
ENGROSSED SUBSTITUTE SENATE BILL 6792

State of Washington

60th Legislature

2008 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Hargrove and Stevens)

READ FIRST TIME 02/07/08.

1 AN ACT Relating to dependency matters; amending RCW 13.34.215,
2 13.34.065, 13.34.136, 26.44.063, 74.13.031, and 74.15.240; and adding
3 a new section to chapter 74.15 RCW.

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

5 **Sec. 1.** RCW 13.34.215 and 2007 c 413 s 1 are each amended to read
6 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 was previously found to be a dependent child under
11 this chapter;

12 (b) The child's parent's rights were terminated in a proceeding
13 under this chapter;

14 (c) The child has not achieved his or her permanency plan within
15 three years of a final order of termination(~~(, or if the final order~~
16 ~~was appealed, within three years of exhaustion of any right to appeal~~
17 ~~the order terminating parental rights)); and~~

18 (d) (~~Absent good cause,~~) The child must be at least twelve years

1 old at the time the petition is filed. Upon the child's motion for
2 good cause shown, or on its own motion, the court may hear a petition
3 filed by a child younger than twelve years old.

4 (2) A child seeking to petition under this section shall be
5 provided counsel at no cost to the child.

6 (3) The petition must be signed by the child in the absence of a
7 showing of good cause as to why the child could not do so.

8 (4) If, after a threshold hearing to consider the parent's apparent
9 fitness and interest in reinstatement of parental rights, (~~it~~
10 ~~appears~~) the court finds by a preponderance of the evidence that the
11 best interests of the child may be served by reinstatement of parental
12 rights, the juvenile court shall order that a hearing on the merits of
13 the petition be held.

14 (5) The court shall give prior notice for any proceeding under this
15 section, or cause prior notice to be given, to the department, the
16 child's attorney, and the child. The court shall also order the
17 department to give prior notice of any hearing to the child's former
18 parent whose parental rights are the subject of the petition, any
19 parent whose rights have not been terminated, the child's current
20 foster parent, relative caregiver, guardian or custodian, and the
21 child's tribe, if applicable.

22 (6) The juvenile court shall conditionally grant the petition if it
23 finds by clear and convincing evidence that the child has not achieved
24 his or her permanency plan and is not likely to imminently achieve his
25 or her permanency plan and that reinstatement of parental rights is in
26 the child's best interest. In determining whether reinstatement is in
27 the child's best interest the court shall consider, but is not limited
28 to, the following:

29 (a) Whether the parent whose rights are to be reinstated is a fit
30 parent and has remedied his or her deficits as provided in the record
31 of the prior termination proceedings and prior termination order;

32 (b) The age and maturity of the child, and the ability of the child
33 to express his or her preference;

34 (c) Whether the reinstatement of parental rights will present a
35 risk to the child's health, welfare, or safety; and

36 (d) Other material changes in circumstances, if any, that may have
37 occurred which warrant the granting of the petition.

1 (7) In determining whether the child has or has not achieved his or
2 her permanency plan or whether the child is likely to achieve his or
3 her permanency plan, the department shall provide the court, and the
4 court shall review, information related to any efforts to achieve the
5 permanency plan including efforts to achieve adoption or a permanent
6 guardianship.

7 (8)(a) If the court conditionally grants the petition under
8 subsection (6) of this section, the case will be continued for six
9 months and a temporary order of reinstatement entered. During this
10 period, the child shall be placed in the custody of the parent. The
11 department shall develop a permanency plan for the child reflecting the
12 plan to be reunification and shall provide transition services to the
13 family as appropriate.

14 (b) If the child must be removed from the parent due to abuse or
15 neglect allegations prior to the expiration of the conditional six-
16 month period, the court shall dismiss the petition for reinstatement of
17 parental rights if the court finds the allegations have been proven by
18 a preponderance of the evidence.

19 (c) If the child has been successfully placed with the parent for
20 six months, the court order reinstating parental rights remains in
21 effect and the court shall dismiss the dependency.

22 (9) After the child has been placed with the parent for six months,
23 the court shall hold a hearing. If the placement with the parent has
24 been successful, the court shall enter a final order of reinstatement
25 of parental rights, which shall restore all rights, powers, privileges,
26 immunities, duties, and obligations of the parent as to the child,
27 including those relating to custody, control, and support of the child.
28 The court shall dismiss the dependency and direct the clerk's office to
29 provide a certified copy of the final order of reinstatement of
30 parental rights to the parent at no cost.

