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SENATE BILL 5885

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State of Washington

54th Legislature

1995 Regular Session

By Senators Hargrove, Long, Owen, Kohl, Haugen, Rasmussen, Franklin, Bauer and Winsley

Read first time 02/13/95. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to services to families; amending RCW 74.14C.005,  
2 74.14C.010, 74.14C.020, 74.14C.030, 74.14C.040, 74.14C.050, 74.14C.060,  
3 74.14C.070, 13.04.030, 13.50.010, 13.50.100, 74.15.020, 13.34.130,  
4 13.34.145, 74.13.280, 13.04.033, 74.15.120, 13.34.030, 13.34.233, and  
5 28A.225.330; reenacting and amending RCW 26.44.030; adding new sections  
6 to chapter 74.14C RCW; adding new sections to chapter 74.13 RCW; adding  
7 a new section to chapter 13.50 RCW; adding a new section to chapter  
8 74.15 RCW; repealing RCW 74.14C.035; and prescribing penalties.

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

10 **Sec. 1.** RCW 74.14C.005 and 1992 c 214 s 1 are each amended to read  
11 as follows:

12 (1) (~~It is the intent of the legislature to make available, within~~  
13 ~~available funds, intensive services to children and families that are~~  
14 ~~designed to prevent the unnecessary imminent placement of children in~~  
15 ~~foster care, and designed to facilitate the reunification of the~~  
16 ~~children with their families.)) The legislature believes that  
17 protecting the health and safety of children is paramount. The  
18 legislature recognizes that the number of children entering foster care  
19 is increasing and that a number of children receive long-term foster~~

1 care protection. Further, reasonable efforts by the department to  
2 shorten foster care placement or avoid it altogether should be a major  
3 focus of the child welfare system. It is intended that providing up-  
4 front services decrease the number of children entering foster care and  
5 have the effect of eventually lowering foster care expenditures and  
6 strengthening the family unit.

7 Within available funds, the legislature intends that the department  
8 focus child welfare services on protecting the child and strengthening  
9 families and, to the extent possible, provide necessary services in the  
10 family setting, drawing upon the strengths of the family. The  
11 legislature further intends that the services should be locally based  
12 and offered as early as possible to avoid disruption to the family,  
13 out-of-home placement of the child, and entry into the dependency  
14 system. The legislature also intends that these services be used for  
15 those families whose children are returning to the home from foster  
16 care. These services are known as family preservation services and  
17 intensive family preservation services and are characterized by the  
18 following values, beliefs, and goals:

19 (a) Safety of the child is always the first concern;

20 (b) Children need their families and should be raised by their own  
21 families whenever possible;

22 (c) Interventions should focus on family strengths and be  
23 responsive to individual family needs and be culturally relevant;  
24 ((and))

25 (d) Participation should be voluntary; and

26 (e) Improvement of family functioning is essential in order to  
27 promote the child's health, safety, and welfare and thereby allow the  
28 family to remain intact and allow children to remain at home.

29 (2) Subject to the availability of funds for such purposes, the  
30 legislature intends for ~~((family preservation))~~ these services to be  
31 made available to all eligible families on a state-wide basis through  
32 a phased-in process. Except as otherwise specified by statute, the  
33 department of social and health services shall have the authority and  
34 discretion to implement and expand ~~((family preservation))~~ these  
35 services ~~((according to a plan and time frame determined by the~~  
36 department)) as provided in section . . . of this act. The department  
37 shall consult with the community public health and safety networks when  
38 assessing a community's resources and need for services.

1       (3) It is the legislature's intent that, within available funds,  
2 the department develop services in accordance with this chapter.

3       (4) Nothing in this chapter shall be construed to create an  
4 entitlement to services nor to create judicial authority to order the  
5 provision of family preservation services to any person or family where  
6 the department has determined that such services are unavailable or  
7 unsuitable or that the child or family are not eligible for such  
8 services.

9       **Sec. 2.** RCW 74.14C.010 and 1992 c 214 s 2 are each amended to read  
10 as follows:

11       Unless the context clearly requires otherwise, the definitions in  
12 this section apply throughout this chapter.

13       (1) "Department" means the department of social and health  
14 services.

