
SUBSTITUTE HOUSE BILL 2680

State of Washington

61st Legislature

2010 Regular Session

By House Early Learning & Children's Services (originally sponsored by Representatives Roberts, Kagi, Angel, Seaquist, Walsh, Maxwell, and Kenney)

READ FIRST TIME 01/27/10.

1 AN ACT Relating to implementing a guardianship program; amending
2 RCW 13.34.232 and 13.34.234; reenacting and amending RCW 13.34.030 and
3 13.34.210; adding a new section to chapter 13.34 RCW; adding a new
4 section to chapter 74.13 RCW; adding a new chapter to Title 13 RCW;
5 creating a new section; and repealing RCW 13.34.230, 13.34.231,
6 13.34.236, and 13.34.238.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that a guardianship is
9 an appropriate permanent plan for a child who has been found to be
10 dependent under chapter 13.34 RCW and who cannot safely be reunified
11 with his or her parents. The legislature intends to create a separate
12 guardianship chapter to establish permanency for children in foster
13 care through the appointment of a guardian and dismissal of the
14 dependency.

15 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
16 section apply throughout this chapter unless the context clearly
17 requires otherwise.

18 (1) "Child" means any individual under the age of eighteen years.

1 (2) "Dependent child" means a child who has been found by a court
2 to be dependent in a proceeding under chapter 13.34 RCW.

3 (3) "Department" means the department of social and health
4 services.

5 (4) "Guardian" means a person who: (a) Has been appointed by the
6 court as the guardian of a child in a legal proceeding under this
7 chapter; and (b) has the legal right to custody of the child pursuant
8 to court order. The term "guardian" does not include a "dependency
9 guardian" appointed pursuant to a proceeding under chapter 13.34 RCW
10 for the purpose of assisting the court in supervising the dependency.

11 (5) "Relative" means a person related to the child in the following
12 ways: (a) Any blood relative, including those of half-blood, and
13 including first cousins, second cousins, nephews or nieces, and persons
14 of preceding generations as denoted by prefixes of grand, great, or
15 great-great; (b) stepfather, stepmother, stepbrother, and stepsister;
16 (c) a person who legally adopts a child or the child's parent as well
17 as the natural and other legally adopted children of such persons, and
18 other relatives of the adoptive parents in accordance with state law;
19 (d) spouses of any persons named in (a), (b), or (c) of this
20 subsection, even after the marriage is terminated; (e) relatives, as
21 named in (a), (b), (c), or (d) of this subsection, of any half sibling
22 of the child; or (f) extended family members, as defined by the law or
23 custom of the Indian child's tribe or, in the absence of such law or
24 custom, a person who has reached the age of eighteen and who is the
25 Indian child's grandparent, aunt or uncle, brother or sister, brother-
26 in-law or sister-in-law, niece or nephew, first or second cousin, or
27 stepparent who provides care in the family abode on a twenty-four hour
28 basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

29 (6) "Suitable person" means a nonrelative with whom the child or
30 the child's family has a preexisting relationship; who has completed
31 all required criminal history background checks and otherwise appears
32 to be suitable and competent to provide care for the child; and with
33 whom the child has been placed pursuant to RCW 13.34.130.

34 (7) "Supervising agency" means an agency licensed by the state
35 under RCW 74.15.090, or licensed by a federally recognized Indian tribe
36 located in this state under RCW 74.15.190, that has entered into a
37 performance-based contract with the department to provide case

1 management for the delivery and documentation of child welfare services
2 as defined in RCW 74.13.020.

3 NEW SECTION. **Sec. 3.** GUARDIANSHIP PETITION. (1) Any party to a
4 dependency proceeding under chapter 13.34 RCW may request a
5 guardianship be established for a dependent child by filing a petition
6 in juvenile court under this chapter. All parties to the dependency
7 and the proposed guardian must receive adequate notice of all
8 proceedings under this chapter. For purposes of this chapter, a
9 dependent child age twelve years or older is a party to the
10 proceedings. A proposed guardian has the right to intervene in
11 proceedings under this chapter.

12 (2) To be designated as a proposed guardian in a petition under
13 this chapter, a person must be age twenty-one or over and must meet the
14 minimum requirements to care for children as established by the
15 department under RCW 74.15.030, including but not limited to licensed
16 foster parents, relatives, and suitable persons.

