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ENGROSSED HOUSE BILL 2582

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Hargrove, Kagi, and Walsh

Read first time 01/21/14. Referred to Committee on Judiciary.

1 AN ACT Relating to filing a petition seeking termination of  
2 parental rights; and reenacting and amending RCW 13.34.138.

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

4 **Sec. 1.** RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009 c  
5 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read as  
6 follows:

7 (1) The status of all children found to be dependent shall be  
8 reviewed by the court at least every six months from the beginning date  
9 of the placement episode or the date dependency is established,  
10 whichever is first. The purpose of the hearing shall be to review the  
11 progress of the parties and determine whether court supervision should  
12 continue.

13 (a) The initial review hearing shall be an in-court review and  
14 shall be set six months from the beginning date of the placement  
15 episode or no more than ninety days from the entry of the disposition  
16 order, whichever comes first. The requirements for the initial review  
17 hearing, including the in-court review requirement, shall be  
18 accomplished within existing resources.

1 (b) The initial review hearing may be a permanency planning hearing  
2 when necessary to meet the time frames set forth in RCW 13.34.145(1)(a)  
3 or 13.34.134.

4 (2)(a) A child shall not be returned home at the review hearing  
5 unless the court finds that a reason for removal as set forth in RCW  
6 13.34.130 no longer exists. The parents, guardian, or legal custodian  
7 shall report to the court the efforts they have made to correct the  
8 conditions which led to removal. If a child is returned, casework  
9 supervision by the supervising agency or department shall continue for  
10 a period of six months, at which time there shall be a hearing on the  
11 need for continued intervention.

12 (b) Prior to the child returning home, the department or  
13 supervising agency must complete the following:

14 (i) Identify all adults residing in the home and conduct background  
15 checks on those persons;

16 (ii) Identify any persons who may act as a caregiver for the child  
17 in addition to the parent with whom the child is being placed and  
18 determine whether such persons are in need of any services in order to  
19 ensure the safety of the child, regardless of whether such persons are  
20 a party to the dependency. The department or supervising agency may  
21 recommend to the court and the court may order that placement of the  
22 child in the parent's home be contingent on or delayed based on the  
23 need for such persons to engage in or complete services to ensure the  
24 safety of the child prior to placement. If services are recommended  
25 for the caregiver, and the caregiver fails to engage in or follow  
26 through with the recommended services, the department or supervising  
27 agency must promptly notify the court; and

28 (iii) Notify the parent with whom the child is being placed that he  
29 or she has an ongoing duty to notify the department or supervising  
30 agency of all persons who reside in the home or who may act as a  
31 caregiver for the child both prior to the placement of the child in the  
32 home and subsequent to the placement of the child in the home as long  
33 as the court retains jurisdiction of the dependency proceeding or the  
34 department is providing or monitoring either remedial services to the  
35 parent or services to ensure the safety of the child to any caregivers.

36 Caregivers may be required to engage in services under this  
37 subsection solely for the purpose of ensuring the present and future  
38 safety of a child who is a ward of the court. This subsection does not

1 grant party status to any individual not already a party to the  
2 dependency proceeding, create an entitlement to services or a duty on  
3 the part of the department or supervising agency to provide services,  
4 or create judicial authority to order the provision of services to any  
5 person other than for the express purposes of this section or RCW  
6 13.34.025 or if the services are unavailable or unsuitable or the  
7 person is not eligible for such services.

