Exhibit 22: Washington

Contact:

Dinah Martin, DSHS
MADI300@dshs.wa.gov

Pam Kramer, DSHS
caip300@dshs.wa.gov

Jim Pritchard
PRJI@dshs.wa.gov

Useful Links:

Washington Legislature:
http://www.leg.wa.gov/pages/home.aspx

Department of Social & Health Services, Children’s Administration:
http://www.dshs.wa.gov/ca/general/index.asp

Attached Documents:

House Bill 1961, Chapter 235

Revised Code of Washington, Section 74.13.031: Child Welfare Services

Revised Code of Washington, Section 13.34.238: Relative Guardianship Subsidies

DSHS Children’s Administration Practices & Procedures Guide
AN ACT Relating to implementing the federal fostering connections to success and increasing adoptions act of 2008; amending RCW 74.13.031, 74.13.020, 74.13.031, and 13.34.234; adding a new section to chapter 13.34 RCW, creating a new section; providing an effective date; and providing an expiration date.

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

NEW SECTION. Sec. 1. (1) The legislature finds that the federal fostering connections to success and increasing adoptions act of 2008 provides important new opportunities for the state to use federal funding to promote permanency and positive outcomes for youth in foster care and for those who age out of the foster care system.

(2) The legislature also finds that research regarding former foster youth is generally sobering. Longitudinal research on the adult functioning of former foster youth indicates a disproportionate likelihood that youth aging out of foster care and those who spent several years in care will experience poor outcomes in a variety of areas, including limited human capital upon which to build economic security; untreated mental or behavioral health problems; involvement in the criminal justice and corrections systems; and early parenthood
combined with second-generation child welfare involvement. The legislature further finds that research also demonstrates that access to adequate and appropriate supports during the period of transition from foster care to independence can have significant positive impacts on adult functioning and can improve outcomes relating to educational attainment and postsecondary enrollment; employment and earnings; and reduced rates of teen pregnancies.

(3) The legislature intends to clarify existing authority for foster care services beyond age eighteen and to establish authority for future expansion of housing and other supports for youth aging out of foster care and youth who achieved permanency in later adolescence.

Sec. 2. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

(4) Offer, on a voluntary basis, family reconciliation services to
families who are in conflict.

(5) Monitor placements of children in out-of-home care and in-home
dependencies to assure the safety, well-being, and quality of care
being provided is within the scope of the intent of the legislature as
defined in RCW 74.13.010 and 74.15.010. The policy for monitoring
placements under this section shall require that children in out-of-
home care and in-home dependencies and their caregivers receive a
private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children
and caregivers required under this section unless the child's placement
is being supervised under a contract between the department and a
private agency accredited by a national child welfare accrediting
entity, in which case the private agency shall, within existing
resources, conduct the monthly visits with the child and with the
child's caregiver according to the standards described in this
subsection and shall provide the department with a written report of
the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this
subsection are being conducted by a private agency, the department
shall conduct a face-to-face health and safety visit with the child at
least once every ninety days.

(6) Have authority to accept custody of children from parents and
to accept custody of children from juvenile courts, where authorized to
do so under law, to provide child welfare services including placement
for adoption, to provide for the routine and necessary medical, dental,
and mental health care, or necessary emergency care of the children,
and to provide for the physical care of such children and make payment
of maintenance costs if needed. Except where required by Public Law
95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
children for adoption from the department shall discriminate on the
basis of race, creed, or color when considering applications in their
placement for adoption.
(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.)

Have authority to provide continued foster care or group care, adoption support benefits, or subsidized relative guardianship benefits to youth ages eighteen to twenty-one years who are:

(i) Enrolled and participating in a high school, high school equivalency, or vocational school program;

(ii) Enrolled and participating in a postsecondary or vocational educational program;
(iii) Participating in a program or activity designed to promote or remove barriers to employment;

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

(v) Incapable of engaging on any of the activities described in (a)(i) through (iv) of this subsection due to a medical condition that is supported by regularly updated information.

(b) A youth who remains eligible for placement services or benefits pursuant to department rules may continue to receive placement services and benefits until the youth reaches his or her twenty-first birthday.

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

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.
(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

Sec. 3. RCW 74.13.020 and 1999 c 267 s 7 are each amended to read as follows:

As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

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

(2) Protecting and caring for dependent or neglected children;

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

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

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

(As used in this chapter, child) Except as specifically provided in RCW 74.13.031(10), "child" means a person less than eighteen years of age.

The department's duty to provide services to homeless families with children is set forth in RCW 43.20A.790 and in appropriations provided by the legislature for implementation of the plan.

Sec. 4. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:
The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in:

(a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.
(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

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

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care
agencies, adoption, and services related thereto. At least one member
shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group
care as needed to participate in or complete a high school or
vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow
up to fifty youth reaching age eighteen to continue in foster care or
group care as needed to participate in or complete a posthigh school
academic or vocational program, and to receive necessary support and
transition services.

(ii) In 2007 and 2008, the department has the authority to allow up
to fifty additional youth per year reaching age eighteen to remain in
foster care or group care as provided in (b)(i) of this subsection.

(iii)) Within amounts appropriated for this specific purpose, have
authority to provide continued foster care or group care and necessary
support and transition services to youth ages eighteen to twenty-one
years who are enrolled and participating in a high school or secondary
equivalency or vocational program, or a posthigh school academic or
vocational program.

(b) A youth who remains eligible for such placement and services
pursuant to department rules may continue in foster care or group care
until the youth reaches his or her twenty-first birthday.

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

(12) Have authority within funds appropriated for foster care
services to purchase care for Indian children who are in the custody of
a federally recognized Indian tribe or tribally licensed child-placing
agency pursuant to parental consent, tribal court order, or state
juvenile court order; and the purchase of such care shall be subject to
the same eligibility standards and rates of support applicable to other
children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through
13.32A.200 and 74.13.032 through 74.13.036, or of this section all
services to be provided by the department of social and health services
under subsections (4), (6), and (7) of this section, subject to the
limitations of these subsections, may be provided by any program
offering such services funded pursuant to Titles II and III of the

(13) Within amounts appropriated for this specific purpose, provide
preventive services to families with children that prevent or shorten
the duration of an out-of-home placement.

(14) Have authority to provide independent living services to
youths, including individuals who have attained eighteen years of age,
and have not attained twenty-one years of age who are or have been in
foster care.

(15) Consult at least quarterly with foster parents, including
members of the foster parent association of Washington state, for the
purpose of receiving information and comment regarding how the
department is performing the duties and meeting the obligations
specified in this section and RCW 74.13.250 and 74.13.320 regarding the
recruitment of foster homes, reducing foster parent turnover rates,
providing effective training for foster parents, and administering a
coordinated and comprehensive plan that strengthens services for the
protection of children. Consultation shall occur at the regional and
statewide levels.

NEW SECTION. Sec. 5. A new section is added to chapter 13.34 RCW
to read as follows:

The legislature intends to make relative guardianships, as
permitted under federal law, available to Washington families through
amending the state's dependency guardianship statute and through the
following implementation directives for a relative guardianship
program:

(1) Relative guardianships shall be a permissible permanency plan
under this chapter and shall be implemented in a manner consistent with
federal laws, rules, and regulations;
(2) The department shall conduct routine and cost-efficient outreach regarding the relative guardianship program through the kinship care oversight committee, the area administrations on aging, and appropriate community partners; and

(3) Relative guardianship subsidy agreements shall be designed to promote long-term permanency for the child and to support stability of the guardianship. The child's best interests shall govern the issue of whether and what kinds of services will be available under the program.

Sec. 6. RCW 13.34.234 and 1994 c 288 s 9 are each amended to read as follows:

Establishment of a dependency guardianship under RCW 13.34.231 and 13.34.232 does not preclude a dependency guardian who is a licensed foster parent at the time the guardianship is established from receiving a guardianship subsidy.