17 (3) Every petition filed in proceedings under this chapter shall
18 contain: (a) A statement alleging whether the child is or may be an
19 Indian child as defined in 25 U.S.C. Sec. 1903. If the child is an
20 Indian child as defined under the Indian child welfare act, the
21 provisions of that act shall apply; (b) a statement alleging whether
22 the federal servicemembers civil relief act of 2003, 50 U.S.C. Sec. 501
23 et seq. applies to the proceeding; and (c) a statement alleging whether
24 the Washington service members' civil relief act, chapter 38.42 RCW,
25 applies to the proceeding.

26 (4) Every order or decree entered in any proceeding under this
27 chapter shall contain: (a) A finding that the Indian child welfare act
28 does or does not apply. Where there is a finding that the Indian child
29 welfare act does apply, the decree or order must also contain a finding
30 that all notice requirements and evidentiary requirements under the
31 Indian child welfare act have been satisfied; (b) a finding that the
32 federal servicemembers civil relief act of 2003 does or does not apply;
33 and (c) a finding that the Washington service members' civil relief
34 act, chapter 38.42 RCW, does or does not apply.

35 NEW SECTION. **Sec. 4.** GUARDIANSHIP HEARING. (1) At the hearing on
36 a guardianship petition, all parties have the right to present evidence

1 and cross-examine witnesses. The rules of evidence apply to the
2 conduct of the hearing. The hearing under this section to establish a
3 guardianship or convert an existing dependency guardianship to a
4 guardianship under this section is a stage of the dependency
5 proceedings for purposes of RCW 13.34.090(2).

6 (2) A guardianship shall be established if:

7 (a) The court finds by a preponderance of the evidence that it is
8 in the child's best interests to establish a guardianship, rather than
9 to terminate the parent-child relationship and proceed with adoption,
10 or to continue efforts to return custody of the child to the parent;
11 and

12 (b) All parties agree to entry of the guardianship order and the
13 proposed guardian is qualified, appropriate, and capable of performing
14 the duties of guardian under section 5 of this act; or

15 (c)(i) The child has been found to be a dependent child under RCW
16 13.34.030;

17 (ii) A dispositional order has been entered pursuant to RCW
18 13.34.130;

19 (iii) At the time of the hearing on the guardianship petition, the
20 child has or will have been removed from the custody of the parent for
21 at least six consecutive months following a finding of dependency under
22 RCW 13.34.030;

23 (iv) The services ordered under RCW 13.34.130 and 13.34.136 have
24 been offered or provided and all necessary services, reasonably
25 available, capable of correcting the parental deficiencies within the
26 foreseeable future have been offered or provided;

27 (v) There is little likelihood that conditions will be remedied so
28 that the child can be returned to the parent in the near future; and

29 (vi) The proposed guardian has signed a statement acknowledging the
30 guardian's rights and responsibilities toward the child and affirming
31 the guardian's understanding and acceptance that the guardianship is a
32 commitment to provide care for the child until the child reaches age
33 eighteen.

34 (3) The court may not establish a guardianship for a child who has
35 no legal parent unless the court, in addition to making the required
36 findings set forth in subsection (2) of this section, finds one or more
37 exceptional circumstances exist and the benefits for the child of

1 establishing the guardianship outweigh any potential disadvantage to
2 the child of having no legal parent. Exceptional circumstances may
3 include but are not limited to:

4 (a) The child has special needs and a suitable guardian is willing
5 to accept custody and able to meet the needs of the child to an extent
6 unlikely to be achieved through adoption; or

7 (b) The proposed guardian has demonstrated a commitment to provide
8 for the long-term care of the child and: (i) Is a relative of the
9 child; (ii) has been a long-term caregiver for the child and has acted
10 as a parent figure to the child and is viewed by the child as a parent
11 figure; or (iii) the child's family has identified the proposed
12 guardian as the preferred guardian, and, if the child is age twelve
13 years or older, the child also has identified the proposed guardian as
14 the preferred guardian.

15 (4) Upon the request of a dependency guardian appointed under
16 chapter 13.34 RCW and the department or supervising agency, the court
17 shall convert a dependency guardianship established under chapter 13.34
18 RCW to a guardianship under this chapter.