15       (2) "Intensive family preservation services" means culturally  
16 relevant community-based services that are delivered primarily in the  
17 home, that follow intensive service models with demonstrated  
18 effectiveness in reducing or avoiding the need for unnecessary imminent  
19 foster care placement, and that have all of the characteristics  
20 delineated in RCW 74.14C.020 (1) and (3).

21       (3) "Family preservation services" means culturally relevant in-  
22 home and community-based services drawing on the strengths of the  
23 family and its individual members while addressing family needs to  
24 strengthen and keep the family together where possible and may include:

25       (a) Respite care of children to provide temporary relief for  
26 parents and other caregivers;

27       (b) Services designed to improve parenting skills with respect to  
28 such matters as child development, family budgeting, coping with  
29 stress, health, safety, and nutrition; and

30       (c) Services designed to promote the well-being of children and  
31 families, increase the strength and stability of families, increase  
32 parents' confidence and competence in their parenting abilities,  
33 promote a safe, stable, and supportive family environment for children,  
34 and otherwise enhance children's development.

35       Family preservation services shall have the characteristics  
36 delineated in RCW 74.14C.020 (2) and (3).

37       (4) "Foster care" means placement of a child by the department or  
38 a licensed child placing agency in a home or facility licensed pursuant

1 to chapter 74.15 RCW, or in a home or facility that is not required to  
2 be licensed pursuant to chapter 74.15 RCW.

3 ~~((4))~~ (5) "Imminent" means a decision has been made by the  
4 department that, without intensive family preservation services, a  
5 petition requesting the removal of a child from the family home will be  
6 immediately filed under chapter 13.32A or 13.34 RCW, or that a  
7 voluntary placement agreement will be immediately initiated.

8 **Sec. 3.** RCW 74.14C.020 and 1992 c 214 s 3 are each amended to read  
9 as follows:

10 (1) Intensive family preservation services shall have all of the  
11 following characteristics:

12 ~~((1))~~ (a) Services are provided by specially trained caseworkers  
13 who have received at least forty hours of training ~~((from recognized))~~  
14 in intensive family preservation services ~~((experts))~~. Caseworkers  
15 provide the services in the family's home, and may provide some of the  
16 services in other natural environments of the family, such as their  
17 neighborhood or schools;

18 ~~((2))~~ (b) Caseload size averages two families per caseworker;

19 ~~((3))~~ (c) The services to the family are provided by a single  
20 caseworker, with backup caseworkers identified to provide assistance as  
21 necessary;

22 ~~((4) Caseworkers have the authority and discretion to spend funds,~~  
23 ~~up to a maximum amount specified by the department, to help families~~  
24 ~~obtain necessary food, shelter, or clothing, or to purchase other goods~~  
25 ~~or services that will enhance the effectiveness of intervention;~~

26 ~~(5))~~ (d) Services are available to the family within twenty-four  
27 hours following receipt of a referral to the program;

28 ~~((6) Services are available to the family twenty-four hours a day~~  
29 ~~and seven days a week;~~

30 ~~(7))~~ (e) Duration of service is limited to a maximum of forty  
31 days, unless the department authorizes an additional provision of  
32 service through an exception to policy(~~(7~~

33 ~~(8) Services assist the family to improve parental and household~~  
34 ~~management competence and to solve practical problems that contribute~~  
35 ~~to family stress so as to effect improved parental performance and~~  
36 ~~enhanced functioning of the family unit; and~~

37 ~~(9) Services help families locate and utilize additional~~  
38 ~~assistance, including, but not limited to, counseling and treatment~~

1 ~~services, housing, child care, education, job training, emergency cash~~  
2 ~~grants, state and federally funded public assistance, and other basic~~  
3 ~~support services)).~~

4 (2) Family preservation services shall have all of the following  
5 characteristics:

6 (a) Services are delivered primarily in the family home and  
7 community;

8 (b) Services are committed to reinforcing the strengths of the  
9 family and its members and empowering the family to solve problems and  
10 become self-sufficient;

11 (c) Services are committed to providing support to families through  
12 community organizations including but not limited to school, church,  
13 cultural, ethnic, neighborhood, and business;

14 (d) Services are available to the family within forty-eight hours  
15 of referral unless an exception is noted in the file;

16 (e) Duration of service is limited to a maximum of ninety days,  
17 unless the department authorizes an additional provision of service  
18 through an exception to policy; and

19 (f) Caseload size averaging twelve families per service provider,  
20 which can be adjusted according to exceptions defined by the  
21 department.