NEW SECTION. Sec. 7. Section 2 of this act takes effect October 1, 2010.

NEW SECTION. Sec. 8. Section 4 of this act expires October 1, 2010.

--- END ---
RCW 74.13.031: Duties of department — Child welfare services — Children's services a...

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.
(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children’s services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)((11)) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

((b)) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(11)) (11) Within amounts appropriated for this specific purpose, have authority to provide continued foster care or group care and necessary support and transition services to youth ages eighteen to twenty-one years who are enrolled and participating in a posthigh school academic or vocational program. A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. [(Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.]

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

((12))) (13) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

((14))) (14) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home
placement.

((14)) (15) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

((15)) (16) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

[2009 c 235 § 4; 2008 c 267 § 6; 2007 c 413 § 10. Prior: 2006 c 266 § 1; 2006 c 221 § 3; 2004 c 183 § 3; 2001 c 192 § 1; 1999 c 267 § 8; 1998 c 314 § 10; prior: 1997 c 386 § 32; 1997 c 272 § 1; 1995 c 191 § 1; 1990 c 146 § 9; prior: 1987 c 505 § 69; 1987 c 170 § 10; 1983 c 246 § 4; 1982 c 118 § 3; 1981 c 298 § 16; 1979 ex.s. c 185 § 22; 1979 c 155 § 77; 1977 ex.s. c 291 § 22; 1975-76 2nd ex.s. c 71 § 4; 1973 1st ex.s. c 101 § 2; 1967 c 172 § 17.]

Notes:
Expiration date -- 2009 c 235 § 4: "Section 4 of this act expires October 1, 2010." [2009 c 235 § 8.]

Findings -- Intent -- 2009 c 235: "(1) The legislature finds that the federal fostering connections to success and increasing adoptions act of 2008 provides important new opportunities for the state to use federal funding to promote permanency and positive outcomes for youth in foster care and for those who age out of the foster care system.

(2) The legislature also finds that research regarding former foster youth is generally sobering. Longitudinal research on the adult functioning of former foster youth indicates a disproportionate likelihood that youth aging out of foster care and those who spent several years in care will experience poor outcomes in a variety of areas, including limited human capital upon which to build economic security; untreated mental or behavioral health problems; involvement in the criminal justice and corrections systems; and early parenthood combined with second-generation child welfare involvement. The legislature further finds that research also demonstrates that access to adequate and appropriate supports during the period of transition from foster care to independence can have significant positive impacts on adult functioning and can improve outcomes relating to educational attainment and postsecondary enrollment; employment and earnings; and reduced rates of teen pregnancies.

(3) The legislature intends to clarify existing authority for foster care services beyond age eighteen and to establish authority for future expansion of housing and other supports for youth aging out of foster care and youth who achieved permanency in later adolescence." [2009 c 235 § 1.]

RCW 74.13.031
Duties of department — Child welfare services — Children’s services advisory committee (as amended by 2009 c 235). (Effective October 1, 2010.)

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.
(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e., homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

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

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.
Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a post-high school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a post-high school academic or vocational program and maintenance of a 2.0 grade point average.

(11)(a) Within amounts appropriated for this specific purpose, have authority to provide continued foster care or group care to youth ages eighteen to twenty-one years who are:

(i) Enrolled and participating in a postsecondary or vocational educational program;

(ii) Participating in a program or activity designed to promote or remove barriers to employment;

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

(iv) Incapable of engaging on any of the activities described in (a)(i) through (iii) of this subsection due to a medical condition that is supported by regularly updated information.

(b) A youth who remains eligible for placement services or benefits pursuant to department rules may continue to receive placement services and benefits until the youth reaches his or her twenty-first birthday.

(12) Within amounts appropriated for this specific purpose, have authority to provide adoption support benefits, or subsidized relative guardianship benefits on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a subsidized relative guardianship at age sixteen or older and who are engaged in one of the activities described in subsection (11) of this section.

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

(14) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

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

(16) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(17) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and
comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultations shall occur at the regional and statewide levels.

[2009 c 235 § 2; 2008 c 267 § 6; 2007 c 413 § 10. Prior: 2006 c 266 § 1; 2006 c 221 § 3; 2004 c 183 § 3; 2001 c 192 § 1; 1999 c 267 § 8; 1998 c 314 § 10; prior: 1997 c 386 § 32; 1997 c 272 § 1; 1995 c 191 § 1; 1990 c 146 § 9; prior: 1987 c 605 § 69; 1987 c 170 § 10; 1983 c 246 § 4; 1982 c 118 § 3; 1981 c 290 § 16; 1979 ex.s. c 165 § 22; 1979 c 155 § 77; 1977 ex.s. c 291 § 22; 1975-76 2nd ex.s. c 71 § 4; 1973 1st ex.s. c 101 § 2; 1967 c 172 § 17.]

**Notes:**

Effective date -- 2009 c 235 § 2: "Section 2 of this act takes effect October 1, 2010." [2009 c 235 § 7.]

**RCW 74.13.031**

Duties of department — Child welfare services — Children’s services advisory committee (as amended by 2009 c 491).

The department shall have the duty to provide child welfare services and shall:

1. Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

2. Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e., homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

4. Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

5. Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

   a. The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.
(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

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

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

   (b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

   (ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

   (iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

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

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

   Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(16)(a) Within current funding levels, place on the public web site maintained by the department a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

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

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

(iii) Parent-child visits;

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

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

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

[2009 c 491 § 7; 2008 c 267 § 6; 2007 c 413 § 10. Prior: 2006 c 266 § 1; 2006 c 221 § 3; 2004 c 183 § 3; 2001 c 192 § 1; 1999 c 267 § 8; 1998 c 314 § 10; prior: 1997 c 386 § 32; 1997 c 272 § 1; 1995 c 191 § 1; 1990 c 146 § 9; prior: 1987 c 505 § 89; 1987 c 170 § 10; 1986 c 246 § 4; 1982 c 118 § 3; 1981 c 298 § 16; 1979 ex.s. c 165 § 22; 1979 c 155 § 77; 1977 ex.s. c 291 § 22; 1975-76 2nd ex.s. c 71 § 4; 1973 1st ex.s. c 101 § 2; 1967 c 172 § 17.]

**RCW 74.13.031**

**Duties of department and supervising agencies — Child welfare services — Children’s services advisory committee (as amended by 2009 c 520).**

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

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

(5) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section, children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month.

(a) The department or supervising agencies shall conduct the monthly visits with children and caregivers under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days to whom it is providing child welfare services.

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

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

(8) The department and supervising agency shall have authority to purchase care for children, and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

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

(10)(a) The department and supervising agencies shall have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of
(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a post-high school academic or vocational program and maintenance of a 2.0 grade point average.

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

(12) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department ((of social and health services)) under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

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

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

(15) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department ((is)) and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

Notes:
Reviser's note: RCW 74.13.031 was amended four times during the 2009 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

Effective date -- 2008 c 267 § 6: "Section 6 of this act takes effect December 31, 2008." [2008 c 267 § 14.]

Severability -- 2007 c 413: See note following RCW 13.34.215.

Construction -- 2006 c 266: "Nothing in this act shall be construed to create:

(1) An entitlement to services;

(2) Judicial authority to extend the jurisdiction of juvenile court in a proceeding
under chapter 13.34 RCW to a youth who has attained eighteen years of age or to order the provision of services to the youth; or

(3) A private right of action or claim on the part of any individual, entity, or agency against the department of social and health services or any contractor of the department." [2006 c 266 § 2.]

Adoption of rules -- 2006 c 266: "The department of social and health services is authorized to adopt rules establishing eligibility for independent living services and placement for youths under this act." [2006 c 266 § 3.]

