

# Keeping Families Together Act and Fostering

Information for Foster Parents

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Washington State Department of  
**CHILDREN, YOUTH & FAMILIES**

# Big Questions Need Answers!

We Know You Have Questions and Concerns  
We Still Need Foster Parents



Today we'll discuss how HB 1227 may change fostering and answer other questions including:

- Do you still need foster parents? **YES**
- Are foster parents only going to get the hardest kids? **NO**
- Do foster parents have to do guardianships? **NO**
- Can foster parents still adopt? **YES**



# What is HB 1227?

- HB 1227 is a bill that was approved by the 2021 Legislature
- Also known as the Keeping Families Together Act
- Goes into effect July 1, 2023
- The basis of the legislation is:
  - Children and families are better served and supported when children are cared for by their loved ones and communities
- The goal of the legislation is:
  - Reduce the number of children in care
  - Reduce racial bias and disproportionality



# What does HB 1227 change?

- Removal standards and considerations
- Reinforces kinship placement priorities
- Courts order initial licenses



# What removal standards or considerations changed?

During a Shelter Care Hearing, DCYF must be able to:

1. Explain how the conditions of the home and the child remaining in their parent's care will lead to the child **being in imminent physical harm**.
2. Explain how **imminent physical harm** outweighs the harm of removing the child from their parent's care.
3. Report **whether there are** any prevention services that would prevent or eliminate the need for removal.



# Removal Standards for Shelter Care Hearings

## Current RCW Language

- The child has no parent, guardian, or legal custodian to provide supervision and care for such child
- Serious Threat of Substantial Harm to the Child notwithstanding an order entered pursuant to RCW 26.44.063 (temporary restraining order)
- The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or RCW 9A.40.070

## Language as of July 1, 2023

- Same
- **Imminent physical harm** due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect
- Same



# What are some examples of a causal relationship?

## Example 1: Parents are actively using drugs

### Causal relationship:

- Drug paraphernalia is observed in the home
- Two-year-old is not supervised

### No causal relationship:

- Drug paraphernalia is observed in the home
- Two-year-old's basic needs are being met and can't access drug paraphernalia



# What are some examples of a causal relationship?

## Example 2: Parents have physical altercations in the home

### Causal relationship:

- Physical altercations occurring in the home
- Child tries to protect their parent and is in immediate danger

### No causal relationship:

- Physical altercations occurring in the home
- The child was not involved or present



# When will children be placed with a foster family?

Children and youth will be placed with a foster family during shelter care if:

- The parents or child do not identify a preferred caregiver **AND**
- There are no relatives or suitable people available who
  - Can protect the child from imminent physical harm
  - Support efforts to reunite the child with their parents

To place with a foster family during shelter care, DCYF must:

- Show that the foster home is the least restrictive setting
- Show that the foster home can meet the child or youth's special needs
- Share whether or not the child or youth can be placed with their siblings
- Share the city the foster family lives in and indicate that the location won't limit Family Time visitation
- Share if the child or youth can stay in the same school



# What's changed about kinship placements?



- The following reasons may no longer prevent placement with kin as long as the caregiver will support the case plan:
  - Uncertainty about adoption.
  - Disbelief that the parent or legal custodian presents a danger to the child.
  - Conditions of the relative or suitable other's home are not sufficient to satisfy the requirements of a licensed foster home.



# What is an initial license or child specific (kinship) license?



## Both

- Child specific
- For relative or suitable person caregivers
- Placed on voluntary no-referrals

## Initial License

- Currently only available during shelter care
- Minimal requirements
- Approval process is quicker and shorter

## Kinship License

- Full requirements for approval
- Non-safety waivers applicable
- Maximum of 3 years, renewable



# I'm confused by all these bills and settlements. Can you help make sense of all these changes?

HB 1227	HB 1747
<ul style="list-style-type: none"><li>• Shelter Care and Removal Standards</li><li>• Emphasizes kin</li><li>• Introduces initial licenses</li></ul>	<ul style="list-style-type: none"><li>• DCYF must discuss guardianship with foster parents as an alternative to TPR and adoption</li><li>• Relatives must be prioritized</li></ul>
KW Settlement	
<ul style="list-style-type: none"><li>• Courts must give <i>meaningful</i> preference to relative placements</li><li>• Courts must treat relatives as preferred placements</li><li>• DCYF cannot prioritize future permanency over current stability and well-being</li><li>• Cannot place children who are dependents in unlicensed care with unrelated families who only have an approved home study for the purposes of adoption</li></ul>	



Increased focus and emphasis on kinship placements

# Questions from Foster Parents

**Q Do you still need foster parents?**

**A** Yes! Some children and youth will not have kin available, and those young people still need a safe, supportive home while their parents work toward reunification.

**Q How may 1227 change fostering?**

**A** This is a good question, and it's hard to answer. Overtime, there may be less children and youth entering kinship care and fewer children and youth placed in general foster care.

**Q Is DCYF going to leave kids in unsafe homes or return them to unsafe parents?**

**A** No.

**Q Are foster parents only going to get the hardest kids?**

**A** No. Children and youth will still be placed in general foster care homes if there are no kin available.



# Questions from Foster Parents

Q Do we have to do guardianships?

A No, but we have to talk to foster parents about guardianship and adoption, and DCYF must be able to explain why guardianship is not in the child's best interests. Also, foster parents may be eligible for a guardianship subsidy (comparable to Adoption Support).

Q Will foster parents still be able to adopt?

A Yes, there will still be adoptions.

Q If I have a child who's moving toward adoption or if we've been identified as the child's adoptive home, are you going to search for relatives and move kids?

A Another good and hard to answer question. DCYF is required to search for kin and review relative search results until permanency is achieved. There may be times when a scenario like this happens, but our goal is to keep foster parents informed of the case plan and work together when placement changes are needed. This includes moves to relatives.



# Thank You!

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