

2017 Legislative Update #7 2/27/2017

Hi all:

Welcome to the house of origin post-fiscal committee update. While that sounds like a mouthful, what it means is that any bill that had a fiscal note and was referred to a fiscal committee (Appropriations in the House and Ways and Means in the Senate) and that committee failed to pass it out of committee means that bill can be considered “dead.” (Although sometimes they come back...hence our “Undead” category.)

Here’s a quick summary of the bills that we’ve been tracking and their current status (scroll down for summaries):

Bill Number	Title/Subject	Where it is/where it died	Alive or Dead?
2SHB 1366	Visitation	RULES*	ALIVE
HB 1401	CASAs under oath	HOUSE FLOOR	ALIVE
HB 1617	30:1 CASA supervisor ratio	RULES	ALIVE
HB 1661	New DSHS	RULES*	ALIVE
HB 1790	PO sign-off on dependency petitions	RULES	ALIVE
HB 1815	Definition of “Parent” in Dependency	RULES	ALIVE
HB 1867	Unlimited sign-in/out for extended foster care	RULES*	ALIVE
HB 1931	Mandated reporter posters	RULES	ALIVE
HB 2045	Tribal transfer of Jurisdiction	RULES	ALIVE
HB 1251	Attorneys for kids	APPROPRIATIONS	DEAD
HB 1365	DSHS Meeting Facilitators	APPROPRIATIONS	DEAD
HB 1883	No hotel/office stays	ELHS	DEAD
HB 1943	“Best Interests” modifications	ELHS	DEAD

* -- Passed Appropriations

CASA Funding Request Status: You’ll note from the status summary above, the CASA funding request bill -- HB 1617 – did not get referred to Appropriations, but instead went to straight to Rules, which is no doubt due to an “undeterminable” fiscal note. The current status is that although we have legislation moving forward, there’s no funding attached to it. So essentially what we have is a pizza box with no pizza.

However, there's still a faint glimmer of hope:

A few weeks ago, I mentioned the growing interest in creating a “Fair Deal for Foster Kids” initiative that will package a number of foster care/dependency related budget requests so that together there may be a better chance of them all getting funded. **The CASA funding request (\$6.9 million for the biennium) is included as one of the budget items.**

This group, chaired by Rep. Kagi, has rebranded the initiative as “Reinventing Foster Care” and will be holding a rally on March 10th in Olympia. It would be great if we could get a few CASA folks to attend! I'll have more information for folks as the week progresses.

As mentioned in the intro document, these updates will be provided weekly through session. If you'd like to sign up to receive these emails directly, send an email to ryan@wacasa.org and we'll get you on the list.

PREVIOUSLY REPORTED ON BILLS

[HB 1931: Relating to posting child abuse and neglect mandated reporter requirements; and amending RCW 26.44.030.](#)

Sponsors: [Hayes](#), [Macri](#), [McDonald](#), [Jinkins](#)

Status: HB1931 was introduced on Feb 3, and referred to the Early Learning and Human Services committee. It is currently in RULES.

SUMMARY: HB 1931 would require any organization that includes employees or volunteers subject to mandated reporting requirements (**that's us!**) to display a poster detailing mandated reporting requirements and who to call to report suspected abuse or neglect. DSHS is responsible for creating the poster and making it available for download.

[SSB5770 / HB 2045: Relating to transfer of jurisdiction from a tribe in dependency cases involving Indian children; and amending RCW \[13.38.080\]\(#\).](#)

Sponsors: Senate: [McCoy](#), [Darneille](#), [Saldaña](#), [Hunt](#); House: [Sawyer](#), [Ryu](#), [Robinson](#), [Stokesbary](#), [Ormsby](#)

Status: UPDATE: SB 55770 was introduced on Feb 9th and referred to the Senate Human Services committee. A public hearing was held on Feb 13; and exec'ed out of committee in Feb 15th. It is currently in RULES.

In the House: HB 2045 was introduced on Feb 9th and referred to the Tribal Affairs committee. A public hearing was held on Feb 15th and is scheduled for executive session on Feb 16.

SUMMARY: If a tribe exercises jurisdiction of an Indian child but can't continue with its jurisdiction for unforeseen circumstances, State court shall recognize the child as a type c dependency and take jurisdiction of the case while maintaining compliance with 13.38 and federal ICWA requirements.

HB 1815: Concerning the rights of an alleged parent in dependency proceedings.

Sponsors: [Kilduff](#), [Rodne](#), [Senn](#), [Muri](#), [Lovick](#), [Ortiz-Self](#), [Orwall](#), [Frame](#)

By Request: Department of Social and Health Services

Status: UPDATE: HB1815 was introduced on Jan 30 and referred to the Early Learning and Human Services committee. A public hearing was held on Feb 14; executive session is scheduled for Feb 17. It is currently in RULES.

SUMMARY: HB 1815 would change the definition of "Parent" in dependencies to mean an individual who has a legally established a parent-child relationship, unless a judicial proceeding has terminated the legal rights of that person.

A proposed substitute would expand the definition of parent in dependencies to include "or an individual who has established a parent child relationship under [26.26.101](#)."