Study and report -- 2006 c 266: "(1) Beginning in July 2008 and subject to the approval of its governing board, the Washington state institute for public policy shall conduct a study measuring the outcomes for foster youth who have received continued support pursuant to RCW 74.13.031(10). The study should include measurements of any savings to the state and local government. The institute shall issue a report containing its preliminary findings to the legislature by December 1, 2008, and a final report by December 1, 2009.

(2) The institute is authorized to accept nonstate funds to conduct the study required in subsection (1) of this section." [2006 c 266 § 4.]

Finding -- 2006 c 221: See note following RCW 13.34.315.

Effective date -- 2004 c 183: See note following RCW 13.34.160.

Findings -- Intent -- Severability -- 1999 c 267: See notes following RCW 43.20A.790.

Application -- Effective date -- 1997 c 386: See notes following RCW 13.50.010.

Effective date -- 1997 c 272: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 272 § 8.]

Effective date -- 1987 c 170 §§ 10 and 11: "Sections 10 and 11 of this act shall take effect July 1, 1988." [1987 c 170 § 16.]

Severability -- 1987 c 170: See note following RCW 13.04.030.


Effective dates -- Severability -- 1977 ex.s. c 291: See notes following RCW 13.04.005.

Severability -- 1967 c 172: See note following RCW 74.15.010.

Declaration of purpose -- 1967 c 172: See RCW 74.15.010.

Abuse of child: Chapter 26.44 RCW.

Licensing of agencies caring for or placing children, expectant mothers, and individuals with developmental disabilities: Chapter 74.15 RCW.
RCW 13.34.238: Guardianship for dependent child — Relative guardianship subsidies.

*** CHANGE IN 2010 *** (SEE 2680-S.SL) ***

The legislature intends to make subsidized relative guardianships, as permitted under federal law, available to Washington families through amending the state's dependency guardianship statute and through the following implementation directives for a relative guardianship program:

(1) Relative guardianship shall be a permissible permanency plan under this chapter for a dependent child who is Title IV-E eligible and for whom the prospective relative guardian has been the licensed foster care provider for at least six consecutive months prior to the guardianship being established;

(2) The department shall conduct routine and cost-efficient outreach regarding the relative guardianship program through the kinship care oversight committee, the area administrations on aging, and appropriate community partners;

(3) Relative guardianship subsidy agreements shall be designed to promote long-term permanency for the child and to support stability of the guardianship. The child's best interests shall govern the issue of whether and what kinds of supports will be available under the program; and

(4) The subsidized relative guardianship program shall be implemented in a manner consistent with federal laws, rules, and regulations for the receipt and expenditure of federal funds for subsidies to relative guardians.

[2009 c 235 § 5.]

**Notes:**

Findings -- Intent -- 2009 c 235: See note following RCW 74.13.031.
4310. Independent Living Skills For Youth Age 15 and Over

43101. Criteria For Providing Independent Living Services

A. Children's Administration is responsible for providing Independent Living Services to youth who are likely to remain in foster care until age 18. Foster Care is "twenty-four hour substitute care for children placed away from their parents or guardians and for whom the state agency has placement and care responsibility."

B. An Independent Living Plan must be developed and placed in the ISSP for all youth age 15 -18 who have been in care for 30 days or more.

C. These youth must receive assistance to gain the Independent Living Skills necessary to move toward a successful transition to adulthood in a developmentally appropriate way.

43103. Services For Youth 15 - 18 Years Of Age Who Have Been in Care for 30 Days or More

A. The assigned social worker must develop and document a plan for acquiring independent living skills and documentation of services being provided in the youth's ISSP.

1. Assigned DCFS staff must inform all youth of the services available to assist them in developing independent living skills.

2. The social worker must include the youth in the development of the IL plan. The goals identified must be goals the youth is interested in and will work toward (within appropriate health and safety limits).

3. Pregnant or parenting teens (either female or male) should receive special attention around life skill development, including parenting.

B. The Ansell Casey Life Skills Assessment is a tool used to assess the skill level of each youth working toward a successful transition to adulthood. The tool is located at www.caseylifeskills.org.

1. Working with the youth, this assessment tool may be completed by:
   a. The DCFS social worker;
   b. A contracted provider; (Required)
   c. The youth's foster parent,
   d. The relative caregiver,
   e. Any other persons knowledgeable about the skills of the youth; or
   f. Any combination of the above.

C. The Independent living/Learning plan follows the outline contained in the ISSP.

1. Each section must have proposed goals with a plan for attaining those goals. The social worker completes the IL plan with the youth unless the youth has been referred to and is participating in services through a contracted provider.

2. The Independent Living/Learning plan is documented in the Independent Living section of the ISSP or may be attached to the ISSP.

D. Annual Progress Report
Children's Administration

Practices and Procedures Guide

4. The social worker documents all services provided to the youth. The social worker should help the youth identify milestones and celebrate the accomplishments of the youth.

d. Each youth should participate in evaluating progress toward a goal or in redefining the goal, if needed.

E. Coordinating the development of the youth’s ACLSLP with the responsible school district for any youth over the age of 16 who is receiving special education services.

F. Shared Planning meeting and Checklist for Youth Exiting Care

1. Shared Planning meeting is required at no later than six months prior to a youth exiting care. See Section 4301(D)(10) Shared Planning in the CA Practices and Procedures Manual for information on conducting a Shared Planning meeting for youth exiting care.

2. The Checklist for Youth Exiting Care (DSHS Form 16-212) is to be used as a guide and documentation of information shared with the youth as he/she transitions from foster care to adulthood.

   a. The Checklist for Youth Exiting Care will be reviewed by the social worker and the youth at the Shared Planning meeting to determine which documents or information the youth will need prior to exiting foster care.

3. After the Shared Planning meeting, the social worker will gather the documents and information indicated on the Checklist for Youth Exiting Care and provide the information to the youth prior to exiting care.

   a. The social worker will sign the Checklist and indicate which documents and information have been provided to the youth.

   b. The youth will sign that he/she has received the documents on record or information indicated on the Checklist.

   c. The social worker will place a copy of the Checklist in the youth's file and a copy will be given to the youth.

G. The Social worker will consult with a Division of Developmental Disabilities (DDD) social worker when developing an individual transition plan for youth identified as eligible for continued DDD services beyond age 18. (See the CA - DDD Intra-agency Agreement).

H. Health and Education Records

   The social worker will ensure the youth is provided with a copy of his/her full health and education record collected during his/her time in out-of-home care prior to exiting care.

I. Records Retention

   The social worker will ensure the youth has been informed of CA's policies and procedures for the length of time CA keeps a youth’s records and how the youth may access his/her record after exiting care.

43105. Washington State Identicards for Foster Youth

Social workers have authority to request WA State Identicards for dependent youth in foster care and for youth placed in WA State through an Interstate Compact on the Placement of Children (ICPC). Identicards give youth needed identification to assist with tasks such as opening a bank account, applying for a job or obtaining housing.

Social workers must follow the identified procedures when working with Department of Licensing (DOL) to assist foster youth (or youth placed through an ICPC) in obtaining a WA State Identocard.

Social workers must:

A. Complete the new WA State Identicard form (DSHS 11-077) and make 2 copies:
Practices and Procedures Guide

C. Send original form to DOL. There are 2 ways to send this form to DOL:
   1. First class mail to: PO BOX 9030 Olympia WA 98507, Attn: Driver Examining Foster Care Kids
   2. Scanned and emailed electronically to: DOLDSDHSLETTER@DOL.WA.GOV
      Please send the form as an attached word document or adobe only. Include in the subject line the last name, first name, middle initial and date of birth of the youth. Please do not leave any spaces between each section. For example John L. Doe born 01/01/1988 would be DoeJohnL010188.