31 (10) The granting of the petition under this section does not
32 vacate or otherwise affect the validity of the original termination
33 order.

34 ((+10+)) (11) Any parent whose rights are reinstated under this
35 section shall not be liable for any child support owed to the
36 department pursuant to RCW 13.34.160 or Title 26 RCW for the time
37 period from the date of termination of parental rights to the date
38 parental rights are reinstated.

1 (~~(11)~~) (12) A proceeding to reinstate parental rights is a
2 separate action from the termination of parental rights proceeding and
3 does not vacate the original termination of parental rights. An order
4 granted under this section reinstates the parental rights to the child.
5 This reinstatement is a recognition that the situation of the parent
6 and child have changed since the time of the termination of parental
7 rights and reunification is now appropriate.

8 (~~(12)~~) (13) This section is retroactive and applies to any child
9 who is under the jurisdiction of the juvenile court at the time of the
10 hearing regardless of the date parental rights were terminated.

11 (14) The state, the department, and its employees are not liable
12 for civil damages resulting from any act or omission in the provision
13 of services under this section, unless the act or omission constitutes
14 gross negligence. This section does not create any duty and shall not
15 be construed to create a duty where none exists. This section does not
16 create a cause of action against the state, the department, or its
17 employees concerning the original termination.

18 **Sec. 2.** RCW 13.34.065 and 2007 c 413 s 5 are each amended to read
19 as follows:

20 (1)(a) When a child is taken into custody, the court shall hold a
21 shelter care hearing within seventy-two hours, excluding Saturdays,
22 Sundays, and holidays. The primary purpose of the shelter care hearing
23 is to determine whether the child can be immediately and safely
24 returned home while the adjudication of the dependency is pending.

25 (b) Any parent, guardian, or legal custodian who for good cause is
26 unable to attend the shelter care hearing may request that a subsequent
27 shelter care hearing be scheduled. The request shall be made to the
28 clerk of the court where the petition is filed prior to the initial
29 shelter care hearing. Upon the request of the parent, the court shall
30 schedule the hearing within seventy-two hours of the request, excluding
31 Saturdays, Sundays, and holidays. The clerk shall notify all other
32 parties of the hearing by any reasonable means.

33 (2)(a) The department of social and health services shall submit a
34 recommendation to the court as to the further need for shelter care in
35 all cases in which it is the petitioner. In all other cases, the
36 recommendation shall be submitted by the juvenile court probation
37 counselor.

1 (b) All parties have the right to present testimony to the court
2 regarding the need or lack of need for shelter care.

3 (c) Hearsay evidence before the court regarding the need or lack of
4 need for shelter care must be supported by sworn testimony, affidavit,
5 or declaration of the person offering such evidence.

6 (3)(a) At the commencement of the hearing, the court shall notify
7 the parent, guardian, or custodian of the following:

8 (i) The parent, guardian, or custodian has the right to a shelter
9 care hearing;

10 (ii) The nature of the shelter care hearing, the rights of the
11 parents, and the proceedings that will follow; and

12 (iii) If the parent, guardian, or custodian is not represented by
13 counsel, the right to be represented. If the parent, guardian, or
14 custodian is indigent, the court shall appoint counsel as provided in
15 RCW 13.34.090; and

16 (b) If a parent, guardian, or legal custodian desires to waive the
17 shelter care hearing, the court shall determine, on the record and with
18 the parties present, whether such waiver is knowing and voluntary. A
19 parent may not waive his or her right to the shelter care hearing
20 unless he or she appears in court and the court determines that the
21 waiver is knowing and voluntary. Regardless of whether the court
22 accepts the parental waiver of the shelter care hearing, the court must
23 provide notice to the parents of their rights required under (a) of
24 this subsection and make the finding required under subsection (4) of
25 this section.

