
HOUSE BILL 1782

State of Washington

61st Legislature

2009 Regular Session

By Representatives Goodman, Roberts, Walsh, Dickerson, Darneille, Kagi, and Nelson

Read first time 01/29/09. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to encouraging early and consistent engagement of
2 parents in children's dependency matters; reenacting and amending RCW
3 13.34.062; adding a new section to chapter 13.34 RCW; and creating a
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that when children
7 have been found dependent and placed in out-of-home care, the
8 likelihood of reunification with their parents diminishes significantly
9 after fifteen months. The legislature also finds that early and
10 consistent parental engagement in services and on going appropriate
11 parent-child contact increases the likelihood of successful
12 reunifications. The legislature intends to promote greater awareness
13 among parents in dependency cases of the risks created by failure to
14 participate in their child's case over the long term.

15 **Sec. 2.** RCW 13.34.062 and 2007 c 413 s 4 and 2007 c 409 s 5 are
16 each reenacted and amended to read as follows:

17 (1)(a) Whenever a child is taken into custody by child protective
18 services pursuant to a court order issued under RCW 13.34.050 or when

1 child protective services is notified that a child has been taken into
2 custody pursuant to RCW 26.44.050 or 26.44.056, child protective
3 services shall make reasonable efforts to inform the parent, guardian,
4 or legal custodian of the fact that the child has been taken into
5 custody, the reasons why the child was taken into custody, and their
6 legal rights under this title, including the right to a shelter care
7 hearing, as soon as possible. Notice must be provided in an
8 understandable manner and take into consideration the parent's,
9 guardian's, or legal custodian's primary language, level of education,
10 and cultural issues.

11 (b) In no event shall the notice required by this section be
12 provided to the parent, guardian, or legal custodian more than twenty-
13 four hours after the child has been taken into custody or twenty-four
14 hours after child protective services has been notified that the child
15 has been taken into custody.

16 (2)(a) The notice of custody and rights may be given by any means
17 reasonably certain of notifying the parents including, but not limited
18 to, written, telephone, or in person oral notification. If the initial
19 notification is provided by a means other than writing, child
20 protective services shall make reasonable efforts to also provide
21 written notification.

22 (b) The written notice of custody and rights required by this
23 section shall be in substantially the following form:

24 "NOTICE

25 Your child has been placed in temporary custody under the
26 supervision of Child Protective Services (or other person or agency).
27 You have important legal rights and you must take steps to protect your
28 interests.

29 1. A court hearing will be held before a judge within 72 hours of
30 the time your child is taken into custody excluding Saturdays, Sundays,
31 and holidays. You should call the court at _____ (insert appropriate
32 phone number here) _____ for specific information about the date, time,
33 and location of the court hearing.

34 2. You have the right to have a lawyer represent you at the
35 hearing. Your right to representation continues after the shelter care
36 hearing. You have the right to records the department intends to rely
37 upon. A lawyer can look at the files in your case, talk to child
38 protective services and other agencies, tell you about the law, help

1 you understand your rights, and help you at hearings. If you cannot
2 afford a lawyer, the court will appoint one to represent you. To get
3 a court-appointed lawyer you must contact: (explain local
4 procedure) .

5 3. At the hearing, you have the right to speak on your own behalf,
6 to introduce evidence, to examine witnesses, and to receive a decision
7 based solely on the evidence presented to the judge.

8 4. If your hearing occurs before a court commissioner, you have the
9 right to have the decision of the court commissioner reviewed by a
10 superior court judge. To obtain that review, you must, within ten days
11 after the entry of the decision of the court commissioner, file with
12 the court a motion for revision of the decision, as provided in RCW
13 2.24.050.

14 You should be present at any shelter care hearing. If you do not
15 come, the judge will not hear what you have to say.

16 You may call the Child Protective Services' caseworker for more
17 information about your child. The caseworker's name and telephone
18 number are: (insert name and telephone number) .

19 5. You have a right to a case conference to develop a written
20 service agreement following the shelter care hearing. The service
21 agreement may not conflict with the court's order of shelter care. You
22 may request that a multidisciplinary team, family group conference, or
23 prognostic staffing be convened for your child's case. You may
24 participate in these processes with your counsel present.

25 6. If your child is placed in the custody of the department of
26 social and health services or other supervising agency, immediately
27 following the shelter care hearing, the court will enter an order
28 granting the department or other supervising agency the right to
29 inspect and copy all health, medical, mental health, and education
30 records of the child, directing health care providers to release such
31 information without your further consent, and granting the department
32 or supervising agency or its designee the authority and responsibility,
33 where applicable, to:

- 34 (1) Notify the child's school that the child is in out-of-home
35 placement;
- 36 (2) Enroll the child in school;
- 37 (3) Request the school transfer records;
- 38 (4) Request and authorize evaluation of special needs;

- 1 (5) Attend parent or teacher conferences;
- 2 (6) Excuse absences;
- 3 (7) Grant permission for extracurricular activities;
- 4 (8) Authorize medications which need to be administered during
- 5 school hours and sign for medical needs that arise during school hours;
- 6 and
- 7 (9) Complete or update school emergency records."

