-based  
30 programs that qualify for federal funding under the federal family  
31 first prevention services act, P.L. 115-123. For purposes of this  
32 chapter, prevention and family services and programs are not remedial  
33 services or family reunification services as described in RCW  
34 13.34.025(2).

35 (21) "Prevention services" means preservation services, as  
36 defined in chapter 74.14C RCW, and other reasonably available  
37 services, including housing assistance, capable of preventing the  
38 need for out-of-home placement while protecting the child. Prevention  
39 services include, but are not limited to, prevention and family  
40 services and programs as defined in this section.

1 (22) "Qualified residential treatment program" means a program  
2 that meets the requirements provided in RCW 13.34.420, qualifies for  
3 funding under the family first prevention services act under 42  
4 U.S.C. Sec. 672(k), and, if located within Washington state, is  
5 licensed as a group care facility under chapter 74.15 RCW.

6 (23) "Relative" includes persons related to a child in the  
7 following ways:

8 (a) Any blood relative, including those of half-blood, and  
9 including first cousins, second cousins, nephews or nieces, and  
10 persons of preceding generations as denoted by prefixes of grand,  
11 great, or great-great;

12 (b) Stepfather, stepmother, stepbrother, and stepsister;

13 (c) A person who legally adopts a child or the child's parent as  
14 well as the natural and other legally adopted children of such  
15 persons, and other relatives of the adoptive parents in accordance  
16 with state law;

17 (d) Spouses of any persons named in (a), (b), or (c) of this  
18 subsection, even after the marriage is terminated;

19 (e) Relatives, as named in (a), (b), (c), or (d) of this  
20 subsection, of any half sibling of the child; or

21 (f) Extended family members, as defined by the law or custom of  
22 the Indian child's tribe or, in the absence of such law or custom, a  
23 person who has reached the age of (~~eighteen~~) 18 and who is the  
24 Indian child's grandparent, aunt or uncle, brother or sister,  
25 brother-in-law or sister-in-law, niece or nephew, first or second  
26 cousin, or stepparent who provides care in the family abode on a  
27 (~~twenty-four~~) 24 hour basis to an Indian child as defined in 25  
28 U.S.C. Sec. 1903(4).

29 (24) "Shelter care" means temporary physical care in a facility  
30 licensed pursuant to RCW 74.15.030 or in a home not required to be  
31 licensed pursuant to RCW 74.15.030.

32 (25) "Sibling" means a child's birth brother, birth sister,  
33 adoptive brother, adoptive sister, half-brother, or half-sister, or  
34 as defined by the law or custom of the Indian child's tribe for an  
35 Indian child as defined in RCW 13.38.040.

36 (26) "Social study" means a written evaluation of matters  
37 relevant to the disposition of the case that contains the information  
38 required by RCW 13.34.430.

39 (27) "Supervised independent living setting" includes, but is not  
40 limited to, apartment living, room and board arrangements, college or

1 university dormitories, and shared roommate settings. Supervised  
2 independent living settings must be approved by the department or the  
3 court.

4 (28) "Supervised independent living subsidy" means a foster care  
5 maintenance payment and a housing subsidy. The housing subsidy shall  
6 be calculated based on the United States department of housing and  
7 urban development's estimated fair market rent for the total amount  
8 of a one bedroom apartment in the county or metro area where the  
9 young person intends to reside, minus one-third of the foster care  
10 maintenance payment.

11 (29) "Voluntary placement agreement" means, for the purposes of  
12 extended foster care services, a written voluntary agreement  
13 ((between)) by a nonminor dependent who agrees to ((submit to the  
14 care and authority of the department for the purposes of  
15 participating in the extended foster care program)) participate in  
16 extended foster care. A youth may sign a voluntary placement  
17 agreement to participate in extended foster care prior to the age of  
18 18, in which case the agreement will take effect on the youth's 18th  
19 birthday. The youth may withdraw consent to participate, at any time,  
20 including prior to their 18th birthday. A voluntary placement  
21 agreement may be signed by a dependent child or eligible youth over  
22 the age of 18 electronically.