19 NEW SECTION. **Sec. 5.** GUARDIANSHIP ORDER. (1) If the court has
20 made the findings required under section 4 of this act, the court shall
21 issue an order establishing a guardianship for the child. If the
22 guardian has not previously intervened, the guardian shall be made a
23 party to the guardianship proceeding upon entry of the guardianship
24 order. The order shall:

25 (a) Appoint a person to be the guardian for the child;

26 (b) Specify the guardian's rights and responsibilities concerning
27 the care, custody, control, and nurturing of the child;

28 (c) Specify the guardian's authority, if any, to receive, invest,
29 and expend funds, benefits, or property belonging to the child;

30 (d) Specify an appropriate frequency and type of contact between
31 the parent or parents and the child, if applicable, and between the
32 child and his or her siblings, if applicable; and

33 (e) Specify the need for and scope of continued oversight by the
34 court, if any.

35 (2) The guardian shall maintain physical and legal custody of the
36 child and have the following rights and duties under the guardianship:

37 (a) Duty to protect, nurture, discipline, and educate the child;

1 (b) Duty to provide food, clothing, shelter, education as required
2 by law, and health care for the child, including but not limited to,
3 medical, dental, mental health, psychological, and psychiatric care and
4 treatment;

5 (c) Right to consent to health care for the child and sign a
6 release authorizing the sharing of health care information with
7 appropriate authorities, in accordance with state law;

8 (d) Right to consent to the child's participation in social and
9 school activities; and

10 (e) Duty to notify the court of a change of address of the guardian
11 and the child. Unless specifically ordered by the court, however, the
12 standards and requirements for relocation in chapter 26.09 RCW do not
13 apply to guardianships established under this chapter.

14 (3) If the child has independent funds or other valuable property
15 under the control of the guardian, the guardian shall provide an annual
16 written accounting, supported with appropriate documentation, to the
17 court regarding receipt and expenditure by the guardian of any such
18 funds or benefits. This subsection shall not be construed to require
19 a guardian to account for any routine funds or benefits received from
20 a public social service agency on behalf of the child.

21 (4) The guardianship shall remain in effect until the child reaches
22 the age of eighteen years or until the court terminates the
23 guardianship, whichever occurs sooner.

24 (5) Once the dependency has been dismissed pursuant to section 7 of
25 this act, the court shall not order the department or other supervising
26 agency to supervise or provide case management services to the guardian
27 or the child as part of the guardianship order.

28 (6) The court shall issue a letter of guardianship to the guardian
29 upon the entry of the court order establishing the guardianship under
30 this chapter.

31 NEW SECTION. **Sec. 6.** GUARDIANSHIP MODIFICATION. (1) A guardian
32 or a parent of the child may petition the court to modify the
33 visitation provisions of a guardianship order by:

34 (a) Filing with the court a motion for modification and an
35 affidavit setting forth facts supporting the requested modification;
36 and

1 (b) Providing notice and a copy of the motion and affidavit to all
2 other parties. The nonmoving parties may file and serve opposing
3 affidavits.

4 (2) The court shall deny the motion unless it finds that adequate
5 cause for hearing the motion is established by the affidavits, in which
6 case it shall set a date for hearing on an order to show cause why the
7 requested modification should not be granted.

8 (3) If the court finds that a motion to modify a guardianship order
9 has been brought in bad faith, the court may assess attorney's fees and
10 court costs of the nonmoving party against the moving party.

11 NEW SECTION. Sec. 7. GUARDIANSHIP TERMINATION. (1) Any party to
12 a guardianship proceeding may request termination of the guardianship
13 by filing a petition and supporting affidavit alleging a substantial
14 change has occurred in the circumstances of the child or the guardian
15 and that the termination is necessary to serve the best interests of
16 the child. The petition and affidavit must be served on the department
17 or supervising agency and all parties to the guardianship.

18 (2) Except as provided in subsection (3) of this section, the court
19 shall not terminate a guardianship unless it finds, upon the basis of
20 facts that have arisen since the guardianship was established or that
21 were unknown to the court at the time the guardianship was established,
22 that a substantial change has occurred in the circumstances of the
23 child or the guardian and that termination of the guardianship is
24 necessary to serve the best interests of the child. The effect of a
25 guardian's duties while serving in the military potentially impacting
26 guardianship functions shall not, by itself, be a substantial change of
27 circumstances justifying termination of a guardianship.