D. Social worker will NOT attach any of the "additional documents" in the form they send to DOL. The "additional documents" indicated on the form and a copy of the form will be given to the youth to take in person to any DOL.
   The youth should allow the following number of business days after social worker submitted form before going to the local DOL.
   Email: 3 business days
   First Class Mail: 7 business days
   The youth will have 60 calendar days to go to the local DOL to request the Identicard. After 60 days the social worker will need to submit a new request.

E. Social workers may take the completed form to the local DOL office if the identified foster youth will be accompanying them.
   1. The form must be completed with the photograph inserted and include the "additional documents" checked on the form.
   2. Social workers will need to show CA identification.

Driver's Education and Driver's License
Social workers do not have authority to approve a foster youth's participation in driver's education or to obtain a driver's license. The parent/guardian or the court must give formal approval.
http://www.dshs.wa.gov/ca/pubs/mnl_pnpg/chapter4_4300.asp

43106. Contracted IL Services

A. Each region determines the contracted services they will provide to assist youth in developing skills for independence.

B. Regions may contract with community agencies to provide Independent Living Services to eligible foster youth.

C. The social worker and the youth may determine that the assistance of a contracted provider is the best way for the youth to gain the skills needed to achieve independence.

D. Once a youth has been referred for services he/she remains eligible until age 21.

E. Contracted providers:
   1. Serve youth 15 through 20 years of age;
   2. Complete an Independent Living Assessment tool;
   3. Develop The Independent Living Plan with the youth;
   4. Provide copies of the completed assessment and plan on each youth to the social worker;
5. Assist youth in attaining the goals they have identified in their IL plan;
6. Have group and individual skill building sessions with youth;
7. Provide IL services for the youth until age 21;
8. Maintain case files on each youth indicating contacts, services, and expenditures;
9. Provide copies of the IL Progress Report to the social worker until exit from care;
10. May re-enroll a former participant up to age 21.

**Referral Process:**

F. The social worker must refer the youth while the case is open. Some contracted providers have additional referral forms for the social worker to complete.

G. Payment: Details about authorizing payments are contained in the SSPS Manual, Appendix C, section 3900.

**43107. Non-Contractor SSPS Codes 3901**

A. In the course of a youth preparing for adulthood, there are expected costs that will arise. The SSPS Code 3901 is targeted for those needs and may not exceed $500.00 for each eligible youth.
B. When the social worker and the youth have developed and established the IL plan and goals, the social worker may use SSPS code 3901 to assist with attaining an identified goal or plan.
C. The social worker initiates use of this code, which may require supervisory approval.
D. Details about this code are contained in the SSPS Manual, Appendix C, section 3900.

**43108. Services for Youth Formerly In out-of-home care (18-20 Years Of Age)**

A. “Former foster youth” are defined as individuals, 18 through 20 years of age who are or have been in out-of-home care.
B. Former Foster Care recipients from 18 through 20 years of age are now eligible to receive transitional services to complement their own efforts to achieve self-sufficiency.
   1. Assistance may be offered in the form of housing expenses including, but not limited to, Rent, deposits and utility bills.
   2. Housing costs are only available to former foster care youth age 18 through 20 who are no longer receiving foster care payments.
C. Eligible youth are those youth ages 18 through 20 who have at least one IL plan (DSHS form 10-267) in their ISSP.
   1. Each recipient of services must have a plan for achieving independence by the time the recipient reaches age 21.
   2. Performance toward the goals shall be measured and must demonstrate improvement from involvement in the program.
   3. Youth who consistently fail to adhere to the elements of the plan shall be evaluated by staff and may be declared ineligible to continue receiving services.
   4. All recipients of transitional services and or funds shall be contacted six (6) months after transitional funds have been authorized to document the youth's status in:
      a. Housing
      b. Employment
      c. Education
D. The types of services available and the budget for services for former foster youth vary by region.
E. The regional Independent Living Coordinator identifies the services available in the region and the process for accessing those services. Contact the regional Independent Living Coordinator for specific information.
Youth leaving care at age 18 are eligible for continued Medicaid insurance until age 21. To establish medical eligibility the Foster Care Medical Unit may be contacted at 1-800-547-3109.

Please have the following information available:

- Name and address of the youth;
- Date of Birth of the youth;
- Household income (only the youth, unless living with the youth’s legal family);
- Citizenship;
- Social Security Number; and
- Relationship to others in the household.

## 4330. Open Communication Agreements

### Purpose Statement

Assist and advise birth, adoptive parent(s) and known siblings when it is appropriate and in the child’s best interests to consider an Open Communication Agreement.

Open Communication Agreements provide an opportunity for birth parents, adoptive parents and known siblings to have an agreed type of post adoption contact.

### Laws

#### Policy

A. An Open Communication Agreement must be determined to be appropriate or not appropriate during the child’s case plan and prior to filing the termination petition.

B. An Open Adoption Agreement may be entered into prior to a termination hearing when it is in the best interests of the adoptee and there is a willing adoptive parent/s.

C. Determine and document that an Open Communication Agreement is in the best interest of the child both now and in the future.

### Procedures

A. Consider establishing an Open Communication Agreements with **birth parents** when:

1. The department and GAL have stated it is in the best interest of the child adoptee through a shared planning meeting to maintain contact with a birth parent post adoption. Best interest of the child includes but is not limited to when:
   
   a. There is an emotional attachment on the part of the adoptee and continued communication post adoption supports the adoptees:
      
      i. Sense of well-being and security
      
      ii. Identity development
      
      iii. Stability
      
      iv. Wishes of not losing contact
   
   b. It creates an opportunity for adoptive parents to receive medical and educational information to support parenting.
   
   c. It does not interfere with the physical safety and welfare of the adoptee and adoptive parents.

2. The prospective adoptive parent(s) has agreed to enter into an Open Communication Agreement.
The Open Communication Agreement provides an opportunity for the adoptee, and adoptive parents to maintain an agreed form of post adoption contact.

3. The birth parent(s) has the development capacity to understand the terms of an Open Communication Agreement.

4. There is a favorable relationship between the birth parent(s) and adoptee.

5. The Open Communication Agreement is completed prior to a relinquishment or termination.

6. The Open Communication Agreement is prepared with the birth parent(s), prospective adoptive parent(s) and their individual legal council.

7. Ensure the following CA staff attend the Shared Planning meeting when determining any ongoing contact post adoption:
   1. Adoptee's social worker and supervisor,
   2. Adoptive family social worker and supervisor,
   3. Each child's CASA/GAL,
   4. Social worker or supervisor from the Adoption Program/Unit,
   5. Service providers for adoptee as appropriate.

B. Conduct a Shared Planning Meeting to determine and document the following:
   1. An Open Communication Agreement with the birth parent(s) is in the best interest of the child adoptee.
   2. The benefits of maintaining connections between a birth parent(s) and prospective adoptive parent(s) can benefit the adoptees the well-being.
   3. Identify the type of on-going communication that is most appropriate for the child:
      Note: At a minimum a letter and photo one time per year
   4. Obtain signed approval from the Area Administrator or designee when the staffing decision approves the Open Communication Agreement.

C. Discuss with a youth age 14 and over (younger if appropriate) the youth’s interests in maintaining contact with birth parents and known siblings. The discussion should include:
   1. Type and amount of contact the youth feels would be beneficial.
   2. The youth’s understanding of an Open Communication Agreement.

D. Advise birth parent(s):
   1. About the option to enter into an Open Communication Agreement,
   2. The Open Communication Agreement must be signed prior to signing the relinquishment document or prior to a termination hearing.
   3. To consult their attorney prior to signing the Open Communication Agreement.

E. Advise prospective adoptive parent(s):
   1. To consult their attorney, prior to entering into an Open Communication Agreement, and;
   2. The costs and services related to negotiating an Open Communication Agreement may be considered as a non-recurring expense under the adoption support program.