22 (3) Intensive family preservation services and family preservation  
23 services shall include the following characteristics in addition to  
24 those already specified in this section:

25 (a) Services that protect the child and strengthen the family;

26 (b) Caseworkers and direct service providers have the authority and  
27 discretion to spend funds, up to a maximum amount specified by the  
28 department, to help families obtain necessary food, shelter, or  
29 clothing, or to purchase other goods or services that will enhance the  
30 effectiveness of intervention;

31 (c) Services are available to the family twenty-four hours a day  
32 and seven days a week;

33 (d) Services that assist the family to improve parental and  
34 household management competence and to solve practical problems that  
35 contribute to family stress so as to effect improved parental  
36 performance and enhanced functioning of the family unit and self-  
37 sufficiency; and

38 (e) Services that help families locate and use additional  
39 assistance including, but not limited to, counseling and treatment

1 services, housing, child care, education, job training, emergency cash  
2 grants, state and federally funded public assistance, and other basic  
3 support services.

4 **Sec. 4.** RCW 74.14C.030 and 1992 c 214 s 4 are each amended to read  
5 as follows:

6 (1) The department shall be the lead administrative agency for  
7 intensive family preservation services and family preservation services  
8 and may receive funding from any source for the implementation or  
9 expansion of such services. The department shall:

10 (a) Provide coordination and planning with the advice of the public  
11 health and safety networks for the implementation and expansion of  
12 intensive family preservation services and family preservation  
13 services; and

14 (b) Monitor and evaluate such services to determine whether the  
15 programs meet measurable standards specified by this chapter and the  
16 department.

17 (2) In carrying out the requirements of subsection (1)(a) of this  
18 section, the department shall consult ~~((and coordinate with at least~~  
19 ~~one))~~ with qualified ~~((private, nonprofit agency))~~ agencies that  
20 ~~((has))~~ have demonstrated expertise and experience in family  
21 preservation services.

22 (3) The department ~~((may provide family preservation services~~  
23 ~~directly and))~~ shall, within available funds, enter into time-limited,  
24 outcome-based, competitive contracts with ~~((private, nonprofit))~~ social  
25 service agencies to provide intensive family preservation services and  
26 family preservation services, provided that such agencies meet  
27 measurable standards specified by this chapter and by the department.  
28 These contracts shall be bid on a biennial basis, unless there is no  
29 qualified agency to provide intensive family preservation services and  
30 family preservation services.

31 ~~((4) The department shall not continue direct provision of family~~  
32 ~~preservation services unless it is demonstrated that provision of such~~  
33 ~~services prevents foster care placement in at least seventy percent of~~  
34 ~~the cases served for a period of at least six months following~~  
35 ~~termination of services.~~

36 ~~The department shall not renew a))~~ No contract ~~((with a service~~  
37 ~~provider))~~ may be renewed unless the provider can demonstrate that  
38 provision of services prevents foster care placement in at least

1 seventy percent of the cases served for a period of at least six months  
2 following termination of service.

3 **Sec. 5.** RCW 74.14C.040 and 1992 c 214 s 5 are each amended to read  
4 as follows:

5 (1) Intensive family preservation services may be provided to  
6 children and their families only when the department has determined  
7 that:

8 (a) The child has been placed in foster care or is at actual,  
9 imminent risk of foster care placement due to:

10 (i) Child abuse or neglect;

11 (ii) A serious threat of substantial harm to the child's health,  
12 safety, or welfare; or

13 (iii) Family conflict; and

14 (b) There are no other available services including intensive  
15 family preservation services and family preservation services that will  
16 prevent foster care placement of the child or make it possible to  
17 immediately return the child home.