28 (3) The court may terminate a guardianship on the agreement of the
29 guardian, the child, if the child is age twelve years or older, and a
30 parent seeking to regain custody of the child if the court finds by a
31 preponderance of the evidence and on the basis of facts that have
32 arisen since the guardianship was established that:

33 (a) The parent has successfully corrected the parenting
34 deficiencies identified by the court in the dependency action, and the
35 circumstances of the parent have changed to such a degree that
36 returning the child to the custody of the parent no longer creates a
37 risk of harm to the child's health, welfare, and safety;

1 (b) The guardian agrees that the parent is presently able and
2 willing to provide appropriate care for the child and agrees to the
3 return of the child to the parent's care and custody;

4 (c) The child, if age twelve years or older, agrees to termination
5 of the guardianship the return of custody to the parent; and

6 (d) Termination of the guardianship and return of custody of the
7 child to the parent is in the child's best interests.

8 (4) Upon the entry of an order terminating a guardianship, the
9 court shall enter an order:

10 (a) Granting the child's parent with legal and physical custody of
11 the child;

12 (b) Granting a substitute guardian with legal and physical custody
13 of the child; or

14 (c) Directing the child to be temporarily placed in the custody of
15 the department for placement with a relative or other suitable person
16 as defined in RCW 13.34.130(1)(b), if available, or in an appropriate
17 licensed out-of-home placement, and directing that the department file
18 a dependency petition on behalf of the child.

19 NEW SECTION. **Sec. 8.** APPOINTMENT OF GUARDIAN AD LITEM OR ATTORNEY
20 FOR THE CHILD. In all proceedings to establish, modify, or terminate
21 a guardianship order, the court shall appoint a guardian ad litem or
22 attorney for the child. The court may appoint a guardian ad litem or
23 attorney who represented the child in a prior proceeding under this
24 chapter or under chapter 13.34 RCW, or may appoint an attorney to
25 supersede an existing guardian ad litem.

26 NEW SECTION. **Sec. 9.** GUARDIANSHIP SUBSIDY. (1) A relative
27 guardian who is a licensed foster parent at the time a guardianship is
28 established under this chapter and who has been the child's foster
29 parent for a minimum of six consecutive months preceding entry of the
30 guardianship order is eligible for a relative guardianship subsidy on
31 behalf of the child. The department may establish rules setting
32 eligibility, application, and program standards consistent with
33 applicable federal guidelines for expenditure of federal funds.

34 (2) Within amounts appropriated for this specific purpose, a
35 guardian who is a licensed foster parent at the time a guardianship is
36 established under this chapter and who has been the child's foster

1 parent for a minimum of six consecutive months preceding entry of the
2 guardianship order is eligible for a guardianship subsidy on behalf of
3 the child.

4 **Sec. 10.** RCW 13.34.030 and 2009 c 520 s 21 and 2009 c 397 s 1 are
5 each reenacted and amended to read as follows:

6 For purposes of this chapter:

7 (1) "Abandoned" means when the child's parent, guardian, or other
8 custodian has expressed, either by statement or conduct, an intent to
9 forego, for an extended period, parental rights or responsibilities
10 despite an ability to exercise such rights and responsibilities. If
11 the court finds that the petitioner has exercised due diligence in
12 attempting to locate the parent, no contact between the child and the
13 child's parent, guardian, or other custodian for a period of three
14 months creates a rebuttable presumption of abandonment, even if there
15 is no expressed intent to abandon.

16 (2) "Child" and "juvenile" means any individual under the age of
17 eighteen years.

18 (3) "Current placement episode" means the period of time that
19 begins with the most recent date that the child was removed from the
20 home of the parent, guardian, or legal custodian for purposes of
21 placement in out-of-home care and continues until: (a) The child
22 returns home; (b) an adoption decree, a permanent custody order, or
23 guardianship order is entered; or (c) the dependency is dismissed,
24 whichever occurs first.

25 (4) "Department" means the department of social and health
26 services.

27 (5) "Dependency guardian" means the person, nonprofit corporation,
28 or Indian tribe appointed by the court pursuant to this chapter for the
29 limited purpose of assisting the court in the supervision of the
30 dependency.

31 (6) "Dependent child" means any child who:

32 (a) Has been abandoned;

33 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
34 person legally responsible for the care of the child; or

35 (c) Has no parent, guardian, or custodian capable of adequately
36 caring for the child, such that the child is in circumstances which

1 constitute a danger of substantial damage to the child's psychological
2 or physical development.