23 **Sec. 3.** RCW 13.34.267 and 2021 c 210 s 10 are each amended to  
24 read as follows:

25 (1) In order to facilitate the delivery of extended foster care  
26 services, the court, upon the agreement of the youth to participate  
27 in the extended foster care program, shall maintain the dependency  
28 proceeding for any youth who is dependent at the age of ((eighteen))  
29 18 years ((and who, at the time of his or her eighteenth birthday,))  
30 until the youth turns 21 or withdraws their agreement to participate.

31 (2) For the purposes of pursuing federal reimbursement only, the  
32 department may request judicial findings that a youth is:

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

35 (b) Enrolled and participating in a postsecondary academic or  
36 postsecondary vocational program, or has applied for and can  
37 demonstrate that he or she intends to timely enroll in a  
38 postsecondary academic or postsecondary vocational program;

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

3 (d) Engaged in employment for (~~(eighty)~~) 80 hours or more per  
4 month; or

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

7 (~~((2) If))~~ (3) When the court maintains the dependency proceeding  
8 of a youth pursuant to subsection (1) of this section, the youth is  
9 eligible to receive extended foster care services pursuant to RCW  
10 74.13.031, subject to the youth's continuing (~~(eligibility and))~~  
11 agreement to participate.

12 (~~((3))~~) (4) A dependent youth receiving extended foster care  
13 services is a party to the dependency proceeding. The youth's parent  
14 or guardian must be dismissed from the dependency proceeding when the  
15 youth reaches the age of (~~(eighteen))~~) 18.

16 (~~((4))~~) (5) The court shall dismiss the dependency proceeding for  
17 any youth who is a dependent and who, at the age of (~~(eighteen))~~) 18  
18 years, (~~(does not meet any of the criteria described in subsection~~  
19 ~~(1)(a) through (e) of this section or))~~) does not agree to participate  
20 in the program.

21 (~~((5))~~) (6) The court shall order a youth participating in  
22 extended foster care services to be under the placement and care  
23 authority of the department, subject to the youth's continuing  
24 agreement to participate in extended foster care services. The  
25 department may establish foster care rates appropriate to the needs  
26 of the youth participating in extended foster care services. The  
27 department's placement and care authority over a youth receiving  
28 extended foster care services is solely for the purpose of providing  
29 services and does not create a legal responsibility for the actions  
30 of the youth receiving extended foster care services.

31 (~~((6)(a) The))~~) (7)(a) If a youth does not already have counsel,  
32 the court shall appoint counsel to represent a youth, as defined in  
33 RCW 13.34.030(2)(b), in dependency proceedings under this section.  
34 Subject to amounts appropriated, the state shall pay the costs of  
35 legal services provided by an attorney appointed pursuant to this  
36 subsection based on the phase-in schedule outlined in RCW 13.34.212,  
37 provided that the legal services are provided in accordance with the  
38 rules of professional conduct, the standards of practice, caseload  
39 limits, and training guidelines adopted by the children's



1 representation work group established in section 9, chapter 210, Laws  
2 of 2021.

3 (b) In cases where the statewide children's legal representation  
4 program provides funding and where consistent with its administration  
5 and oversight responsibilities, the statewide children's legal  
6 representation program should prioritize continuity of counsel for  
7 children who are already represented at county expense when the  
8 statewide children's legal representation program becomes effective  
9 in a county. The statewide children's legal representation program  
10 shall coordinate with relevant county stakeholders to determine how  
11 best to prioritize continuity of counsel.

12 ~~((7))~~ (8) The case plan for and delivery of services to a youth  
13 receiving extended foster care services is subject to the review  
14 requirements set forth in RCW 13.34.138 and 13.34.145, and should be  
15 applied in a developmentally appropriate manner, as they relate to  
16 youth age ~~((eighteen))~~ 18 to ~~((twenty-one))~~ 21 years. Additionally,  
17 the court shall consider:

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

19 ~~((b) (Whether the youth continues to be eligible for extended  
20 foster care services;~~

21 ~~((c))~~ Whether the current placement is developmentally  
22 appropriate for the youth;

23 ~~((d))~~ (c) The youth's development of independent living skills;  
24 and

25 ~~((e))~~ (d) The youth's overall progress toward transitioning to  
26 full independence and the projected date for achieving such  
27 transition.

28 ~~((8))~~ (9) Prior to the review hearing, the youth's attorney  
29 shall indicate whether there are any contested issues and may provide  
30 additional information necessary for the court's review.