26 (4) At the shelter care hearing the court shall examine the need
27 for shelter care and inquire into the status of the case. The
28 paramount consideration for the court shall be the health, welfare, and
29 safety of the child. At a minimum, the court shall inquire into the
30 following:

31 (a) Whether the notice required under RCW 13.34.062 was given to
32 all known parents, guardians, or legal custodians of the child. The
33 court shall make an express finding as to whether the notice required
34 under RCW 13.34.062 was given to the parent, guardian, or legal
35 custodian. If actual notice was not given to the parent, guardian, or
36 legal custodian and the whereabouts of such person is known or can be
37 ascertained, the court shall order the supervising agency or the
38 department of social and health services to make reasonable efforts to

1 advise the parent, guardian, or legal custodian of the status of the
2 case, including the date and time of any subsequent hearings, and their
3 rights under RCW 13.34.090;

4 (b) Whether the child can be safely returned home while the
5 adjudication of the dependency is pending;

6 (c) What efforts have been made to place the child with a relative;

7 (d) What services were provided to the family to prevent or
8 eliminate the need for removal of the child from the child's home;

9 (e) Is the placement proposed by the agency the least disruptive
10 and most family-like setting that meets the needs of the child;

11 (f) Whether it is in the best interest of the child to remain
12 enrolled in the school, developmental program, or child care the child
13 was in prior to placement and what efforts have been made to maintain
14 the child in the school, program, or child care if it would be in the
15 best interest of the child to remain in the same school, program, or
16 child care;

17 (g) Appointment of a guardian ad litem or attorney;

18 (h) Whether the child is or may be an Indian child as defined in 25
19 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare
20 act apply, and whether there is compliance with the Indian child
21 welfare act, including notice to the child's tribe;

22 (i) Whether, as provided in RCW 26.44.063, restraining orders, or
23 orders expelling an allegedly abusive (~~parent~~) household member from
24 the home of a nonabusive parent, guardian, or legal custodian, will
25 allow the child to safely remain in the home;

26 (j) Whether any orders for examinations, evaluations, or immediate
27 services are needed. (~~However,~~) The court may not order a parent to
28 undergo examinations, evaluation, or services at the shelter care
29 hearing unless the parent agrees to the examination, evaluation, or
30 service;

31 (k) The terms and conditions for parental, sibling, and family
32 visitation.

33 (5)(a) The court shall release a child alleged to be dependent to
34 the care, custody, and control of the child's parent, guardian, or
35 legal custodian unless the court finds there is reasonable cause to
36 believe that:

37 (i) After consideration of the specific services that have been

1 provided, reasonable efforts have been made to prevent or eliminate the
2 need for removal of the child from the child's home and to make it
3 possible for the child to return home; and

4 (ii)(A) The child has no parent, guardian, or legal custodian to
5 provide supervision and care for such child; or

6 (B) The release of such child would present a serious threat of
7 substantial harm to such child, notwithstanding an order entered
8 pursuant to RCW 26.44.063; or

9 (C) The parent, guardian, or custodian to whom the child could be
10 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

11 (b) If the court does not release the child to his or her parent,
12 guardian, or legal custodian, and the child was initially placed with
13 a relative pursuant to RCW 13.34.060(1), the court shall order
14 continued placement with a relative, unless there is reasonable cause
15 to believe the health, safety, or welfare of the child would be
16 jeopardized or that the efforts to reunite the parent and child will be
17 hindered. The relative must be willing and available to:

18 (i) Care for the child and be able to meet any special needs of the
19 child;

20 (ii) Facilitate the child's visitation with siblings, if such
21 visitation is part of the supervising agency's plan or is ordered by
22 the court; and

23 (iii) Cooperate with the department in providing necessary
24 background checks and home studies.

25 (c) If the child was not initially placed with a relative, and the
26 court does not release the child to his or her parent, guardian, or
27 legal custodian, the supervising agency shall make reasonable efforts
28 to locate a relative pursuant to RCW 13.34.060(1).

29 (d) If a relative is not available, the court shall order continued
30 shelter care or order placement with another suitable person, and the
31 court shall set forth its reasons for the order. If the court orders
32 placement of the child with a person not related to the child and not
33 licensed to provide foster care, the placement is subject to all terms
34 and conditions of this section that apply to relative placements.