8 7. If your child is placed in the custody of the department of
9 social and health services or other supervising agency, the department
10 or agency will create a permanency plan for your child, including a
11 primary placement goal and secondary placement goal, and will recommend
12 to the court services needed, if any, before the child can be placed in
13 the primary or secondary placement. If you want to be a placement
14 option for your child, you must notify the department or agency by
15 calling the caseworker identified above, present yourself to the court,
16 and comply with court-ordered services, if any. Failure to promptly
17 engage in services or to maintain contact with your child may lead to
18 the filing of a petition to terminate your parental rights.

19 8. Primary and secondary permanency plans are intended to run at
20 the same time in order to establish a permanent home for your child as
21 quickly as possible. Even if you want another parent or person to be
22 the primary placement choice for your child, you must tell the court if
23 you want to be a secondary placement option, and you must comply with
24 court orders for services, including but not limited to visitation with
25 your child. Early and consistent involvement in your child's case plan
26 is important for the well-being of your child.

27 9. Shelter care hearings, fact-finding hearings, and dependency
28 review hearings are legal proceedings with potentially serious
29 consequences. Failure to participate, respond, or comply with court
30 orders may lead to the loss of your parental rights."

31 Upon receipt of the written notice, the parent, guardian, or legal
32 custodian shall acknowledge such notice by signing a receipt prepared
33 by child protective services. If the parent, guardian, or legal

1 custodian does not sign the receipt, the reason for lack of a signature
2 shall be written on the receipt. The receipt shall be made a part of
3 the court's file in the dependency action.

4 If after making reasonable efforts to provide notification, child
5 protective services is unable to determine the whereabouts of the
6 parents, guardian, or legal custodian, the notice shall be delivered or
7 sent to the last known address of the parent, guardian, or legal
8 custodian.

9 (3) If child protective services is not required to give notice
10 under this section, the juvenile court counselor assigned to the matter
11 shall make all reasonable efforts to advise the parents, guardian, or
12 legal custodian of the time and place of any shelter care hearing,
13 request that they be present, and inform them of their basic rights as
14 provided in RCW 13.34.090.

15 (4) Reasonable efforts to advise and to give notice, as required in
16 this section, shall include, at a minimum, investigation of the
17 whereabouts of the parent, guardian, or legal custodian. If such
18 reasonable efforts are not successful, or the parent, guardian, or
19 legal custodian does not appear at the shelter care hearing, the
20 petitioner shall testify at the hearing or state in a declaration:

21 (a) The efforts made to investigate the whereabouts of, and to
22 advise, the parent, guardian, or (~~legal~~) custodian; and

23 (b) Whether actual advice of rights was made, to whom it was made,
24 and how it was made, including the substance of any oral communication
25 or copies of written materials used.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.34 RCW
27 to read as follows:

28 (1) After entry of a dispositional order pursuant to RCW 13.34.130
29 ordering placement of a child in out-of-home care, the department shall
30 make reasonable efforts to notify any parent, guardian, or custodian of
31 a child with whom the parent, guardian, or custodian has had no contact
32 for a period of six months. Notice shall inform the parent, guardian,
33 or custodian that failure to participate in the child's case plan may
34 jeopardize the parent's, guardian's, or custodian's ability to be a
35 placement option for the child. Notice must be provided in an
36 understandable manner and take into consideration the parent's,

1 guardian's, or custodian's primary language, level of education, and
2 cultural issues.

3 (2)(a) The notice may be given by any means reasonably certain of
4 notifying the parents including, but not limited to, written,
5 telephone, or in-person oral notification to the parent, guardian, or
6 custodian or the attorney of record. If the initial notification is
7 provided by a means other than writing, the department shall make
8 reasonable efforts to also provide written notification by delivering
9 or sending the notice to the last known address of the parent,
10 guardian, or legal custodian.

11 (b) Written notice under this section shall be in substantially the
12 following form:

13 "NOTICE

14 Your child has been placed in out-of-home care under the
15 supervision of the Department of Social and Health Services (or other
16 person or agency). The department's records indicate you have not had
17 any contact with your child for six months or longer, which may
18 jeopardize your ability to be considered a placement option for your
19 child. You have important legal rights and you must take steps to
20 protect your interests.

21 1. The Department of Social and Health Services or other
22 supervising agency has created a permanency plan for your child,
23 identifying a primary placement goal and secondary placement goal, and
24 recommending services needed before the child can be placed in the
25 primary or secondary placement. If you want to be a placement option
26 for your child, you must notify the department or agency, present
27 yourself to the court, and comply with court-ordered services,
28 including but not limited to visitation with your child. Failure to
29 promptly engage in services or to maintain contact with your child may
30 lead to the filing of a petition to terminate your rights as a parent.

31 2. Primary and secondary permanency plans are intended to run at
32 the same time in order to establish a permanent home for your child as
33 quickly as possible. Even if you want another parent or person to be

1 the primary placement choice for your child, you must tell the court if
2 you want to be a secondary placement option, and you must comply with
3 court orders for services including, but not limited to, visitation
4 with your child. Early and consistent involvement in your child's case
5 plan is important for the well-being of your child.

6 3. Dependency review hearings are legal proceedings with
7 potentially serious consequences. Failure to participate, respond, or
8 comply with court orders may lead to the loss of your parental rights."

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