31 **Sec. 4.** RCW 74.13.020 and 2020 c 270 s 4 are each reenacted and  
32 amended to read as follows:

33 The definitions in this section apply throughout this chapter  
34 unless the context clearly requires otherwise.

35 (1) "Case management" means convening family meetings,  
36 developing, revising, and monitoring implementation of any case plan  
37 or individual service and safety plan, coordinating and monitoring  
38 services needed by the child and family, caseworker-child visits,  
39 family visits, and the assumption of court-related duties, excluding

1 legal representation, including preparing court reports, attending  
2 judicial hearings and permanency hearings, and ensuring that the  
3 child is progressing toward permanency within state and federal  
4 mandates, including the Indian child welfare act.

5 (2) "Certificate of parental improvement" means a certificate  
6 issued under RCW 74.13.720 to an individual who has a founded finding  
7 of physical abuse or negligent treatment or maltreatment, or a court  
8 finding that the individual's child was dependent as a result of a  
9 finding that the individual abused or neglected their child pursuant  
10 to RCW 13.34.030(6)(b).

11 (3) "Child" means:

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

13 (b) A person age eighteen to twenty-one years who is eligible to  
14 receive the extended foster care services authorized under RCW  
15 74.13.031.

16 (4) "Child protective services" has the same meaning as in RCW  
17 26.44.020.

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

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

25 (b) Protecting and caring for dependent, abused, or neglected  
26 children;

27 (c) Assisting children who are in conflict with their parents,  
28 and assisting parents who are in conflict with their children, with  
29 services designed to resolve such conflicts;

30 (d) Protecting and promoting the welfare of children, including  
31 the strengthening of their own homes where possible, or, where  
32 needed;

33 (e) Providing adequate care of children away from their homes in  
34 foster family homes or day care or other child care agencies or  
35 facilities.

36 "Child welfare services" does not include child protection  
37 services.

38 (6) "Child who is a candidate for foster care" means a child who  
39 the department identifies as being at imminent risk of entering  
40 foster care but who can remain safely in the child's home or in a

1 kinship placement as long as services or programs that are necessary  
2 to prevent entry of the child into foster care are provided, and  
3 includes but is not limited to a child whose adoption or guardianship  
4 arrangement is at risk of a disruption or dissolution that would  
5 result in a foster care placement. The term includes a child for whom  
6 there is reasonable cause to believe that any of the following  
7 circumstances exist:

8 (a) The child has been abandoned by the parent as defined in RCW  
9 13.34.030 and the child's health, safety, and welfare is seriously  
10 endangered as a result;

11 (b) The child has been abused or neglected as defined in chapter  
12 26.44 RCW and the child's health, safety, and welfare is seriously  
13 endangered as a result;

14 (c) There is no parent capable of meeting the child's needs such  
15 that the child is in circumstances that constitute a serious danger  
16 to the child's development;

17 (d) The child is otherwise at imminent risk of harm.

18 (7) "Department" means the department of children, youth, and  
19 families.

20 (8) "Extended foster care services" means residential and other  
21 support services the department is authorized to provide to dependent  
22 children. These services include, but are not limited to, placement  
23 in licensed, relative, or otherwise approved care, or supervised  
24 independent living settings; assistance in meeting basic needs;  
25 independent living services; medical assistance; supervised  
26 independent living subsidy; and counseling or treatment.

27 (9) "Family assessment" means a comprehensive assessment of child  
28 safety, risk of subsequent child abuse or neglect, and family  
29 strengths and needs that is applied to a child abuse or neglect  
30 report. Family assessment does not include a determination as to  
31 whether child abuse or neglect occurred, but does determine the need  
32 for services to address the safety of the child and the risk of  
33 subsequent maltreatment.

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

38 (11) "Nonminor dependent" means any individual age (~~eighteen~~)  
39 18 to (~~twenty-one~~) 21 years who is participating in extended foster  
40 care services authorized under RCW 74.13.031.

1 (12) "Out-of-home care services" means services provided after  
2 the shelter care hearing to or for children in out-of-home care, as  
3 that term is defined in RCW 13.34.030, and their families, including  
4 the recruitment, training, and management of foster parents, the  
5 recruitment of adoptive families, and the facilitation of the  
6 adoption process, family reunification, independent living, emergency  
7 shelter, residential group care, and foster care, including relative  
8 placement.