18 (2) The department shall refer eligible families to intensive  
19 family preservation services on a twenty-four hour intake basis. The  
20 department need not refer otherwise eligible families, and intensive  
21 family preservation services need not be provided, if:

22 (a) The services are not available in the community in which the  
23 family resides;

24 (b) The services cannot be provided because the program is filled  
25 to capacity and there are no current service openings;

26 (c) The family refuses the services;

27 (d) The department, or the agency that is supervising the foster  
28 care placement, has developed a case plan that does not include  
29 reunification of the child and family;

30 (e) The department, or the agency that is supervising the foster  
31 care placement, has developed a case plan that does not include  
32 reunification of the child and family; or

33 ((+e)) (f) The department or the contracted service provider  
34 determines that the safety of a child, a family member, or persons  
35 providing the service would be unduly threatened.

36 (3) Nothing in this chapter shall prevent provision of intensive  
37 family preservation services to nonfamily members when the department

1 or the service provider deems it necessary or appropriate to do so in  
2 order to assist the family or child.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.14C RCW  
4 to read as follows:

5 (1) Family preservation services may be provided to children and  
6 their families only when the department has determined that without  
7 intervention, the child faces a substantial likelihood of out-of-home  
8 placement due to:

9 (a) Child abuse or neglect;

10 (b) A serious threat of substantial harm to the child's health,  
11 safety, or welfare; or

12 (c) Family conflict.

13 (2) The department need not refer otherwise eligible families and  
14 family preservation services need not be provided, if:

15 (a) The services are not available in the community in which the  
16 family resides;

17 (b) The services cannot be provided because the program is filled  
18 to capacity and there are no current service openings;

19 (c) The family refuses the services; or

20 (d) The department or the contracted service provider determines  
21 that the safety of a child, a family member, or persons providing the  
22 services would be unduly threatened.

23 (3) Nothing in this chapter shall prevent provision of family  
24 preservation services to nonfamily members when the department or the  
25 service provider deems it necessary or appropriate to do so in order to  
26 assist the family or the child.

27 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.14C RCW  
28 to read as follows:

29 Each caseworker who refers a client for intensive family  
30 preservation services or family preservation services shall file a  
31 report with his or her direct supervisor stating the reasons for which  
32 the client was referred. The direct supervisor shall ensure that the  
33 family who is the subject of a referral for intensive family  
34 preservation services or family preservation services meets the  
35 eligibility criteria for services as provided in chapter . . . , Laws of  
36 1995 (this act). The direct supervisor shall report monthly to the  
37 regional administrator on the provision of these services. The



1 regional administrator shall report to the assistant secretary  
2 quarterly on the provision of these services for the entire region.  
3 The assistant secretary shall make a semiannual report to the secretary  
4 on the provision of these services on a state-wide basis.

5 **Sec. 8.** RCW 74.14C.050 and 1992 c 214 s 6 are each amended to read  
6 as follows:

7 ~~((1) The department shall, within available funds, conduct a~~  
8 ~~family preservation services study in at least one region within the~~  
9 ~~state. In developing and conducting the project, the department shall~~  
10 ~~consult and coordinate with at least one qualified private, nonprofit~~  
11 ~~agency that has demonstrated expertise and experience in family~~  
12 ~~preservation services. The purpose of the study is to)) By December 1,  
13 1995, the department, with the assistance of the family policy council,  
14 two urban and two rural public health and safety networks to be chosen  
15 by the family policy council, and two private, nonprofit agencies with  
16 expertise and experience in intensive family preservation services or  
17 family preservation services shall submit to the legislature an  
18 implementation plan that identifies:~~

19 ~~((a) Develop)) (1) A valid and reliable process that can be used  
20 by caseworkers for accurately identifying clients who are eligible for  
21 intensive family preservation services and family preservation  
22 services;~~

23 ~~((b) Collect)) (2) Necessary data on which to base program success  
24 or failure, projections of service needs, budget requests, and long-  
25 range planning;~~

26 ~~((c) Develop)) (3) Regional and state-wide projections of service  
27 needs;~~

28 ~~((d) Develop)) (4) A cost estimate for state-wide implementation  
29 and expansion of intensive family preservation services and family  
30 preservation services on a ((state-wide)) phased-in basis;~~

31 ~~((e) Develop a long-range)) (5) A plan and time frame for  
32 ((expanding the availability)) phased-in implementation of intensive  
33 family preservation services ((and ultimately making such services  
34 available to all eligible families)) and family preservation services  
35 on a state-wide basis to be accomplished as soon as possible but no  
36 later than July 1, 1997; and~~

37 ~~((f) Collect)) (6) Data regarding the number of children in foster  
38 care, group care, and institutional placements due to medical needs,~~

1 mental health needs, developmental disabilities, and juvenile offenses,  
2 and ~~((assess))~~ an assessment of the feasibility of ~~((expanding))~~  
3 providing intensive family preservation service ~~((eligibility))~~ and  
4 family preservation services to include all of these children.