F. An Open Communication Agreement must be signed by the following parties:
Prospective adoptive family

Birth parent(s), if applicable

Known sibling(s), if applicable

CASA/GAL or child's therapist, if applicable

Area Administrator or designee

H. The signed Open Communication Agreement needs to be submitted to the Juvenile Court at the relinquishment or termination hearing and Superior Court for the adoption hearing.

I. Maintain a copy of the agreement in the child’s adoption file (legally free).

J. If a staffing decision does not support an Open Communication Agreement with:

1. A birth parent(s), the social worker will pursue termination of parental rights.

2. A known sibling, document the decision in the adoptee's case record and the sibling’s case record.

K. Consider establishing an Open Communication Agreement with known siblings when:

1. The department and GAL have stated it is in the best interest of the child adoptee through a shared planning meeting to maintain contact with a sibling post adoption. Best interest of the child includes but is not limited to when:
   a. There is an emotional attachment on the part of the adoptee and continued communication post adoption supports the adoptees:
      i. Sense of well-being and security
      ii. Identity development
      iii. Stability
      iv. Wishes of not losing contact
   b. It does not interfere with the physical safety and welfare of the adoptee and adoptive parents.

2. The prospective adoptive parent(s) has agreed to enter into an Open Communication Agreement.

3. Sibling(s) are placed separately and have an established relationship.

4. Maintaining on-going connections post adoption is in the adoptees best interest both now and in the future.

5. No safety concerns prevent on-going contact post adoption between the adoptee and the known sibling(s) placed separately.

6. The Open Communication Agreement provides the opportunity for the adoptee, known sibling(s) and adoptive parent(s) to exchange information post-adoption finalization.

7. A GAL or court appointed attorney represents the separated sibling and approves the Open Communication Agreement

8. The Open Communication Agreement is prepared with prospective adoptive parent(s), known sibling(s) and their individual legal council.

9. The known sibling has been provided with legal counsel.

L. Ensure the following CA staff attend the Shared Planning meeting when determining any ongoing contact post adoption:

1. Adoptees social worker and supervisor

2. Adoptive family social worker and supervisor

3. Known sibling
M. Conduct a Shared Planning Meeting to determine and document the following:

1. Open Communication Agreement with the birth parent(s) is in the best interest of the child adoptee.
2. The benefits of maintaining connections between a known sibling and prospective adoptive parent(s) can benefit the adoptees the well-being.
3. Identify the type of on-going communication that is most appropriate for the child:
   
   Note: At a minimum a letter and photo one time per year.
4. Obtain signed approval from the Area Administrator or designee when the staffing decision approves the Open Communication Agreement.

N. Advise prospective adoptive parent(s):

1. To consult their attorney, prior to entering into an Open Communication Agreement, and;
2. The costs and services related to negotiating an Open Communication Agreement may be considered as a non-recurring expense under the adoption support program.

O. If a staffing decision does not support an Open Communication Agreement with:

1. A birth parent(s), the social worker will pursue termination of parental rights.
2. A known sibling, document the decision in the adoptees case record and the sibling’s case record.

P. An Open Communication Agreement must be signed by the following parties:

1. Prospective adoptive family
2. Birth parent(s), if applicable
3. Known sibling(s), if applicable
4. CASA/GAL or child’s therapist, if applicable
5. Area Administrator or designee

Q. The signed Open Communication Agreement needs to be submitted to both Juvenile Court at the relinquishment or termination hearing and Superior court for the adoption hearing.

R. Maintain a copy of the agreement in the child's adoption file (legally free).

Family Centered Approach:
The way CA staff engages the family (or fails to engage the family) can directly affect the willingness of the family to work with other members of the department. The level of trust and integrity established between the agency and the family often has a direct relationship on the child being able to remain/reunify with his/her family. Everyone who meets the family needs to build positive relationships.

For example: The definition of family varies from group to group. While the dominant
Determining if there are cultural considerations that need to be addressed as part of the planning process, for example, obtaining information about protocols, such as, how to approach a family, use of a cultural elder, matriarch or patriarch or the need for a culturally appropriate support person.

### 43401. Relative Guardianship Assistance Program (R-GAP)

<table>
<thead>
<tr>
<th>Purpose Statement</th>
<th>Assist children in foster care to live permanently with grandparents and other licensed relative guardians when they cannot return home or be adopted. The Relative Guardianship Assistance Program (R-GAP) offers support to assist with subsidized guardianship payments to these families.</th>
</tr>
</thead>
</table>
| Laws              | - [RCW 74.15.020(2)(a) Relative Definitions](http://www.dshs.wa.gov/ca/pubs/mnl_pnpg/chapter4_4310.asp)  
- [RCW 13.34](http://www.dshs.wa.gov/ca/pubs/mnl_pnpg/chapter4_4310.asp)  
- [ICW Manual Placement Preferences](http://www.dshs.wa.gov/ca/pubs/mnl_pnpg/chapter4_4310.asp) |
| Policy            | A. A permanent plan of Guardianship with an R-GAP is an appropriate plan only when permanent plans of reunification with parent(s) and adoption have been ruled out per 4305. Permanent and Concurrent Planning policy.  
B. Determine and document that Guardianship with an R-GAP is an appropriate permanent plan and meets all legal requirements.  
C. Siblings are eligible for Guardianship with an R-GAP based upon the eligibility of another sibling placed in the same home.  
D. A Relative Guardianship Assistance Program Agreement (DSHS form #15-391) must be signed by the guardian and approved by the court.  
E. R-GAP agreements are contracts between the relative guardian(s) and the state of Washington.  
**NOTE:** Guardianship with an R-GAP is not available for non-relative licensed foster parents. |
| Procedures        | A. Determine and document that Guardianship with a R-GAP is an appropriate permanent plan because of the following reasons:  
1. Through a shared planning meeting per 4301. Shared Planning a determination is made that documents the steps taken to determine that return home or adoption is not appropriate.  
2. Efforts made to discuss:  
   a. Adoption with the child’s relative foster parent and reasons why adoption is not an option  
   b. Guardianship with the birth parent/s about the Relative Guardianship Assistance Program or reasons why the discussion did not occur  
3. Reasons why a permanent placement with a prospective relative guardian and receipt of R-GAP is in the child(s) best interest. |
The relative guardian has a strong commitment to be a permanent home for the child.

a. There is an emotional bond and a strong attachment between the child and the relative guardian(s).

b. The child requests the permanent plan of guardianship and has lived with the relative guardian for six (6) consecutive months.

c. The Permanency Planning Benefits and Limitation Matrix has been reviewed with the proposed caregiver and youth (when appropriate).

d. The child's cultural considerations are met by the proposed relative guardian.

e. The child's medical issues are met by the proposed relative guardian.

f. The child has strong community ties, including church, school, relatives and friends.

Note: A fair hearing may be requested by any individual whose claim for R-GAP under title IV-E is denied or is not acted upon with reasonable promptness.

B. Determine the child meets the following R-GAP requirements:

1. Resides in the home of the licensed relative for 6 consecutive months.

2. Dependent child of Washington State

3. If 14 and older consents to the Guardianship with an R-GAP as their permanent plan

4. Is a sibling of an eligible child placed together

C. Determine the caregiver meets the following R-GAP requirements:

1. A relative as defined:
   a. Per RCW 74.15.020(2)(a) which does not include suitable person, or
   b. Per ICW Manual Placement Preferences

2. A licensed foster parent for 6 months prior to entering into a Guardianship with an R-GAP agreement

Note: There are no income requirements for relative guardians to receive reimbursement for expenses associated with the R-GAP program.

D. Develop an R-GAP subsidy agreement:

Social worker will:

1. Provide relative guardian(s) with an R-GAP Application (DSHS form #15-392) and determine the reimbursement needs for non-reoccurring expenses.