35 (e) Any placement with a relative, or other person approved by the
36 court pursuant to this section, shall be contingent upon cooperation
37 with the agency case plan and compliance with court orders related to
38 the care and supervision of the child including, but not limited to,

1 court orders regarding parent-child contacts, sibling contacts, and any
2 other conditions imposed by the court. Noncompliance with the case
3 plan or court order is grounds for removal of the child from the home
4 of the relative or other person, subject to review by the court.

5 (f) Uncertainty by a parent, guardian, legal custodian, relative,
6 or other suitable person that the alleged abuser has in fact abused the
7 child shall not, alone, be the basis upon which a child is removed from
8 the care of a parent, guardian, or legal custodian under (a) of this
9 subsection, nor shall it be a basis, alone, to preclude placement with
10 a relative under (b) of this subsection or with another suitable person
11 under (d) of this subsection.

12 (6)(a) A shelter care order issued pursuant to this section shall
13 include the requirement for a case conference as provided in RCW
14 13.34.067. However, if the parent is not present at the shelter care
15 hearing, or does not agree to the case conference, the court shall not
16 include the requirement for the case conference in the shelter care
17 order.

18 (b) If the court orders a case conference, the shelter care order
19 shall include notice to all parties and establish the date, time, and
20 location of the case conference which shall be no later than thirty
21 days before the fact-finding hearing.

22 (c) The court may order another conference, case staffing, or
23 hearing as an alternative to the case conference required under RCW
24 13.34.067 so long as the conference, case staffing, or hearing ordered
25 by the court meets all requirements under RCW 13.34.067, including the
26 requirement of a written agreement specifying the services to be
27 provided to the parent.

28 (7)(a) A shelter care order issued pursuant to this section may be
29 amended at any time with notice and hearing thereon. The shelter care
30 decision of placement shall be modified only upon a showing of change
31 in circumstances. No child may be placed in shelter care for longer
32 than thirty days without an order, signed by the judge, authorizing
33 continued shelter care.

34 (b)(i) An order releasing the child on any conditions specified in
35 this section may at any time be amended, with notice and hearing
36 thereon, so as to return the child to shelter care for failure of the
37 parties to conform to the conditions originally imposed.

1 (ii) The court shall consider whether nonconformance with any
2 conditions resulted from circumstances beyond the control of the
3 parent, guardian, or legal custodian and give weight to that fact
4 before ordering return of the child to shelter care.

5 (8)(a) If a child is returned home from shelter care a second time
6 in the case, or if the supervisor of the caseworker deems it necessary,
7 the multidisciplinary team may be reconvened.

8 (b) If a child is returned home from shelter care a second time in
9 the case a law enforcement officer must be present and file a report to
10 the department.

11 **Sec. 3.** RCW 13.34.136 and 2007 c 413 s 7 are each amended to read
12 as follows:

13 (1) Whenever a child is ordered removed from the home, a permanency
14 plan shall be developed no later than sixty days from the time the
15 supervising agency assumes responsibility for providing services,
16 including placing the child, or at the time of a hearing under RCW
17 13.34.130, whichever occurs first. The permanency planning process
18 continues until a permanency planning goal is achieved or dependency is
19 dismissed. The planning process shall include reasonable efforts to
20 return the child to the parent's home.

21 (2) The agency supervising the dependency shall submit a written
22 permanency plan to all parties and the court not less than fourteen
23 days prior to the scheduled hearing. Responsive reports of parties not
24 in agreement with the supervising agency's proposed permanency plan
25 must be provided to the supervising agency, all other parties, and the
26 court at least seven days prior to the hearing.

27 The permanency plan shall include:

28 (a) A permanency plan of care that shall identify one of the
29 following outcomes as a primary goal and may identify additional
30 outcomes as alternative goals: Return of the child to the home of the
31 child's parent, guardian, or legal custodian; adoption; guardianship;
32 permanent legal custody; long-term relative or foster care, until the
33 child is age eighteen, with a written agreement between the parties and
34 the care provider; successful completion of a responsible living skills
35 program; or independent living, if appropriate and if the child is age
36 sixteen or older. The department shall not discharge a child to an

1 independent living situation before the child is eighteen years of age
2 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

3 (b) Unless the court has ordered, pursuant to RCW 13.34.130(~~(+4)~~)
4 (5), that a termination petition be filed, a specific plan as to where
5 the child will be placed, what steps will be taken to return the child
6 home, what steps the agency will take to promote existing appropriate
7 sibling relationships and/or facilitate placement together or contact
8 in accordance with the best interests of each child, and what actions
9 the agency will take to maintain parent-child ties. All aspects of the
10 plan shall include the goal of achieving permanence for the child.