HB 1867: Improving transitions in extended foster care to increase housing stability for foster youth.

Sponsors: [Fey](#), [Stambaugh](#), [Senn](#), [Kagi](#), [Kilduff](#), [Appleton](#), [Graves](#), [Hudgins](#), [Orwall](#), [Ryu](#), [Sells](#), [Stanford](#), [Robinson](#), [McDonald](#), [Ortiz-Self](#), [Doglio](#), [Slatter](#), [Tharinger](#), [Ormsby](#)

Status: HB1867 was introduced on Feb 1 and referred to the Early Learning and Human Services committee. It is currently in RULES.

SUMMARY: HB 1867 would allow for former foster youth to enroll and unenroll in extended foster care an unlimited number of times (currently, if a foster youth leaves extended foster care, they can't come back in.)

As amended by Appropriations: added a null and void clause (meaning if not funded in the budget, the underlying statute is "voided.")

HB 1790: Concerning dependency petitions where the department of social and health services is the petitioner.

Sponsors: [Lovick](#), [Dent](#), [Kagi](#), [Frame](#), [Jinkins](#)

Status: UPDATE HB1790 Was introduced on Jan 30 and referred to the Early Learning and Human Services committee. It is currently in RULES.

HB 1617: [Concerning child welfare volunteer guardian ad litem program requirements.](#)

Sponsors: [Ortiz-Self](#), [Farrell](#), [Riccelli](#)

Status: UPDATE: HB1617 Was introduced on Jan 25 and referred to the Early Learning and Human Services committee. It is currently in RULES.

SUMMARY: HB1617 defines a volunteer guardian ad litem coordinator as an employee with the responsibility to train, monitor, coach, supervise and review reports for volunteers guardians ad litem. It also requires that a volunteer coordinator supervise no more than 30 volunteers, and requires that coordinators receive training on appropriate screening of CASA reports so that those reports are based on objective information that is within the expertise of the VGAL/CASA.

As amended by the ELHS: Removes the word “objective” from the CASA coordinator’s screening.

HB 1661: [Creating the department of children, youth, and families.](#)

Companion: SB 5498 (Dead?)

Sponsors: [Kagi](#), [Sullivan](#), [Dent](#), [Senn](#), [Muri](#), [Kilduff](#), [Klippert](#), [Frame](#), [Goodman](#),

Status: UPDATE HB1661 Was introduced on Jan 26 and referred to the Early Learning and Human Services committee. It was approved by Appropriations and is currently in RULES.

It’s Senate companion bill, 5498, had a public hearing in Ways and Means on Feb 21, but it failed to be exec’ed out of that committee – which means that SB 5498 is dead – and will be carried forward under 1661.

SUMMARY: This is a 272 page bill – and I’m not even going to try to summarize the whole thing. But here are a few key provisions: it would take Children’s Administration out from the Department and merge CA with the Department of Early Learning. The head of the new agency would be a cabinet level position. It would reclassify CA social workers so that they could receive a higher salary.

For a full report, visit:

http://www.governor.wa.gov/sites/default/files/documents/BRCCF_FinalReport.pdf

As amended by the ELHS:

Good fright! There were 10 amendments to this bill in the House alone; and I frankly can’t keep up. I may be a policy wonk, but I’m not this wonky.

HB1366: [AN ACT Relating to promoting child welfare family reunification](#)

Sponsored by [Ortiz-Self](#), [Hargrove](#), [Caldier](#),
[Tarleton](#), [Pettigrew](#), [Gregerson](#), [Kilduff](#), [Senn](#), [Ryu](#), [Appleton](#), [Goodman](#), [Lovick](#),

Status: UPDATE: HB 1366 was passed out of committee as amended (below) & Appropriations. It is now in RULES.

SUMMARY: HB 1366 would define visitation as a remedial service; meaning that the department would be required to provide visitation if so ordered.

As amended by the ELHS: Excludes family visitation that is not in the best interests of the child from the definition of remedial services.

As amended by Appropriations: null and void clause added.

HB 1401: [Requiring the court to remove any person serving as a court-appointed special advocate or volunteer guardian ad litem if that person has made a materially false statement under oath.](#)

Sponsored by [Ortiz-Self](#), [Stonier](#), [Ryu](#), [Peterson](#), [Santos](#), [Jinkins](#), [Appleton](#), [Bergquist](#)

Status: UPDATE: HB 1401 was introduced on 1/19 and referred to the Judiciary committee. It is out of rules and is awaiting a House Floor vote.

SUMMARY: The court shall remove any person from serving as a court appointed special advocate or volunteer guardian ad litem if the court is notified that the person has been removed from another county's registry pursuant to the disposition of a grievance or if the court is otherwise made aware that the individual was found by a court to have made a materially false statement that he or she knows to be false during an official proceeding under oath.

DEAD BILLS

HB 1883: [Eliminating the placement of foster youth in hotel rooms or department offices.](#)

Sponsors: [Caldier](#), [Koster](#), [Haler](#)

Status: DEAD HB1883 never got a hearing, and is therefore dead.