9 (13) "Performance-based contracting" means the structuring of all  
10 aspects of the procurement of services around the purpose of the work  
11 to be performed and the desired results with the contract  
12 requirements set forth in clear, specific, and objective terms with  
13 measurable outcomes. Contracts shall also include provisions that  
14 link the performance of the contractor to the level and timing of  
15 reimbursement.

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

20 (15) "Prevention and family services and programs" means specific  
21 mental health prevention and treatment services, substance abuse  
22 prevention and treatment services, and in-home parent skill-based  
23 programs that qualify for federal funding under the federal family  
24 first prevention services act, P.L. 115-123. For purposes of this  
25 chapter, prevention and family services and programs are not remedial  
26 services or family reunification services as described in RCW  
27 13.34.025(2).

28 (16) "Primary prevention services" means services which are  
29 designed and delivered for the primary purpose of enhancing child and  
30 family well-being and are shown, by analysis of outcomes, to reduce  
31 the risk to the likelihood of the initial need for child welfare  
32 services.

33 (17) "Secretary" means the secretary of the department.

34 (18) "Supervised independent living setting" includes, but is not  
35 limited to, apartment living, room and board arrangements, college or  
36 university dormitories, and shared roommate settings. Supervised  
37 independent living settings must be approved by the department or the  
38 court.

39 (19) "Supervised independent living subsidy" means a foster care  
40 maintenance payment and a housing subsidy. The housing subsidy shall

1 be calculated based on the United States department of housing and  
2 urban development's estimated fair market rent for the total amount  
3 of a one bedroom apartment in the county or metro area where the  
4 young person intends to reside, minus one-third of the foster care  
5 maintenance payment.

6 (20) "Unsupervised" has the same meaning as in RCW 43.43.830.

7 ((+20)) (21) "Voluntary placement agreement" means, for the  
8 purposes of extended foster care services, a written voluntary  
9 agreement between a nonminor dependent who agrees to submit to the  
10 care and authority of the department for the purposes of  
11 participating in the extended foster care program. A youth may sign a  
12 voluntary placement agreement to participate in extended foster care  
13 prior to the age of 18, in which case the agreement will take effect  
14 on the youth's 18th birthday. The youth may withdraw his or her  
15 consent to participate, at any time, including prior to their 18th  
16 birthday. A voluntary placement agreement may be signed by a  
17 dependent child or eligible youth over the age of 18 electronically.

18 **Sec. 5.** RCW 74.13.031 and 2023 c 221 s 3 are each amended to  
19 read as follows:

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

24 (2) Within available resources, the department shall recruit an  
25 adequate number of prospective adoptive and foster homes, both  
26 regular and specialized, i.e. homes for children of ethnic minority,  
27 including Indian homes for Indian children, sibling groups, children  
28 with disabilities or behavioral health conditions, teens, pregnant  
29 and parenting teens, and the department shall annually provide data  
30 and information to the governor and the legislature concerning the  
31 department's success in: (a) Placing children with relatives; (b)  
32 providing supports to kinship caregivers including guardianship  
33 assistance payments; (c) supporting relatives to pass home studies  
34 and become licensed caregivers; and (d) meeting the need for  
35 nonrelative family foster homes when children cannot be placed with  
36 relatives.

37 (3) The department shall investigate complaints of any recent act  
38 or failure to act on the part of a parent or caretaker that results  
39 in death, serious physical or emotional harm, or sexual abuse or

1 exploitation, or that presents an imminent risk of serious harm, and  
2 on the basis of the findings of such investigation, offer child  
3 welfare services in relation to the problem to such parents, legal  
4 custodians, or persons serving in loco parentis, and/or bring the  
5 situation to the attention of an appropriate court, or another  
6 community agency. An investigation is not required of nonaccidental  
7 injuries which are clearly not the result of a lack of care or  
8 supervision by the child's parents, legal custodians, or persons  
9 serving in loco parentis. If the investigation reveals that a crime  
10 against a child may have been committed, the department shall notify  
11 the appropriate law enforcement agency.