11 (i) The agency plan shall specify what services the parents will be
12 offered to enable them to resume custody, what requirements the parents
13 must meet to resume custody, and a time limit for each service plan and
14 parental requirement.

15 (ii) Visitation is the right of the family, including the child and
16 the parent, in cases in which visitation is in the best interest of the
17 child. Early, consistent, and frequent visitation is crucial for
18 maintaining parent-child relationships and making it possible for
19 parents and children to safely reunify. The agency shall encourage the
20 maximum parent and child and sibling contact possible, when it is in
21 the best interest of the child, including regular visitation and
22 participation by the parents in the care of the child while the child
23 is in placement. Visitation shall not be limited as a sanction for a
24 parent's failure to comply with court orders or services where the
25 health, safety, or welfare of the child is not at risk as a result of
26 the visitation. Visitation may be limited or denied only if the court
27 determines that such limitation or denial is necessary to protect the
28 child's health, safety, or welfare. The court and the agency should
29 rely upon community resources, relatives, foster parents, and other
30 appropriate persons to provide transportation and supervision for
31 visitation to the extent that such resources are available, and
32 appropriate, and the child's safety would not be compromised.

33 (iii) A child shall be placed as close to the child's home as
34 possible, preferably in the child's own neighborhood, unless the court
35 finds that placement at a greater distance is necessary to promote the
36 child's or parents' well-being.

37 (iv) The plan shall state whether both in-state and, where

1 appropriate, out-of-state placement options have been considered by the
2 department.

3 (v) Unless it is not in the best interests of the child, whenever
4 practical, the plan should ensure the child remains enrolled in the
5 school the child was attending at the time the child entered foster
6 care.

7 (vi) The agency charged with supervising a child in placement shall
8 provide all reasonable services that are available within the agency,
9 or within the community, or those services which the department has
10 existing contracts to purchase. It shall report to the court if it is
11 unable to provide such services; and

12 (c) If the court has ordered, pursuant to RCW 13.34.130(~~(+4)~~) (5),
13 that a termination petition be filed, a specific plan as to where the
14 child will be placed, what steps will be taken to achieve permanency
15 for the child, services to be offered or provided to the child, and, if
16 visitation would be in the best interests of the child, a
17 recommendation to the court regarding visitation between parent and
18 child pending a fact-finding hearing on the termination petition. The
19 agency shall not be required to develop a plan of services for the
20 parents or provide services to the parents if the court orders a
21 termination petition be filed. However, reasonable efforts to ensure
22 visitation and contact between siblings shall be made unless there is
23 reasonable cause to believe the best interests of the child or siblings
24 would be jeopardized.

25 (3) Permanency planning goals should be achieved at the earliest
26 possible date, preferably before the child has been in out-of-home care
27 for fifteen months. In cases where parental rights have been
28 terminated, the child is legally free for adoption, and adoption has
29 been identified as the primary permanency planning goal, it shall be a
30 goal to complete the adoption within six months following entry of the
31 termination order.

32 (4) If the court determines that the continuation of reasonable
33 efforts to prevent or eliminate the need to remove the child from his
34 or her home or to safely return the child home should not be part of
35 the permanency plan of care for the child, reasonable efforts shall be
36 made to place the child in a timely manner and to complete whatever
37 steps are necessary to finalize the permanent placement of the child.

1 (5) The identified outcomes and goals of the permanency plan may
2 change over time based upon the circumstances of the particular case.

3 (6) The court shall consider the child's relationships with the
4 child's siblings in accordance with RCW 13.34.130(3).

5 (7) For purposes related to permanency planning:

6 (a) "Guardianship" means a dependency guardianship or a legal
7 guardianship pursuant to chapter 11.88 RCW or equivalent laws of
8 another state or a federally recognized Indian tribe.

9 (b) "Permanent custody order" means a custody order entered
10 pursuant to chapter 26.10 RCW.

11 (c) "Permanent legal custody" means legal custody pursuant to
12 chapter 26.10 RCW or equivalent laws of another state or a federally
13 recognized Indian tribe.