2. Complete the child's section of the R-GAP application.

3. Submit the completed application packet to the R-GAP Regional Gatekeeper.

R-GAP Regional Gatekeeper will:

1. Review application packet.

2. Determine IV-E eligibility status from Regional IV-E Eligibility Specialists.

3. Negotiate the monthly subsidy amount, any non-recurring expenses, and additional services with the relative guardian. Subsidy amount
### Practices and Procedures Guide

**Children’s Administration**

4. Create and send the R-GAP agreement (DSHS form #15-391) to the relative caregiver for signature.

5. Submit the signed R-GAP agreement to the appointing authority for signature.

6. Provide a signed R-GAP agreement to the child's assigned social worker.

7. Authorize service in FamLink for the relative guardian of the agreed monthly subsidy and any agreed non-recurring expenses.
   - a. Child is IV-E eligible then authorize with the IV-E service code
   - b. Child is **non** IV-E eligible then authorize with the non service code
   - c. Non-reoccurring expenses, as appropriate, with the non-reoccurring service code

8. Consider amendments to the R-GAP Agreement upon the request of the relative guardian(s) and agreement of the department.

E. Terminate the R-GAP agreement according to the terms of the agreement or if one of the following occurs:
   1. The child reaches 18 years of age.
   2. The guardian no longer has legal responsibility for the child.
   3. The guardian is no longer providing financial support for the child.
   4. The guardian or child dies.

F. Review requests made to continue R-GAP for youth after age 18 and before age 21, when the youth is still in high school or equivalent.

### Cultural Considerations

#### Family Centered Approach:
The way CA staff engages the family (or fails to engage the family) can directly affect the willingness of the family to work with other members of the department. The level of trust and integrity established between the agency and the family often has a direct relationship on the child being able to remain/reunify with his/her family. Everyone who meets the family needs to build positive relationships.

For example:

**The definition of family varies from group to group.** While the dominant culture has focused on the nuclear family, African Americans define family as a wide network of extended family, non-blood kin and community. Native American Indian families traditionally include at least three generations and multiple parental functions delegated among aunts and uncles, as well as grandparents and cousins. Different cultural groups also vary in their traditional practices and views of adoption.

Determine if there are **cultural considerations** that need to be addressed as part of the planning process, for example, obtaining information about protocols, such as, how to approach a family, use of a cultural elder, matriarch or patriarch or the need for a culturally appropriate support person.

### Forms and Tools

- Relative Guardianship Assistance Program (R-GAP) Agreement (DSHS form #15-391)
- Relative Guardianship Assistance Program (R-GAP) Application (DSHS form #15-392)
A. The assigned social worker and the worker's supervisor must schedule and review all cases in which CA and/or guardianship subsidy is being considered in a Shared Planning Meeting.

B. The proposed guardian(s) must sign the attached "Declaration of Proposed Dependency Guardian" in order to ensure that the proposed guardian(s) understand(s) the custody issues and responsibilities to the child/ren for whom they intend to provide a permanent home.

C. The social worker must provide the proposed guardian(s) a copy of the "Dependency Guardianship Frequently Asked Questions."

D. The Area Administrator must review all requests for a dependency guardianship prior to the Regional Administrator or designee review.

E. The Regional Administrator or designee must approve all requests for dependency guardianships prior to court approval of the permanency plan for dependency guardianship. The Regional Administrator (or designee) must sign the "Checklist for Approval of Guardianship." (DSHS 15-324)

F. Standardized court orders appointing the dependency guardian will be used for all dependency guardianships. (Available from the AAG.)

G. CA will ask the court to be relieved of oversight/supervisory responsibilities to the dependent child as outlined in the "Order Appointing the Dependency Guardian."

H. When CA is relieved of oversight/supervisory responsibilities and there is no guardianship subsidy payment from CA, the case episode and event will be closed in CAMIS.

I. The case episode will be closed and the event will remain open for payment when there is guardianship subsidy payment from CA, whether CA is relieved of oversight/supervisory responsibilities or not.

J. The originating (sending) office retains responsibility for guardianship subsidy payment in dependency guardianship cases where courtesy supervision is requested or in place, as well as planning for the child if the dependency guardianship disrupts.

43403. Guardianship Subsidy Procedures

A. Guardianship subsidy may be provided to licensed homes through SSPS payment. The source of funds is state-only funds. Non-licensed homes are eligible for support through TANF with a Child-Only grant.

B. Financial reimbursement must not favor guardianship over adoption.

C. Guardianship subsidy may be negotiated up to level two foster care rate for guardians with a foster care license at the time of the establishment of the guardianship. Negotiations include a discussion with the proposed guardian(s) and review of the current foster care assessment, the child's special needs, and anticipated expenses for the child's care.

D. All payments over the level two foster care rates will be exceptions and must be for services to the child. These payments require review every six-months using the foster care rate assessment and the annual approval of the Regional Administrator or designee.

E. For all payments over level two, a social worker must be assigned to complete the rate assessment, obtain RA or designee approval, and oversee payment authorization. For payments at level two or below, each region will develop regional protocol for payment authorization.

F. For dependency guardianships established on or following the date of CA policy 04-01, effective 2-1-05, guardianship subsidy will comply with this policy. **Dependency guardianships established prior to 2-1-05 remain unaffected by this policy.**

G. For those homes licensed by a private agency, only the borrowed bed fee will be paid to support continued licensing of private agency foster homes.
Case managementservices arenotprovided, asthe child is in a permanent placement and no longer infostercare.

H. Case aide supervision, childcare for children over age 12, tutoring, etc. are not provided in a guardianship.

I. Mileage or travel reimbursement, respite care, and clothing vouchers are not provided to these permanent placements.

J. 43404. Vacating the Guardianship

The dependency guardianship may be modified or terminated if:

A. a motion is brought before the court by any party
   if the court finds by a "preponderance of the evidence" that there has been a substantial change of circumstances after the guardianship was established and
   that it is in the child’s best interest to modify or terminate guardianship.

B. The court must hold a hearing on the motion before taking action.

C. In cases that CA continues to have supervisory oversight/responsibility, the social worker may request that a guardianship be vacated if the child's health, safety, or welfare would be jeopardized by continuation of the guardianship.

4350. Status of Relatives of Specified Degree with Legally Free Children

A. Children’s Administration acknowledges a continuing relationship between relatives of specified degree and children whose parental rights have been terminated in those cases where the relatives choose to continue a relationship with the child and the continuing relationship is in the best interest of the child. This acknowledgment applies to all legally free children in the custody of the department. RCW 13.34.180, 13.34.210, 26.33.295, and 74.15.020

B. Relatives of specified degree, as defined in RCW 74.15.020 and this Practices and Procedures Guide, chapter 5000, section 5230, remain legal relatives when a child becomes legally free if those relatives wish to maintain a relationship with the child and the social worker assigned to the child determines, consistent with the Shared Decision Making model contained in the CA Case Services Policy Manual, Appendix C, the continuing relationship to be in the best interest of the child.

C. CA staff must treat relatives of specified degree as the staff treats all relatives of specified degree under the rules of the foster care and foster family home licensing programs.

D. CA staff must treat these affected relatives of specified degree the same as all relatives of specified degree under the Interstate Compact for the Placement of Children (ICPC) program.

E. The rights of the affected relatives of specified degree do not extend beyond adoption of the child except through an open adoption agreement as described in RCW 26.33.295. See section 4330, above.

F. In determining which adoptive placement is in the best interest of the child, family relationships will be only one of the factors considered by DCFS staff. Other factors include, but are not limited to:
   1. Attachment to and relationship with the child.
   2. History of parenting.
   3. Ability to meet the special needs of the child.
   4. Ability to meet the basic needs of the child.
   5. Family composition.
   7. Ability to meet the cultural needs of the child. A placement resource need not be of the same ethnic background as the child in order to meet the ethnic or cultural needs of the child. Unless a compelling reason is identified, CA staff will not match children to a placement family on the basis of race.