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

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

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

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

38 (7) The department shall have authority to accept custody of  
39 children from parents and to accept custody of children from juvenile  
40 courts, where authorized to do so under law, to provide child welfare

1 services including placement for adoption, to provide for the routine  
2 and necessary medical, dental, and mental health care, or necessary  
3 emergency care of the children, and to provide for the physical care  
4 of such children and make payment of maintenance costs if needed.  
5 Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no  
6 private adoption agency which receives children for adoption from the  
7 department shall discriminate on the basis of race, creed, or color  
8 when considering applications in their placement for adoption.

9 (8) The department may accept custody of children from parents  
10 through a voluntary placement agreement to provide child welfare  
11 services. The department may place children with a relative, a  
12 suitable person, or a licensed foster home under a voluntary  
13 placement agreement. In seeking a placement for a voluntary placement  
14 agreement, the department should consider the preferences of the  
15 parents and attempt to place with relatives or suitable persons over  
16 licensed foster care.

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

20 (10) The department shall have authority to purchase care for  
21 children.

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

29 (12)(a) The department shall provide continued extended foster  
30 care services to nonminor dependents who (~~are~~) request extended  
31 foster care. The department shall develop policies and procedures to  
32 ensure that dependent youth aged 15 and older are informed of the  
33 extended foster care program.

34 (b) The department shall pursue federal reimbursement, where  
35 appropriate, when a youth is:

36 (i) Enrolled in a secondary education program or a secondary  
37 education equivalency program;

38 (ii) Enrolled and participating in a postsecondary academic or  
39 postsecondary vocational education program;

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

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

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

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

20 ~~((e))~~ (d) The department shall ~~((develop and implement rules~~  
21 ~~regarding youth eligibility requirements))~~ not create additional  
22 eligibility requirements for extended foster care. The department  
23 shall develop and implement rules and policies designed to provide  
24 age-appropriate social work support for youth in extended foster care  
25 through a codesign process that includes those with lived experience  
26 in the foster care system.

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

37 ~~((e))~~ (f) The department shall allow ~~((a))~~ eligible youth ~~((who~~  
38 ~~has received extended foster care services, but lost his or her~~  
39 ~~eligibility,))~~ to reenter the extended foster care program an



1 unlimited number of times through a voluntary placement agreement  
2 (~~when he or she meets the eligibility criteria again~~)).

3 (g) A youth enrolled in extended foster care may elect to receive  
4 a licensed foster care placement or may live independently. A youth  
5 who is not in a licensed foster care placement is eligible for a  
6 monthly supervised independent living subsidy effective the date the  
7 youth signs the voluntary placement agreement, agrees to dependency,  
8 or informs their social worker that they are living independently,  
9 whichever occurs first.

10 (h) The department shall pursue federal reimbursement, where  
11 appropriate, when a youth is residing in an approved supervised  
12 independent living setting. If the youth is not residing in an  
13 approved supervised independent living setting, the department is to  
14 work with the youth to help identify an appropriate living  
15 arrangement until the youth is living in a safe location approved by  
16 the department or the court. During this time, the department shall  
17 continue to pay the monthly supervised independent living subsidy.

18 (13) The department shall have authority to provide adoption  
19 support benefits on behalf of youth ages 18 to 21 years who achieved  
20 permanency through adoption at age 16 or older and who (~~meet the~~  
21 ~~criteria described in subsection (12) of this section~~) are:

22 (a) Enrolled in a secondary education program or a secondary  
23 education equivalency program;

24 (b) Enrolled and participating in a postsecondary academic or  
25 postsecondary vocational education program;

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

28 (d) Engaged in employment for 80 hours or more per month; or

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

31 (14) The department shall have the authority to provide  
32 guardianship subsidies on behalf of youth ages 18 to 21 who achieved  
33 permanency through guardianship and who meet the criteria described  
34 in subsection (12) of this section.

35 (15) The department shall refer cases to the division of child  
36 support whenever state or federal funds are expended for the care and  
37 maintenance of a child, including a child with a developmental  
38 disability who is placed as a result of an action under chapter 13.34  
39 RCW, unless the department finds that there is good cause not to  
40 pursue collection of child support against the parent or parents of

1 the child. Cases involving individuals age (~~eighteen~~) 18 through  
2 (~~twenty~~) 20 shall not be referred to the division of child support  
3 unless required by federal law.