3 (7) "Developmental disability" means a disability attributable to
4 mental retardation, cerebral palsy, epilepsy, autism, or another
5 neurological or other condition of an individual found by the secretary
6 to be closely related to mental retardation or to require treatment
7 similar to that required for individuals with mental retardation, which
8 disability originates before the individual attains age eighteen, which
9 has continued or can be expected to continue indefinitely, and which
10 constitutes a substantial handicap to the individual.

11 (8) "Guardian" means the person or agency that: (a) Has been
12 appointed as the guardian of a child in a legal proceeding (~~other than~~
13 ~~a proceeding under this chapter~~), including a guardian appointed
14 pursuant to chapter 13.-- RCW (the new chapter created in section 17 of
15 this act); and (b) has the legal right to custody of the child pursuant
16 to such appointment. The term "guardian" (~~shall~~) does not include a
17 "dependency guardian" appointed pursuant to a proceeding under this
18 chapter.

19 (9) "Guardian ad litem" means a person, appointed by the court to
20 represent the best interests of a child in a proceeding under this
21 chapter, or in any matter which may be consolidated with a proceeding
22 under this chapter. A "court-appointed special advocate" appointed by
23 the court to be the guardian ad litem for the child, or to perform
24 substantially the same duties and functions as a guardian ad litem,
25 shall be deemed to be guardian ad litem for all purposes and uses of
26 this chapter.

27 (10) "Guardian ad litem program" means a court-authorized volunteer
28 program, which is or may be established by the superior court of the
29 county in which such proceeding is filed, to manage all aspects of
30 volunteer guardian ad litem representation for children alleged or
31 found to be dependent. Such management shall include but is not
32 limited to: Recruitment, screening, training, supervision, assignment,
33 and discharge of volunteers.

34 (11) "Housing assistance" means appropriate referrals by the
35 department or other supervising agencies to federal, state, local, or
36 private agencies or organizations, assistance with forms, applications,
37 or financial subsidies or other monetary assistance for housing. For

1 purposes of this chapter, "housing assistance" is not a remedial
2 service or time-limited family reunification service as described in
3 RCW 13.34.025(2).

4 (12) "Indigent" means a person who, at any stage of a court
5 proceeding, is:

6 (a) Receiving one of the following types of public assistance:
7 Temporary assistance for needy families, general assistance, poverty-
8 related veterans' benefits, food stamps or food stamp benefits
9 transferred electronically, refugee resettlement benefits, medicaid, or
10 supplemental security income; or

11 (b) Involuntarily committed to a public mental health facility; or

12 (c) Receiving an annual income, after taxes, of one hundred twenty-
13 five percent or less of the federally established poverty level; or

14 (d) Unable to pay the anticipated cost of counsel for the matter
15 before the court because his or her available funds are insufficient to
16 pay any amount for the retention of counsel.

17 (13) "Out-of-home care" means placement in a foster family home or
18 group care facility licensed pursuant to chapter 74.15 RCW or placement
19 in a home, other than that of the child's parent, guardian, or legal
20 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

21 (14) "Preventive services" means preservation services, as defined
22 in chapter 74.14C RCW, and other reasonably available services,
23 including housing assistance, capable of preventing the need for out-
24 of-home placement while protecting the child.

25 (15) "Shelter care" means temporary physical care in a facility
26 licensed pursuant to RCW 74.15.030 or in a home not required to be
27 licensed pursuant to RCW 74.15.030.

28 (16) "Sibling" means a child's birth brother, birth sister,
29 adoptive brother, adoptive sister, half-brother, or half-sister, or as
30 defined by the law or custom of the Indian child's tribe for an Indian
31 child as defined in 25 U.S.C. Sec. 1903(4).

32 (17) "Social study" means a written evaluation of matters relevant
33 to the disposition of the case and shall contain the following
34 information:

35 (a) A statement of the specific harm or harms to the child that
36 intervention is designed to alleviate;

37 (b) A description of the specific services and activities, for both
38 the parents and child, that are needed in order to prevent serious harm

1 to the child; the reasons why such services and activities are likely
2 to be useful; the availability of any proposed services; and the
3 agency's overall plan for ensuring that the services will be delivered.
4 The description shall identify the services chosen and approved by the
5 parent;