14 **Sec. 4.** RCW 26.44.063 and 2000 c 119 s 12 are each amended to read
15 as follows:

16 (1) It is the intent of the legislature to minimize trauma to a
17 child involved in an allegation of sexual or physical abuse. The
18 legislature declares that removing the child from the home or the care
19 of a parent, guardian, or legal custodian often has the effect of
20 further traumatizing the child. It is, therefore, the legislature's
21 intent that the alleged (~~offender~~) abuser, rather than the child,
22 shall be removed or restrained from the (~~home~~) child's residence and
23 that this should be done at the earliest possible point of intervention
24 in accordance with RCW 10.31.100, (~~13.34.130~~) chapter 13.34 RCW, this
25 section, and RCW 26.44.130.

26 (2) In any judicial proceeding in which it is alleged that a child
27 has been subjected to sexual or physical abuse, if the court finds
28 reasonable grounds to believe that an incident of sexual or physical
29 abuse has occurred, the court may, on its own motion, or the motion of
30 the guardian ad litem or other parties, issue a temporary restraining
31 order or preliminary injunction restraining or enjoining the person
32 accused of committing the abuse from:

33 (a) Molesting or disturbing the peace of the alleged victim;

34 (b) Entering the family home of the alleged victim except as
35 specifically authorized by the court;

36 (c) Having any contact with the alleged victim, except as
37 specifically authorized by the court;

1 (d) Knowingly coming within, or knowingly remaining within, a
2 specified distance of a specified location.

3 (3) If the caretaker is willing, and does comply with the
4 restraining order entered pursuant to this section, uncertainty that
5 the alleged abuser has in fact abused the alleged victim shall not,
6 alone, be a basis to remove the alleged victim from the caretaker, nor
7 shall it be considered neglect.

8 (4) In issuing a temporary restraining order or preliminary
9 injunction, the court may impose any additional restrictions that the
10 court in its discretion determines are necessary to protect the child
11 from further abuse or emotional trauma pending final resolution of the
12 abuse allegations.

13 ~~((4))~~ (5) The court shall issue a temporary restraining order
14 prohibiting a person from entering the family home if the court finds
15 that the order would eliminate the need for an out-of-home placement to
16 protect the child's right to nurturance, health, and safety and is
17 sufficient to protect the child from further sexual or physical abuse
18 or coercion.

19 ~~((5))~~ (6) The court may issue a temporary restraining order
20 without requiring notice to the party to be restrained or other parties
21 only if it finds on the basis of the moving affidavit or other evidence
22 that irreparable injury could result if an order is not issued until
23 the time for responding has elapsed.

24 ~~((6))~~ (7) A temporary restraining order or preliminary
25 injunction:

26 (a) Does not prejudice the rights of a party or any child which are
27 to be adjudicated at subsequent hearings in the proceeding; and

28 (b) May be revoked or modified.

29 ~~((7))~~ (8) The person having physical custody of the child shall
30 have an affirmative duty to assist in the enforcement of the
31 restraining order including but not limited to a duty to notify the
32 court as soon as practicable of any violation of the order, a duty to
33 request the assistance of law enforcement officers to enforce the
34 order, and a duty to notify the department of social and health
35 services of any violation of the order as soon as practicable if the
36 department is a party to the action. Failure by the custodial party to
37 discharge these affirmative duties shall be subject to contempt
38 proceedings.

1 (~~(8)~~) (9) Willful violation of a court order entered under this
2 section is a misdemeanor. A written order shall contain the court's
3 directive and shall bear the legend: "Violation of this order with
4 actual notice of its terms is a criminal offense under chapter 26.44
5 RCW, is also subject to contempt proceedings, and will subject a
6 violator to arrest."

7 (~~(9)~~) (10) If a restraining order issued under this section is
8 modified or terminated, the clerk of the court shall notify the law
9 enforcement agency specified in the order on or before the next
10 judicial day. Upon receipt of notice that an order has been
11 terminated, the law enforcement agency shall remove the order from any
12 computer-based criminal intelligence system.