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

14 Notwithstanding any other provision of RCW 13.32A.170 through  
15 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section  
16 all services to be provided by the department under subsections (4),  
17 (7), and (9) of this section, subject to the limitations of these  
18 subsections, may be provided by any program offering such services  
19 funded pursuant to Titles II and III of the federal juvenile justice  
20 and delinquency prevention act of 1974.

21 (17) The department may, within funds appropriated for  
22 guardianship subsidies, provide subsidies for eligible guardians who  
23 are appointed as guardian of an Indian child by the tribal court of a  
24 federally recognized tribe located in Washington state, as defined in  
25 RCW 13.38.040. The provision of subsidies shall be subject to the  
26 same eligibility standards and rates of support applicable to other  
27 children for whom the department provides subsidies. To be eligible,  
28 the guardian must either be certified by a department-licensed child-  
29 placing agency or licensed by a federally recognized tribe located in  
30 Washington state that is a Title IV-E agency, as defined in 45 C.F.R.  
31 1355.20.

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

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

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

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

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

17 (ii) Sibling visits subject to the restrictions in RCW  
18 13.34.136(2)(b)(ii);

19 (iii) Parent-child visits;

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

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

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

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

1 means a caregiver who meets the definition of "kin" in RCW  
2 74.13.600(1), unless the child is an Indian child as defined in RCW  
3 13.38.040 and 25 U.S.C. Sec. 1903. For an Indian child as defined in  
4 RCW 13.38.040 and 25 U.S.C. Sec. 1903, the term "kinship caregiver"  
5 as used in this section means a caregiver who is an "extended family  
6 member" as defined in RCW 13.38.040(8).

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

12 **Sec. 6.** RCW 74.13.336 and 2018 c 34 s 4 are each amended to read  
13 as follows:

14 (1) A youth who has reached age (~~(eighteen)~~) 18 years may request  
15 extended foster care services authorized under RCW 74.13.031 at any  
16 time before he or she reaches the age of (~~(twenty-one)~~) 21 years if:

17 (a) The dependency proceeding of the youth was dismissed pursuant  
18 to RCW 13.34.267(~~(4)~~) (5) at the time that he or she reached age  
19 (~~(eighteen)~~) 18 years; or

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

23 (2)(a) Upon a request for extended foster care services by a  
24 youth pursuant to subsection (1) of this section, a determination  
25 that the youth is eligible for extended foster care services, and the  
26 completion of a voluntary placement agreement, the department shall  
27 provide extended foster care services to the youth.

28 (b) In order to continue receiving extended foster care services  
29 after entering into a voluntary placement agreement with the  
30 department, the youth must agree to the entry of an order of  
31 dependency within (~~(one hundred eighty)~~) 180 days of the date that  
32 the youth is placed in extended foster care pursuant to a voluntary  
33 placement agreement.

34 (3) A youth may enter into a voluntary placement agreement for  
35 extended foster care services. A youth (~~(may transition among the  
36 eligibility categories identified in RCW 74.13.031 while under the  
37 same voluntary placement agreement, provided that the youth remains  
38 eligible for extended foster care services during the transition))  
39 becomes eligible for extended foster care services as of the date the~~

1 youth either signs an extended foster care agreement or voluntary  
2 placement agreement or turns 18, whichever occurs later. A youth who  
3 is not in a licensed foster care placement upon signing an extended  
4 foster care agreement or voluntary placement agreement, and who has  
5 turned 18 years old, shall receive an initial stipend equivalent to a  
6 supervised independent living subsidy within one week of signing  
7 either agreement.

8 (4) "Voluntary placement agreement," for the purposes of this  
9 section, means a written voluntary agreement between a nonminor  
10 dependent who agrees to submit to the care and authority of the  
11 department for the purposes of participating in the extended foster  
12 care program. A youth may sign a voluntary placement agreement to  
13 participate in extended foster care prior to the age of 18, in which  
14 case the agreement will take effect on the youth's 18th birthday. The  
15 youth may withdraw his or her consent to participate, at any time,  
16 including prior to their 18th birthday. A voluntary placement  
17 agreement may be signed by a dependent child or eligible youth over  
18 the age of 18 electronically.

--- END ---