
SUBSTITUTE SENATE BILL 6382

State of Washington

64th Legislature

2016 Regular Session

By Senate Human Services, Mental Health & Housing (originally sponsored by Senators O'Ban, Darneille, and Miloscia; by request of Department of Social and Health Services)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to the extension of dates concerning measuring
2 performance and performance-based contracting of the child welfare
3 system; and amending RCW 74.13.360, 74.13.370, and 74.13.372.

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

5 **Sec. 1.** RCW 74.13.360 and 2013 c 205 s 4 are each amended to
6 read as follows:

7 (1) No later than December 30, (~~2016~~) 2019:

8 (a) In the demonstration sites selected under RCW
9 74.13.368(4)(a), child welfare services shall be provided by
10 supervising agencies with whom the department has entered into
11 performance-based contracts. Supervising agencies may enter into
12 subcontracts with other licensed agencies; and

13 (b) Except as provided in subsection (3) of this section, and
14 notwithstanding any law to the contrary, the department may not
15 directly provide child welfare services to families and children
16 provided child welfare services by supervising agencies in the
17 demonstration sites selected under RCW 74.13.368(4)(a).

18 (2) No later than December 30, (~~2016~~) 2019, for families and
19 children provided child welfare services by supervising agencies in
20 the demonstration sites selected under RCW 74.13.368(4)(a), the
21 department is responsible for only the following:

1 (a) Monitoring the quality of services for which the department
2 contracts under this chapter;

3 (b) Ensuring that the services are provided in accordance with
4 federal law and the laws of this state, including the Indian child
5 welfare act;

6 (c) Providing child protection functions and services, including
7 intake and investigation of allegations of child abuse or neglect,
8 emergency shelter care functions under RCW 13.34.050, and referrals
9 to appropriate providers; and

10 (d) Issuing licenses pursuant to chapter 74.15 RCW.

11 (3) No later than December 30, (~~2016~~) 2019, for families and
12 children provided child welfare services by supervising agencies in
13 the demonstration sites selected under RCW 74.13.368(4)(a), the
14 department may provide child welfare services only:

15 (a) For the limited purpose of establishing a control or
16 comparison group as deemed necessary by the child welfare
17 transformation design committee, with input from the Washington state
18 institute for public policy, to implement the demonstration sites
19 selected and defined pursuant to RCW 74.13.368(4)(a) in which the
20 performance in achieving measurable outcomes will be compared and
21 evaluated pursuant to RCW 74.13.370; or

22 (b) In an emergency or as a provider of last resort. The
23 department shall adopt rules describing the circumstances under which
24 the department may provide those services. For purposes of this
25 section, "provider of last resort" means the department is unable to
26 contract with a private agency to provide child welfare services in a
27 particular geographic area or, after entering into a contract with a
28 private agency, either the contractor or the department terminates
29 the contract.

30 (4) For purposes of this chapter, on and after September 1, 2010,
31 performance-based contracts shall be structured to hold the
32 supervising agencies accountable for achieving the following goals in
33 order of importance: Child safety; child permanency, including
34 reunification; and child well-being.

35 (5) A federally recognized tribe located in this state may enter
36 into a performance-based contract with the department to provide
37 child welfare services to Indian children whether or not they reside
38 on a reservation. Nothing in this section prohibits a federally
39 recognized Indian tribe located in this state from providing child
40 welfare services to its members or other Indian children pursuant to

1 existing tribal law, regulation, or custom, or from directly entering
2 into agreements for the provision of such services with the
3 department, if the department continues to otherwise provide such
4 services, or with federal agencies.

5 **Sec. 2.** RCW 74.13.370 and 2012 c 205 s 9 are each amended to
6 read as follows:

7 (1) Based upon the recommendations of the child welfare
8 transformation design committee, including the two sets of outcomes
9 developed by the committee under RCW 74.13.368(4)(b), the Washington
10 state institute for public policy is to conduct a review of
11 measurable effects achieved by the supervising agencies and compare
12 those measurable effects with the existing services offered by the
13 state. The report on the measurable effects shall be provided to the
14 governor and the legislature no later than April 1, 2018.

15 (2) No later than December 1, 2014, the Washington state
16 institute for public policy shall provide the legislature and the
17 governor an initial report on the department's conversion to the use
18 of performance-based contracts as provided in RCW 74.13B.020 and
19 74.13B.030. No later than (~~June 30, 2016~~) April 1, 2023, the
20 Washington state institute for public policy shall provide the
21 governor and the legislature with a second report on the extent to
22 which the use of performance-based contracting has resulted in:

23 (a) Increased use of evidence-based, research-based, and
24 promising practices; and

25 (b) Improvements in outcomes for children, including child
26 safety, child permanency, including reunification, and child
27 well-being.

28 (3) The department and network administrators shall respond to
29 the Washington institute for public policy's request for data and
30 other information with which to complete these reports in a timely
31 manner.

32 (4) The Washington state institute for public policy must consult
33 with a university-based child welfare research entity to evaluate
34 performance-based contracting.

35 **Sec. 3.** RCW 74.13.372 and 2012 c 205 s 11 are each amended to
36 read as follows:

37 Not later than June 1, (~~2018~~) 2023, the governor shall, based
38 on the report by the Washington state institute for public policy,

1 determine whether to expand chapter 520, Laws of 2009 to the
2 remainder of the state or terminate chapter 520, Laws of 2009. The
3 governor shall inform the legislature of his or her decision within
4 seven days of the decision. The department shall, regardless of the
5 decision of the governor regarding the delivery of child welfare
6 services, continue to purchase services through the use of
7 performance-based contracts.

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