

**SSB 5431 - H AMD 528**

By Representative Short

ADOPTED 04/08/2009

1        On page 1, line 9, after "child." insert "Pursuant to RCW 13.34.060  
2 and 13.34.130, placement of the child with a relative is the preferred  
3 option. The department must consider placement with a grandparent who  
4 has a significant relationship with a child, and must weigh the  
5 nonexclusive factors in section 2(4) of this act."

6        Beginning on page 1, line 14, after "care," strike all material  
7 through "and the" on page 2, line 3, and insert "and the department  
8 cannot locate an appropriate and available grandparent or other  
9 relative, the preferred nonrelative placement for the child is in a  
10 foster family home where the child previously was placed, if the  
11 following conditions are met:

12        (a) The foster family home is available and willing to care for the  
13 child;

14        (b) The foster family is appropriate and able to meet the child's  
15 needs; and

16        (c) The"

17        On page 2, after line 3, insert the following:

18        "(3) In selecting the placement for a child being returned to  
19 foster care, the department shall give weight to the child's length of  
20 stay and attachment to the caregivers in the previous placements in  
21 determining what is in the best interest of the child."

22        NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW  
23 to read as follows:

24        (1) To provide stability for children in out-of-home care,  
25 placement selection shall be made with a view toward the fewest  
26 possible placements for each child. If possible, the initial placement  
27 shall be viewed as the only placement for the child. The use of short-

1 term interim placements of thirty days or less to protect the child's  
2 health or safety while the placement of choice is being arranged is not  
3 a violation of this principle.

4 (2) If a child has been previously placed in out-of-home care and  
5 is subsequently returned to out-of-home care, the court must consider  
6 placement with a grandparent who has a significant relationship with a  
7 child, and must weigh the nonexclusive factors in subsection (4) of  
8 this section.

9 (3) If the department cannot locate an appropriate and available  
10 relative, the preferred placement for the child is in a foster family  
11 home where the child previously was placed, if the following conditions  
12 are met:

13 (a) The foster family home is available and willing to care for the  
14 child;

15 (b) The foster family is appropriate and able to meet the child's  
16 needs; and

17 (c) The placement is in the best interest of the child.

18 (4) In selecting the placement for a child being returned to foster  
19 care, the court shall give weight to the child's length of stay and  
20 attachment to the caregivers in the previous placements and shall  
21 consider the following nonexclusive factors in determining what is in  
22 the best interest of the child:

23 (a) The love, affection, and strength of the relationship between  
24 the child and the caregiver;

25 (b) The length and quality of the relationship between the child  
26 and the caregiver, including the roles performed by the caregiver and  
27 the emotional ties between the child and the caregiver;

28 (c) The child's reasonable preference, if the court finds the child  
29 is of sufficient age or maturity to express a preference;

30 (d) The good faith of the caregiver in seeking to have the child  
31 placed in his or her home;

32 (e) The criminal history, if any, of the caregiver as determined by  
33 a criminal history background check required by law;

34 (f) The caregiver's history of any adverse actions, including  
35 findings relating to child abuse and neglect by the caregiver;

36 (g) If applicable, the number of placement changes the child  
37 already has experienced and the potential impact of an additional  
38 change in placement to the caregiver's home;

- 1 (h) The child's current level of functioning at home and in school  
2 or early learning programs, and child care programs;
- 3 (i) Whether placement with the caregiver would allow the child:
- 4 (i) To remain in the same school, child care center, or early  
5 learning program, or to continue participating in any extracurricular  
6 activities that contribute to the child's healthy development with  
7 peers;
- 8 (ii) To participate in court-ordered visitation with parents and  
9 siblings;
- 10 (iii) To access any court-ordered services intended to promote the  
11 child's health, safety, and well-being;
- 12 (iv) To participate in other activities designed to achieve the  
13 permanency goal for the child; and
- 14 (j) Any other factors relevant to the child's best interests."

15 Correct the title.

EFFECT: For children returning to foster care,

(1) Clarifies that the bill is consistent with existing statute regarding a preference for relative placement in child dependency cases, but does not create such a preference.

(2) Requires the DSHS and the court to consider placing the child with a grandparent who has a significant relationship with a child.

(3) Establishes that when a relative placement is not available, the second priority for placement is with a foster family with whom the child lived previously if certain conditions are met.

(4) Specifies that in determining which placement option is in the child's best interests, the DSHS and the court must weigh the child's length of stay and attachment to the caregivers in previous placements.

(5) Directs the court to consider a nonexclusive list of factors in selecting the child's placement and determining what is in the child's best interests.

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