6 (c) If removal is recommended, a full description of the reasons
7 why the child cannot be protected adequately in the home, including a
8 description of any previous efforts to work with the parents and the
9 child in the home; the in-home treatment programs that have been
10 considered and rejected; the preventive services, including housing
11 assistance, that have been offered or provided and have failed to
12 prevent the need for out-of-home placement, unless the health, safety,
13 and welfare of the child cannot be protected adequately in the home;
14 and the parents' attitude toward placement of the child;

15 (d) A statement of the likely harms the child will suffer as a
16 result of removal;

17 (e) A description of the steps that will be taken to minimize the
18 harm to the child that may result if separation occurs including an
19 assessment of the child's relationship and emotional bond with any
20 siblings, and the agency's plan to provide ongoing contact between the
21 child and the child's siblings if appropriate; and

22 (f) Behavior that will be expected before determination that
23 supervision of the family or placement is no longer necessary.

24 (18) "Supervising agency" means an agency licensed by the state
25 under RCW 74.15.090, or ~~((an))~~ licensed by a federally recognized
26 Indian tribe located in this state under RCW 74.15.190 ~~((with whom the~~
27 ~~department))~~, that has entered into a performance-based contract with
28 the department to provide case management for the delivery and
29 documentation of child welfare services as defined in RCW 74.13.020.

30 NEW SECTION. Sec. 11. A new section is added to chapter 13.34 RCW
31 to read as follows:

32 (1) Notwithstanding the provisions of chapter 13.-- RCW (the new
33 chapter created in section 17 of this act), a dependency guardianship
34 established by court order under this chapter and in force on the
35 effective date of this section shall remain subject to the provisions
36 of this chapter unless: (a) The dependency guardianship is modified or

1 terminated under the provisions of this chapter; or (b) the dependency
2 guardianship is converted by court order to a guardianship pursuant to
3 a petition filed under section 3 of this act.

4 (2) A dependency guardian or the department or supervising agency
5 may request the juvenile court to convert a dependency guardianship
6 established under this chapter to a guardianship under chapter 13.--
7 RCW (the new chapter created in section 17 of this act) by filing a
8 petition under section 3 of this act. If both the dependency guardian
9 and the department or supervising agency agree that the dependency
10 guardianship should be converted to a guardianship under this chapter,
11 and if the court finds that such conversion is in the child's best
12 interests, the court shall grant the petition and enter an order of
13 guardianship in accordance with section 5 of this act.

14 (3) The court shall dismiss the dependency established under this
15 chapter upon the entry of a guardianship order under chapter 13.-- RCW
16 (the new chapter created in section 17 of this act).

17 NEW SECTION. **Sec. 12.** A new section is added to chapter 74.13 RCW
18 to read as follows:

19 (1) The department shall adopt rules consistent with federal
20 regulations for the receipt and expenditure of federal funds and
21 implement a subsidy program for eligible relatives appointed by the
22 court as a guardian under section 5 of this act.

23 (2) For the purpose of licensing a relative seeking to be appointed
24 as a guardian and eligible for a guardianship subsidy under this
25 section, the department shall, on a case-by-case basis, and when
26 determined to be in the best interests of the child:

- 27 (a) Waive nonsafety licensing standards; and
- 28 (b) Apply the list of disqualifying crimes in the adoption and safe
29 families act, rather than the secretary's list of disqualifying crimes,
30 unless doing so would compromise the child's safety, or would adversely
31 affect the state's ability to continue to obtain federal funding for
32 child welfare related functions.

33 (3) Relative guardianship subsidy agreements shall be designed to
34 promote long-term permanency for the child, and may include provisions
35 for periodic review of the subsidy amount and the needs of the child.

1 **Sec. 13.** RCW 13.34.210 and 2009 c 520 s 35 and 2009 c 152 s 2 are
2 each reenacted and amended to read as follows:

3 If, upon entering an order terminating the parental rights of a
4 parent, there remains no parent having parental rights, the court shall
5 commit the child to the custody of the department or a supervising
6 agency willing to accept custody for the purpose of placing the child
7 for adoption. If an adoptive home has not been identified, the
8 department or supervising agency shall place the child in a licensed
9 foster home, or take other suitable measures for the care and welfare
10 of the child. The custodian shall have authority to consent to the
11 adoption of the child consistent with chapter 26.33 RCW, the marriage
12 of the child, the enlistment of the child in the armed forces of the
13 United States, necessary surgical and other medical treatment for the
14 child, and to consent to such other matters as might normally be
15 required of the parent of the child.