8 (c) If the child is not returned home, the court shall establish in  
9 writing:

10 (i) Whether the supervising agency or the department is making  
11 reasonable efforts to provide services to the family and eliminate the  
12 need for placement of the child. If additional services, including  
13 housing assistance, are needed to facilitate the return of the child to  
14 the child's parents, the court shall order that reasonable services be  
15 offered specifying such services;

16 (ii) Whether there has been compliance with the case plan by the  
17 child, the child's parents, and the agency supervising the placement;

18 (iii) Whether progress has been made toward correcting the problems  
19 that necessitated the child's placement in out-of-home care;

20 (iv) Whether the services set forth in the case plan and the  
21 responsibilities of the parties need to be clarified or modified due to  
22 the availability of additional information or changed circumstances;

23 (v) Whether there is a continuing need for placement;

24 (vi) Whether a parent's homelessness or lack of suitable housing is  
25 a significant factor delaying permanency for the child by preventing  
26 the return of the child to the home of the child's parent and whether  
27 housing assistance should be provided by the department or supervising  
28 agency;

29 (vii) Whether the child is in an appropriate placement which  
30 adequately meets all physical, emotional, and educational needs;

31 (viii) Whether preference has been given to placement with the  
32 child's relatives if such placement is in the child's best interests;

33 (ix) Whether both in-state and, where appropriate, out-of-state  
34 placements have been considered;

35 (x) Whether the parents have visited the child and any reasons why  
36 visitation has not occurred or has been infrequent;

37 (xi) Whether terms of visitation need to be modified;

1 (xii) Whether the court-approved long-term permanent plan for the  
2 child remains the best plan for the child;

3 (xiii) Whether any additional court orders need to be made to move  
4 the case toward permanency; and

5 (xiv) The projected date by which the child will be returned home  
6 or other permanent plan of care will be implemented.

7 (d) The court at the review hearing may order that a petition  
8 seeking termination of the parent and child relationship be filed. If  
9 the court determines that the child has been in out-of-home care for at  
10 least twelve consecutive months following the filing of a dependency  
11 petition and the parents have been noncompliant with court-ordered  
12 services and have made no progress towards correcting parental  
13 deficiencies, the court shall order that a petition seeking termination  
14 of parent and child relationship be filed unless the court makes a good  
15 cause exception based on the factors described in RCW 13.34.145.

16 (3)(a) In any case in which the court orders that a dependent child  
17 may be returned to or remain in the child's home, the in-home placement  
18 shall be contingent upon the following:

19 (i) The compliance of the parents with court orders related to the  
20 care and supervision of the child, including compliance with the  
21 supervising agency's case plan; and

22 (ii) The continued participation of the parents, if applicable, in  
23 available substance abuse or mental health treatment if substance abuse  
24 or mental illness was a contributing factor to the removal of the  
25 child.

26 (b) The following may be grounds for removal of the child from the  
27 home, subject to review by the court:

28 (i) Noncompliance by the parents with the department's or  
29 supervising agency's case plan or court order;

30 (ii) The parent's inability, unwillingness, or failure to  
31 participate in available services or treatment for themselves or the  
32 child, including substance abuse treatment if a parent's substance  
33 abuse was a contributing factor to the abuse or neglect; or

34 (iii) The failure of the parents to successfully and substantially  
35 complete available services or treatment for themselves or the child,  
36 including substance abuse treatment if a parent's substance abuse was  
37 a contributing factor to the abuse or neglect.

1 (c) In a pending dependency case in which the court orders that a  
2 dependent child may be returned home and that child is later removed  
3 from the home, the court shall hold a review hearing within thirty days  
4 from the date of removal to determine whether the permanency plan  
5 should be changed, a termination petition should be filed, or other  
6 action is warranted. The best interests of the child shall be the  
7 court's primary consideration in the review hearing.

8 (4) The court's authority to order housing assistance under this  
9 chapter is: (a) Limited to cases in which a parent's homelessness or  
10 lack of suitable housing is a significant factor delaying permanency  
11 for the child and housing assistance would aid the parent in providing  
12 an appropriate home for the child; and (b) subject to the availability  
13 of funds appropriated for this specific purpose. Nothing in this  
14 chapter shall be construed to create an entitlement to housing  
15 assistance nor to create judicial authority to order the provision of  
16 such assistance to any person or family if the assistance or funding  
17 are unavailable or the child or family are not eligible for such  
18 assistance.

19 (5) The court shall consider the child's relationship with siblings  
20 in accordance with RCW 13.34.130(~~(+3+)~~) (6).

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