4410. Characteristics

4411. Mission and Values

For a description of CA's mission and values, see the CA Case Services Policy Manual, chapter 1000, section 1200.

4412. Supportive Services

Supportive services are those non-placement services available to either prevent the out-of-home placement of a child, reunify a family following placement, or maintain/improve functioning of a child in a placement setting. CA authorizes and provides all services within the context of a time-limited, goal-oriented case plan.

4413. Placement Services

<table>
<thead>
<tr>
<th>Purpose Statement</th>
<th>Ensure when a child is placed in out-of-home care the agency provides and shares all placement information known to the child's caregiver.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laws</td>
<td>RCW 74.13.280 - Client Information&lt;br&gt;RCW 26.44.030 - Reports</td>
</tr>
<tr>
<td>Policy</td>
<td>A. Caregivers of children in out-of-home placement must be provided all information about the child(ren) being placed in their care (For adoptive placements, see Section 45403 and for youth 17.5 years or older see Section 43103 (f)).&lt;br&gt;B. When placing all youth identified as SAY or PAAY, SAY policy 45361 and PAAY policy 45362 must be followed.&lt;br&gt;C. Children must not be placed in the following locations:&lt;br&gt;1. DSHS local offices&lt;br&gt;2. Institutions not set up to receive foster children, such as adult mental hospitals or detoxification facilities where children and adults commingle.</td>
</tr>
<tr>
<td>Procedures</td>
<td>A. Share child specific information with caregivers including but not limited to:&lt;br&gt;1. Child Information/Placement Referral form (DSHS 15-300)&lt;br&gt;2. Reasons for placement including any abuse and neglect history&lt;br&gt;3. Health, mental health, education report or information known about the child&lt;br&gt;4. Child specific safety concerns and safety planning&lt;br&gt;5. Child specific case plan for permanency and well-being&lt;br&gt;6. Information on all youth identified as SAY, PAAY, high risk, and sexually reactive/problematic per RCW.13.280 and as identified per SAY/PAAY policy 4536.</td>
</tr>
</tbody>
</table>
10. Shared planning meeting notice may be given by telephone, face-to-face contact, e-mail or written notification using the Caregiver Staffing Notice Form (DSHS 15-311)

11. Child Supervision Plan (DSHS 15-352)

12. Shared Planning Meeting and Checklist for Youth Exiting Care (per Section 43103(f)).

B. Complete and provide the Child Information/Placement Referral form DSHS 15-300 to caregivers in one of the following circumstances:
   a. Prior to or no later than 72 hours after initial placement.
   b. When the child moves from one out of home placement to another.
   c. When new information is known about the child’s needs.

C. Complete and provide the Health, Mental Health and Education Report to caregivers when new health, mental health, and/or education information is obtained about the child.

D. Notify and share information with the child’s Guardian Ad Litem/Court-Appointed Special Advocate, when:
   1. A report is received of alleged abuse or neglect involving a dependent child.
   2. A disposition of the investigation is complete.

E. Prior to placing a youth identified as SAY or PAAY, SAY policy 45361 or PAAY policy 45362 must be followed.

F. Obtain Regional Administrator approval prior to placing any child in an apartment or motel with a licensed foster parent, relative or caregiver.

G. Document when and what information has been shared with the caregiver in case note section of the electronic case file and place a copy of any written documentation in the child’s file.

---

**Cultural Considerations**

**Family Centered Approach:**
The way CA staff engages the family (or fails to engage the family) can directly affect the willingness of the family to work with other members of the department. The level of trust and integrity established between the agency and the family often has a direct relationship on the child being able to remain/reunify with his/her family. Everyone who meets the family needs to build positive relationships.

For example:

**The definition of family varies from group to group.** While the dominant culture has focused on the nuclear family, African Americans define family as a wide network of extended family, non-blood kin and community. Native American Indian families traditionally include at least three generations and multiple parental functions delegated among aunts and uncles, as well as grandparents and cousins. Different cultural groups also vary in their traditional practices and views of adoption.

Determine if there are cultural considerations that need to be addressed as part of the planning process, for example, obtaining information about protocols, such as, how to approach a family, use of a cultural elder, matriarch or patriarch or the need for a culturally appropriate support person.
4420. Social Worker Monthly Health and Safety Visits

Purpose
Health and Safety visits are face-to-face monthly visits conducted by the assigned social worker that provide ongoing assessment of the health, safety, permanency and well-being of children. The visits are well-planned and involve the child and caregiver (including parents in in-home dependency and voluntary services cases) in decisions that affect their lives, including the case plan.

Policy
A. Children in CA custody must receive private, individual face-to-face Health and Safety visits by the assigned CA social worker every calendar month, not to exceed 40 days between visits.  
   1. The first visit must occur within one week (seven calendar days) of initial placement. (Placing a child is not considered a Health and Safety visit.)  
   2. For in home dependencies all Monthly Health and Safety visits must occur in the home where the child resides. (This does not preclude additional visits outside the home.)  
   3. For out of home placements, the majority of Health and Safety visits in must occur in the home where the child resides. If the social worker visits the child in another location, the social worker must document the reason and benefit gained.
B. Children not in CA custody who receive Family Voluntary Services (FVS) must have face-to-face Health and Safety visits by the assigned CA social worker every calendar month, not to exceed 40 days between visits.
C. Caregivers must receive visits by the assigned CA social worker every calendar month, not to exceed 40 days between visits.
D. All visits must be documented in the case notes within 3 calendar days.

Procedure
A. Health and Safety Visits According to Case Type:  
   1. Children in their own homes  
      The social worker conducts monthly visits. This includes:
In-home dependencies, including dependent children who return home on a trial return home or remain home under the jurisdiction of the court until dismissal of the dependency (See Practices and Procedures [P&P] Section 43051A).

b. Courtesy Supervision when requested for an in-home dependency case.

c. Interstate Compact on Placement of Children (ICPC) cases.

d. Children ages 0-5 years require two in-home visits every calendar month for the first 120 calendar days of an established in-home dependency.

   (One of the two visits may be conducted by a CA paraprofessional or contracted provider).

e. Voluntary Service Agreement (VSA) (See P&P Chapter 2000, section 2430) cases.

2. Children in out-of-home care

   The assigned social worker conducts monthly visits. This includes:

   a. When a dependency petition is filed or established and the court has ordered that the child reside in out-of-home placement (includes Long-Term Care Agreements- see P&P 43052A).
   b. When the child is placed by Voluntary Placement Agreement (VPA).
   c. Courtesy Supervision cases.
   d. Interstate Compact on Placement of Children (ICPC) cases. When an interstate compact agreement is made with another state to provide services, the social worker will request, in writing, the following actions be completed by the receiving state:

      i. conduct monthly face to face social worker visits (not to exceed 40 days between each visit) and
      ii. submit a report to CA on the visits on a monthly basis.

   Note: The receiving state may contract with a private agency for such visitation.

B. Social worker visits with child

   At each visit, the social worker completes the following activities, which includes but is not limited to:

   1. Observation of:

      ■ How the child appears developmentally, physically and emotionally
      ■ How the parent/caregiver and the child respond to each other
      ■ The child's attachment to the parent or caregiver
      ■ The home environment (when the visit occurs in the home where the child lives).

   2. Discussion with the verbal child(ren) in private, separate from the parent/caregiver, either in the home or in another location where the child is comfortable.

      Discussion will include:

      ■ Inquiry as to whether the child felt safe in their home or placement
      ■ Inquiry about the child's needs, wants and progress
      ■ Visits with siblings and parents
      ■ Case activities and planning such as visits and permanent plan.

