
SUBSTITUTE SENATE BILL 5510

State of Washington 61st Legislature 2009 Regular Session

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

READ FIRST TIME 02/25/09.

1 AN ACT Relating to notification in dependency matters; and
2 reenacting and amending RCW 13.34.062.

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

4 **Sec. 1.** RCW 13.34.062 and 2007 c 413 s 4 and 2007 c 409 s 5 are
5 each reenacted and amended to read as follows:

6 (1)(a) Whenever a child is taken into custody by child protective
7 services pursuant to a court order issued under RCW 13.34.050 or when
8 child protective services is notified that a child has been taken into
9 custody pursuant to RCW 26.44.050 or 26.44.056, child protective
10 services shall make reasonable efforts to inform the parent, guardian,
11 or legal custodian of the fact that the child has been taken into
12 custody, the reasons why the child was taken into custody, and their
13 legal rights under this title, including the right to a shelter care
14 hearing, as soon as possible. Notice must be provided in an
15 understandable manner and take into consideration the parent's,
16 guardian's, or legal custodian's primary language, level of education,
17 and cultural issues.

18 (b) In no event shall the notice required by this section be
19 provided to the parent, guardian, or legal custodian more than twenty-

1 four hours after the child has been taken into custody or twenty-four
2 hours after child protective services has been notified that the child
3 has been taken into custody.

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

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

12 "NOTICE

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

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

22 2. You have the right to have a lawyer represent you at the
23 hearing. Your right to representation continues after the shelter care
24 hearing. You have the right to records the department intends to rely
25 upon. A lawyer can look at the files in your case, talk to child
26 protective services and other agencies, tell you about the law, help
27 you understand your rights, and help you at hearings. If you cannot
28 afford a lawyer, the court will appoint one to represent you. To get
29 a court-appointed lawyer you must contact: _____ (explain local
30 procedure) _____.

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

34 4. If your hearing occurs before a court commissioner, you have the
35 right to have the decision of the court commissioner reviewed by a
36 superior court judge. To obtain that review, you must, within ten days
37 after the entry of the decision of the court commissioner, file with

1 the court a motion for revision of the decision, as provided in RCW
2 2.24.050.

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

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

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

14 6. If your child is placed in the custody of the department of
15 social and health services or other supervising agency, immediately
16 following the shelter care hearing, the court will enter an order
17 granting the department or other supervising agency the right to
18 inspect and copy all health, medical, mental health, and education
19 records of the child, directing health care providers to release such
20 information without your further consent, and granting the department
21 or supervising agency or its designee the authority and responsibility,
22 where applicable, to:

23 (1) Notify the child's school that the child is in out-of-home
24 placement;

25 (2) Enroll the child in school;

26 (3) Request the school transfer records;

27 (4) Request and authorize evaluation of special needs;

28 (5) Attend parent or teacher conferences;

29 (6) Excuse absences;

30 (7) Grant permission for extracurricular activities;

31 (8) Authorize medications which need to be administered during
32 school hours and sign for medical needs that arise during school hours;
33 and

34 (9) Complete or update school emergency records.

35 7. You should be aware that the department of social and health
36 services undertakes concurrent planning in dependency cases.
37 Concurrent planning is the pursuit of reunification of the child with

1 the parent at the same time an alternative permanent plan, like
2 adoption or guardianship, is being developed.

3 8. A dependency petition begins a judicial process which, if the
4 court finds the child dependent, could result in a permanent loss of
5 your parental rights if you fail to engage in the services offered to
6 you by the department of social and health services."

7 (c) Upon receipt of the written notice, the parent, guardian, or
8 legal custodian shall acknowledge such notice by signing a receipt
9 prepared by child protective services. If the parent, guardian, or
10 legal custodian does not sign the receipt, the reason for lack of a
11 signature shall be written on the receipt. The receipt shall be made
12 a part of the court's file in the dependency action.

13 (d) If after making reasonable efforts to provide notification,
14 child protective services is unable to determine the whereabouts of the
15 parents, guardian, or legal custodian, the notice shall be delivered or
16 sent to the last known address of the parent, guardian, or legal
17 custodian.

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

24 (4) Reasonable efforts to advise and to give notice, as required in
25 this section, shall include, at a minimum, investigation of the
26 whereabouts of the parent, guardian, or legal custodian. If such
27 reasonable efforts are not successful, or the parent, guardian, or
28 legal custodian does not appear at the shelter care hearing, the
29 petitioner shall testify at the hearing or state in a declaration:

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

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

35 (5) The new requirements added to the notice form in subsection
36 (2)(b) of this section must be included the first time the department

1 prints notice forms after the effective date of this section.

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