16 If a child has not been adopted within six months after the date of
17 the order and a guardianship of the child under (~~RCW 13.34.231~~)
18 chapter 13.-- RCW (the new chapter created in section 17 of this act)
19 or chapter 11.88 RCW, or a permanent custody order under chapter 26.10
20 RCW, has not been entered by the court, the court shall review the case
21 every six months until a decree of adoption is entered. The
22 supervising agency shall take reasonable steps to ensure that the child
23 maintains relationships with siblings as provided in RCW 13.34.130(3)
24 and shall report to the court the status and extent of such
25 relationships.

26 **Sec. 14.** RCW 13.34.232 and 1994 c 288 s 7 are each amended to read
27 as follows:

28 (1) (~~If the court has made a finding under RCW 13.34.231, it shall~~
29 ~~enter~~) An order establishing a dependency guardianship (~~for the~~
30 ~~child. The order~~) shall:

31 (a) Appoint a person or agency to serve as dependency guardian for
32 the limited purpose of assisting the court to supervise the dependency;

33 (b) Specify the dependency guardian's rights and responsibilities
34 concerning the care, custody, and control of the child. A dependency
35 guardian shall not have the authority to consent to the child's
36 adoption;

1 (c) Specify the dependency guardian's authority, if any, to
2 receive, invest, and expend funds, benefits, or property belonging to
3 the child;

4 (d) Specify an appropriate frequency of visitation between the
5 parent and the child; and

6 (e) Specify the need for any continued involvement of the
7 supervising agency and the nature of that involvement, if any.

8 (2) Unless the court specifies otherwise in the guardianship order,
9 the dependency guardian shall maintain the physical custody of the
10 child and have the following rights and duties:

11 (a) Protect, discipline, and educate the child;

12 (b) Provide food, clothing, shelter, education as required by law,
13 and routine health care for the child;

14 (c) Consent to necessary health and surgical care and sign a
15 release of health care information to appropriate authorities, pursuant
16 to law;

17 (d) Consent to social and school activities of the child; and

18 (e) Provide an annual written accounting to the court regarding
19 receipt by the dependency guardian of any funds, benefits, or property
20 belonging to the child and expenditures made therefrom.

21 (3) As used in this section, the term "health care" includes, but
22 is not limited to, medical, dental, psychological, and psychiatric care
23 and treatment.

24 (4) The child shall remain dependent for the duration of the
25 guardianship. While the guardianship remains in effect, the dependency
26 guardian shall be a party to any dependency proceedings pertaining to
27 the child.

28 (5) The guardianship shall remain in effect only until the child is
29 eighteen years of age or until the court terminates the guardianship
30 order, whichever occurs sooner.

31 **Sec. 15.** RCW 13.34.234 and 2009 c 235 s 6 are each amended to read
32 as follows:

33 A dependency guardian who is a licensed foster parent at the time
34 the guardianship is established under (~~RCW 13.34.231 and 13.34.232~~)
35 this chapter and who has been the child's foster parent for a minimum
36 of six consecutive months preceding entry of the guardianship order
37 (~~is~~) may be eligible for a guardianship subsidy on behalf of the

1 child. (~~The department may establish rules setting eligibility,~~
2 ~~application, and program standards consistent with applicable federal~~
3 ~~guidelines.~~)

4 NEW SECTION. **Sec. 16.** The following acts or parts of acts are
5 each repealed:

6 (1) RCW 13.34.230 (Guardianship for dependent child--Petition for--
7 Notice to, intervention by, department or supervising agency) and 2009
8 c 520 s 37, 1981 c 195 s 1, & 1979 c 155 s 51;

9 (2) RCW 13.34.231 (Guardianship for dependent child--Hearing--
10 Rights of parties--Rules of evidence--Guardianship established, when)
11 and 2000 c 122 s 29, 1994 c 288 s 6, & 1981 c 195 s 2;

12 (3) RCW 13.34.236 (Guardianship for dependent child--Qualifications
13 for dependency guardian--Consideration of preferences of parent) and
14 1994 c 288 s 10 & 1981 c 195 s 7; and

15 (4) RCW 13.34.238 (Guardianship for dependent child--Relative
16 guardianship subsidies) and 2009 c 235 s 5.

17 NEW SECTION. **Sec. 17.** Sections 2 through 9 of this act constitute
18 a new chapter in Title 13 RCW.

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