SUMMARY: HB 1883 amends 74.13.031(7) adding the language “The department shall not use hotel rooms or department offices as placements for children.” This would go into effect Jan 1, 2019.

It further requires the department to submit monthly reports regarding the demographics of children and average length of stay for children placed in a hotel or DSHS office as well as a quarterly report that details on alternative placement efforts as well as the cost associated with keeping foster kids in hotel rooms and DSHS offices until January 1, 2019.

HB 1365: [Requiring the use of trained meeting facilitators in certain planning meetings involving children, parents, caregivers, and others.](#)

Sponsors: [Ortiz-Self](#), [Pettigrew](#), [Hargrove](#), [Ryu](#), [Lovick](#), [Ormsby](#)

Status: DEAD: HB 1365 failed to make it out of Appropriations, and is therefore dead.

SUMMARY: HB 1365 aims to increase family engagement in the child welfare process through facilitators. The bill would require that facilitator’s guide the decision-making process in all child welfare shared planning meetings, unless the department of social and health services finds good cause to proceed without a facilitator. Additionally, the bill outlines the responsibilities of the facilitator and defines shared planning meeting (Shared planning meeting means any meeting that includes families, youth, relatives, fictive kin, natural supports, and others who can assist in a plan that prioritizes child safety and meets the support and service needs of parents, children, and caregivers. This inclusive meeting model provides an opportunity for information to be shared, case plans to be developed, and decisions made that will support the safety, permanency, and well-being of children. The goal, when possible, of these meetings must also be to assist in reunifying families.)

As amended: strikes “all shared planning meetings” and replaces it with facilitators only need to be present for FTDMs, permanency planning staffings and behavioral rehabilitation services staffing.”

HB 1943: [Concerning child welfare court proceedings.](#)

Sponsors: [Kagi](#), [Graves](#)

Status: DEAD: HB 1943 never made it out of committee and is therefore dead.

SUMMARY: HB 1943 would:

- allow for the court to order a parent to undergo examinations, evaluations or services **at shelter care** (currently, the court may only order a parent to do something AFTER dependency is established.)
- Amend 13.34.130(8) – which outlines what needs to happen at a permanency planning hearing – to include “what steps have been taken to promote stable, nurturing relationships in the child’s life.”
- Amend 13.34.136(2)(b)(i)(A) (incarcerated parents) with the following: “If the parent is incarcerated, and had a preexisting relationship with the child before the parent’s incarceration,

the plan must address how the parent will participate in the conference and permanency planning meetings....”

- At all review hearings, only grant continuances after a making a finding that the continuance is in the best interest of the child
- At all review hearings, consider the child’s attachment to any long-term caregiver
- For termination petitions – when the parent is incarcerated, requires that parent “had a preexisting relationship with the child before incarceration.”

As amended in the ELHS:

- Removes the ability of the court to order services at shelter care
- Removes previously contemplated “best interests” standard for granting a continuance, replacing it with the court shall weigh the importance of establishing timely permanency”
- For purposes of the findings a court must make following a review hearing, the court must find whether **consideration** instead of preference has been given to placement of the child with a relative and the court must find whether **consideration has been given to maintaining the child's placement with a caregiver with whom the child has been placed for two years or longer** and has established a bond with if such placement is in the child's best interest.
- Removes the requirement that an incarcerated parent had a pre-existing relationship with the child prior to their incarceration, replacing it as a consideration instead.

HB1251 / SB5363: [Concerning the appointment of counsel for youth in dependency court proceedings.](#)

Sponsored by [Frame](#), [Rodne](#), [Goodman](#), [Stokesbary](#), [Jinkins](#), [Haler](#), [Kagi](#), [Muri](#), [Reeves](#)

Status: DEAD: HB 1251 did not make it out of Appropriations, and is therefore technically dead.

Companion bill 5363 has a public hearing scheduled for Monday, Jan 30th @1:30 PM with the HSM.

SUMMARY: HB 1251 requires the appointment of an attorney to any alleged dependent child prior to the initial shelter care hearing and would remain on the case through the duration of the case, including appeals. Attorneys would be paid for at state expense.

As amended in the ELHS committee:

- Strikes provisions that provided, upon the effective date, for appointment of counsel for all children in dependencies and, instead, provides for phased-in appointment for children over the age of two in a dependency, as follows:
 - Beginning 1/1/2018 for children 10 and older.
 - Beginning 7/1/2018 for children 7 and older.
 - Beginning 7/1/2019 for children 5 and older.
 - Beginning 7/1/2020 for children 2 and older.

- Specifies that appointment of an attorney for a child pursuant to this new requirement must be made at the same time that counsel is appointed for the child's parent, guardian, or legal custodian, and otherwise at the commencement of the shelter care hearing.
- Retains language in current law that a court, for good cause, may find appointment of a GAL unnecessary, but strikes language that the requirement of a GAL is deemed satisfied if the child is represented by an independent attorney in the proceedings.
- Structures the sections so that the current law requirements regarding appointment of a GAL are in a separate section from the current law and new requirements regarding appointment of an attorney for a child.