
HOUSE BILL 1624

State of Washington 60th Legislature 2007 Regular Session

By Representatives Kagi, Walsh, Appleton, Roberts and Haigh

Read first time 01/24/2007. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to child welfare; amending RCW 13.34.200; adding a
2 new section to chapter 13.34 RCW; adding a new section to chapter
3 43.20A RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.34 RCW
6 to read as follows:

7 (1) A child may petition the juvenile court to reinstate the
8 previously terminated parental rights of his or her parent under the
9 following circumstances:

10 (a) The child must have been found to be a dependent child under
11 this chapter and be in the custody of the state;

12 (b) The child must be at least twelve years of age at the time the
13 petition to reinstate parental rights is filed;

14 (c) At least three years have passed from the date of entry of an
15 order for the termination of parental rights under RCW 13.34.190;

16 (d) The child has not been adopted;

17 (e) The petition is signed by the child in the absence of a showing
18 of good cause as to why the child could not do so; and

1 (f) The court has determined that reinstating the parental rights
2 of the child's parent is in the best interest of the child after
3 conducting the inquiry required in subsection (3) of this section.

4 (2) Upon the filing of a petition to reinstate parental rights, the
5 juvenile court shall order that a hearing be held. The court shall
6 give prior notice, or cause prior notice to be given, to the
7 department, the child's attorney, the child, and the child's tribe, if
8 applicable. The court shall also order the department to give prior
9 notice of the hearing to the child's former parent or parents whose
10 parental rights were terminated and to any parent of the child whose
11 parental rights were not terminated.

12 (3) The juvenile court shall grant the petition if it finds the
13 following by clear and convincing evidence:

14 (a) The parental deficiencies which led to the termination of
15 parental rights have been addressed to a degree that assures the court
16 that the reinstatement of parental rights will not present a risk to
17 the child's health, welfare, or safety;

18 (b) The child is no longer likely to be adopted; and

19 (c) That reinstatement of parental rights is in the child's best
20 interest.

21 (4) A child seeking to petition under this section shall be
22 provided counsel.

23 (5)(a) If the juvenile court grants the petition, the court may not
24 dismiss the dependency until a period of one year has passed from the
25 date of the reinstatement of parental rights. During this period, the
26 child shall be placed in the custody of the parent. The department
27 shall continue to provide transition services to the family as
28 appropriate and shall maintain regular contact with the family. The
29 court shall conduct a minimum of two review hearings to determine the
30 status of the case and the well-being of the child. If the child must
31 be removed from the parent due to abuse or neglect allegations, the
32 court shall dismiss the petition for reinstatement of parental rights
33 if the court finds the allegations have been proven by a preponderance
34 of the evidence.

35 (b) After the child has been successfully placed with the parent
36 for one year, the court may dismiss the dependency if the court finds
37 that dismissal of the dependency is in the best interests of the child
38 and will not present a risk to the child's health, welfare, or safety.

1 NEW SECTION. **Sec. 2.** This act is retroactive and applies to any
2 child who is under the jurisdiction of the juvenile court at the time
3 of the hearing regardless of the date parental rights were terminated.

4 **Sec. 3.** RCW 13.34.200 and 2003 c 227 s 7 are each amended to read
5 as follows:

6 (1) Upon the termination of parental rights pursuant to RCW
7 13.34.180, all rights, powers, privileges, immunities, duties, and
8 obligations, including any rights to custody, control, visitation, or
9 support existing between the child and parent shall be severed and
10 terminated and the parent shall have no standing to appear at any
11 further legal proceedings concerning the child, except as provided in
12 section 2 of this act: PROVIDED, That any support obligation existing
13 prior to the effective date of the order terminating parental rights
14 shall not be severed or terminated. The rights of one parent may be
15 terminated without affecting the rights of the other parent and the
16 order shall so state.

17 (2) An order terminating the parent and child relationship shall
18 not disentitle a child to any benefit due the child from any third
19 person, agency, state, or the United States, nor shall any action under
20 this chapter be deemed to affect any rights and benefits that an Indian
21 child derives from the child's descent from a member of a federally
22 recognized Indian tribe.

23 (3) An order terminating the parent-child relationship shall
24 include a statement addressing the status of the child's sibling
25 relationships and the nature and extent of sibling placement, contact,
26 or visits.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.20A RCW
28 to read as follows:

29 The state or a person, individually or in a representative capacity
30 for the state, who is involved in the delivery of social and health
31 services through the department of social and health services, is not
32 liable for selecting one of two or more alternative courses of action
33 even though the course of action chosen results in a poor outcome if
34 the person exercised reasonable care and skill in arriving at the
35 judgment to follow the particular course of action.

1 NEW SECTION. **Sec. 5.** Nothing in this act may be construed to
2 limit the application of other statutes specifying a liability standard
3 for the state's employees and agents.

--- END ---