   3. Confirmation that each child capable of reading, writing and using the telephone has a card with the social worker's name, office address, and phone number.

C. Social Worker Coordination with Tribes

   The social worker contacts the child's Tribe(s) to discuss and plan how to involve the Tribe(s) in the monthly visits. The social worker documents the contact and the plan in the case notes.

D. Social Worker Visits with Caregiver

   The social worker conducts monthly visits with the caregiver. The location of the visit may vary. During the visit, the social worker:

   a. 
   b. 
   c. 
   d. 
   e. 
   f. 
   g. 
   h. 
   i. 
   j. 
   k. 
   l. 
   m. 
   n. 
   o. 
   p. 
   q. 
   r. 
   s. 
   t. 
   u. 
   v. 
   w. 
   x. 
   y. 
   z. 

   Note: The receiving state may contract with a private agency for such visitation.

   B. Social worker visits with child

   At each visit, the social worker completes the following activities, which includes but is not limited to:

   1. Observation of:

      ■ How the child appears developmentally, physically and emotionally
      ■ How the parent/caregiver and the child respond to each other
      ■ The child's attachment to the parent or caregiver
      ■ The home environment (when the visit occurs in the home where the child lives).

   2. Discussion with the verbal child(ren) in private, separate from the parent/caregiver, either in the home or in another location where the child is comfortable.

      Discussion will include:

      ■ Inquiry as to whether the child felt safe in their home or placement
      ■ Inquiry about the child's needs, wants and progress
      ■ Visits with siblings and parents
      ■ Case activities and planning such as visits and permanent plan.

   3. Confirmation that each child capable of reading, writing and using the telephone has a card with the social worker's name, office address, and phone number.

C. Social Worker Coordination with Tribes

   The social worker contacts the child's Tribe(s) to discuss and plan how to involve the Tribe(s) in the monthly visits. The social worker documents the contact and the plan in the case notes.

D. Social Worker Visits with Caregiver

   The social worker conducts monthly visits with the caregiver. The location of the visit may vary. During the visit, the social worker:
Discusses with the caregiver the child's well-being and permanency goals.

Observes the child and caregiver relationship and home environment when a visit occurs in the caregiver's home.

Assesses the caregiver's ability to provide adequate care and maintain placement stability.

Identifies any support or training needs.

Inquires about the child's visits with siblings and parents and how child is responding.

Social Worker Documentation

The social worker documents information gathered in Section II in the case notes. This is done within 3 calendar days of each visit the following way:

1. Use the following codes for visits and attempted visits for visits for all children:
   - Health and Safety Visit (assigned CA social worker)
   - Health and Safety Visit (attempted) *use to document efforts to conduct the Health and Safety Visit. An actual visit must take place for compliance with policy.
   - Health and Safety Monitoring Visit (Conducted by Other Agency) used only for:
     a. Out-of-state ICPC Cases,
        Note: For ICPC cases, the assigned CA social worker will document when the receiving state completes a visit.
     or
     b. Visits completed by CPA social workers or contracted provider
        Note: A visit by a CPA social worker does not relieve CA social workers from completing their monthly visits. Both visits MUST be documented in FamLink.

F. Use the following code for visits with caregivers:
   - Monthly Caregiver Contact (in-Person)

**44201. Social Worker Monthly Health and Safety Visits for Youth in JRA Facilities**

**442011. Purpose**

Monthly contacts by a CA social worker with a dependent youth committed to Juvenile Rehabilitation Administration (JRA) addresses on-going case planning issues and treatment progress to support the youth's permanency following discharge.

**442012. Policy**

A. The CA social worker will talk with the JRA counselor and dependent youth each month and address treatment progress, case planning, discharge planning, and other relevant monthly visit issues.

B. The CA social worker will determine on a case-by-case basis the frequency of the face-to-face contact with the youth based on individual case needs.

**442013. Procedure**

A. Contact JRA counselor and dependent youth on a monthly basis. Contact may be by phone or in person.

B. Document contact in FamLink using the "Health and Safety monitoring visit conducted by other agency" code.

C. Consider the following factors when determining if a face to face visit should occur:
   1. Current needs of the youth based on consultation with the JRA counselor and youth.
   2. Legal status of the youth.
Involvement of the youth's family.

3. Contact with other significant adults outside the facility.

4. Permanent plan and necessary steps to achieve it.

5. Length of time until discharge, with particular consideration given to attendance at the Pre-Release Transition Planning meeting.

6. Coordinates schedules with the JRA counselor and youth at a time most appropriate to the youth's treatment program and school schedule.

Note: Do not request courtesy supervision for monthly visits with dependent youth in JRA, as it does not meet the purpose of the policy.

4421. Smoking Near Children

4421.1. Purpose:

This policy ensures compliance with RCW 74.13 that sets child safety as a paramount goal in caring for children who are in the department's custody. The legislature has recognized "the increasing evidence that tobacco in closely confined places may create a danger to the health of some citizens of this state". The State Department of Health and the American Lung Association have both issued reports concluding that second hand smoke is particularly harmful to children. Additionally RCW chapter 70.160 prohibits smoking in any public place except for designated smoking areas.

4421.2. Policy

The policy prohibits smoking by CA staff when acting in any official capacity with client children and foster youth 18-21 years of age. Smoking is prohibited while transporting client children under age 18 and foster youth 18-21 years of age when using either state vehicles or private vehicles. It further prohibits smoking when there is direct contact with client children under age 18 and foster youth 18-21 years of age such as talking with a child outside of a building, going to a cafe for refreshments, or any public venue where smoking may be permitted.

4421.3. Definitions

A. A "public place" is defined as "that portion of any building or vehicle used by and open to the public, regardless of whether the vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and regardless of whether a fee is charged for admission".

B. "CA staff" refers to all employees of the Children's Administration of the Department of Social and Health Services and also includes volunteers, and interns. After July 1, 2004, contractors shall be subject to the same restrictions under this policy as CA staff.

C. "Client Children" refers to any child(ren) that is receiving services from DSHS in any capacity.

4421.4. Procedure:

A. Smoking Prohibited in Presence of Client Children and Foster Youth:

1. Pursuant to CA Policy 02-10 (applicable to contractors after July 1, 2004), smoking in the presence of DCFS client children is prohibited under the following circumstances:

   a. When transporting client children under age 18 and foster youth 18-21 years of age;

   b. When there is direct contact with client children under age 18 and foster youth 18-21 years of age such as talking with a child or accompanying a child, even when in a public place where smoking may otherwise be permitted; and

   c. The contractors shall ensure that after July 1, 2004, the Contractor's staff, employees, volunteers, and subcontractors comply with the policy against smoking in the presence of client children and foster youth as outlined above.
Guidelines for Client Referrals to Contractors

Social Workers must provide contractors with written information regarding referred cases. The release of information to contracting agencies is permitted under RCW 13.50.100. The social worker provides the following information in the initial referral, when available and applicable:

A. Date and time of referral.

B. Inclusive dates of service authorization.

C. Purpose of the referral. Provide a clear statement to the contractor regarding type of case; e.g., crisis intervention, child abuse, reunification, etc., and the services to be performed.

D. Clear, written expectations to the contractor; e.g., "This is a CPS case. Please provide unannounced visits, document your observations, and report them to the assigned social worker."

E. Description of family strengths and extended family networks (if known).

F. Family members' responses to current and past services.

G. Known or suspected past or current mental health, developmental, or other health related disabilities and conditions.

H. Known or suspected past or current involvement with drugs, alcohol, or illegal activities.

I. Copy of current court report and/or Individual Service and Safety Plan (ISSP).

B. The social worker complies with the following procedures for ongoing case management:

1. Keep the contractor informed of new developments/concerns regarding referred case.

2. Keep a written record of required reports, noting date due, date received, acceptable, non-acceptable, etc.

Continue to sections 4430 - 4519