13 **Sec. 5.** RCW 74.13.031 and 2007 c 413 s 10 are each amended to read
14 as follows:

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

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

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

31 (3) Investigate complaints of any recent act or failure to act on
32 the part of a parent or caretaker that results in death, serious
33 physical or emotional harm, or sexual abuse or exploitation, or that
34 presents an imminent risk of serious harm, and on the basis of the
35 findings of such investigation, offer child welfare services in
36 relation to the problem to such parents, legal custodians, or persons
37 serving in loco parentis, and/or bring the situation to the attention

1 of an appropriate court, or another community agency(~~(+—PROVIDED,~~
2 ~~That)~~). An investigation is not required of nonaccidental injuries
3 which are clearly not the result of a lack of care or supervision by
4 the child's parents, legal custodians, or persons serving in loco
5 parentis. If the investigation reveals that a crime against a child
6 may have been committed, the department shall notify the appropriate
7 law enforcement agency.

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

10 (5)(a) Monitor out-of-home placements(~~(, on a timely and routine~~
11 ~~basis,~~) and conduct face-to-face meetings with children in out-of-home
12 care and their caregivers on a monthly basis to assure the safety,
13 well-being, and quality of care being provided is within the scope of
14 the intent of the legislature as defined in RCW 74.13.010 and
15 74.15.010(~~(, and annually submit a report measuring the extent to which~~
16 ~~the department achieved the specified goals to the governor and the~~
17 ~~legislature)~~).

18 (b) Within existing funds for this purpose, when a child's case is
19 being managed under a contract between the department and a private
20 agency that has been accredited by a national child welfare accrediting
21 entity, the private agency shall conduct the monthly face-to-face
22 meetings with the child and the child's caregiver. The agency shall
23 provide the department with a written report of the meeting within
24 fifteen days of the meeting. In these cases, the department need only
25 have a face-to-face meeting with the child and the child's caretaker on
26 a quarterly basis.

27 (6) Have authority to accept custody of children from parents and
28 to accept custody of children from juvenile courts, where authorized to
29 do so under law, to provide child welfare services including placement
30 for adoption, to provide for the routine and necessary medical, dental,
31 and mental health care, or necessary emergency care of the children,
32 and to provide for the physical care of such children and make payment
33 of maintenance costs if needed. Except where required by Public Law
34 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
35 children for adoption from the department shall discriminate on the
36 basis of race, creed, or color when considering applications in their
37 placement for adoption.

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

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

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

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

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

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

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

33 (11) Refer cases to the division of child support whenever state or
34 federal funds are expended for the care and maintenance of a child,
35 including a child with a developmental disability who is placed as a
36 result of an action under chapter 13.34 RCW, unless the department
37 finds that there is good cause not to pursue collection of child

1 support against the parent or parents of the child. Cases involving
2 individuals age eighteen through twenty shall not be referred to the
3 division of child support unless required by federal law.

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

11 Notwithstanding any other provision of RCW 13.32A.170 through
12 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
13 services to be provided by the department of social and health services
14 under subsections (4), (6), and (7) of this section, subject to the
15 limitations of these subsections, may be provided by any program
16 offering such services funded pursuant to Titles II and III of the
17 federal juvenile justice and delinquency prevention act of 1974.

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

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

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

35 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.15 RCW
36 to read as follows:

37 To be eligible for placement in a HOPE center, a minor must be

1 either a street youth, as that term is defined in this chapter, or a
2 youth who, without placement in a HOPE center, will continue to
3 participate in increasingly risky behavior. Youth may also self-refer
4 to a HOPE center. Payment for a HOPE center bed is not contingent upon
5 prior approval by the department.

6 **Sec. 7.** RCW 74.15.240 and 1999 c 267 s 14 are each amended to read
7 as follows:

8 To be eligible for placement in a responsible living skills
9 program, the minor must be dependent under chapter 13.34 RCW and must
10 have lived in a HOPE center or in a secure crisis residential center.
11 However, if the minor's caseworker determines that placement in a
12 responsible living skills program would be the most appropriate
13 placement given the minor's current circumstances, prior residence in
14 a HOPE center or secure crisis residential center before placement in
15 a responsible living program is not required. Responsible living
16 skills centers are intended as a placement alternative for dependent
17 youth that the department chooses for the youth because no other
18 services or alternative placements have been successful. Responsible
19 living skills centers are not for dependent youth whose permanency plan
20 includes return to home or family reunification.

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