5 ~~((2) The department shall prepare a report to the legislature that~~  
6 ~~addresses the objectives set forth in subsection (1) of this section.~~  
7 ~~The report shall address the feasibility of expanding and implementing~~  
8 ~~family preservation services on a state-wide basis. The report is due~~  
9 ~~January 1, 1993.))~~

10 NEW SECTION. Sec. 9. A new section is added to chapter 74.14C RCW  
11 to read as follows:

12 Upon the effective date of this section, the department shall carry  
13 out those functions necessary as provided in RCW 74.14C.050. The  
14 phased-in implementation of the plan contained in RCW 74.14C.050 shall  
15 begin no later than February 1, 1996.

16 **Sec. 10.** RCW 74.14C.060 and 1992 c 214 s 7 are each amended to  
17 read as follows:

18 For the purpose of providing intensive family preservation services  
19 ~~((to children who would otherwise be removed from their homes,))~~ and  
20 family preservation services the department may:

21 (1) Solicit and use any available federal or private resources,  
22 which may include funds, in-kind resources, or volunteer services; and

23 (2) Use any available state resources, which may include in-kind  
24 resources or volunteer services.

25 **Sec. 11.** RCW 74.14C.070 and 1994 c 288 s 3 are each amended to  
26 read as follows:

27 After July 1, 1993, the secretary of social and health services, or  
28 the secretary's regional designee, may transfer funds appropriated for  
29 foster care services to purchase intensive family preservation  
30 services, family preservation services, and other preventive services  
31 for children at imminent risk of foster care placement or who face a  
32 substantial likelihood of out-of-home placement. This transfer may be  
33 made in those regions that lower foster care expenditures through  
34 efficient use of intensive family preservation services and family  
35 preservation services and permanency planning efforts. The transfer  
36 shall be equivalent to the amount of reduced foster care expenditures

1 and shall be made in accordance with the provisions of chapter . . . ,  
2 Laws of 1995 (this act) and with the approval of the office of  
3 financial management. The secretary shall (~~notify~~) present an annual  
4 report to the appropriate committees of the senate and house of  
5 representatives (~~of~~) regarding any transfers under this section. The  
6 secretary shall include caseload, expenditure, cost avoidance,  
7 identified improvements to the foster care system, and outcome data  
8 related to the transfer in the (~~notification~~) report.

9 NEW SECTION. Sec. 12. A new section is added to chapter 74.14C  
10 RCW to read as follows:

11 (1) The department shall, within available funds, provide ongoing  
12 training and consultation to department personnel to carry out their  
13 responsibilities effectively. Such training may:

14 (a) Include range of topics that includes the family unit as the  
15 primary focus of service; identifying family member strengths;  
16 empowering families; child, adult, and family development; stress  
17 management; and may include parent training and family therapy  
18 techniques;

19 (b) Address assessment of risk, case assessment, and service  
20 planning issues in the context of the home-delivered service model,  
21 including strategies for engaging family members, defusing violent  
22 situations, and communication and conflict resolution skills;

23 (c) Cover methods of helping families acquire the skills they need,  
24 including home management skills, life skills, parenting, child  
25 development, and the use of community resources;

26 (d) Address crisis intervention and other strategies for the  
27 management of depression, and suicidal, assaultive, and other high-risk  
28 behavior; and

29 (e) Address skills in collaborating with other disciplines and  
30 services in promoting the safety of children and other family members  
31 and promoting the preservation of the family.

32 (2) The department and the office of the administrator for the  
33 courts shall, within available funds, collaborate in providing training  
34 to family court and juvenile judges, and others involved in the  
35 provision of services pursuant to this chapter, including service  
36 providers, on the function and use of intensive family preservation  
37 services and family preservation services.

1        NEW SECTION.    **Sec. 13.**    A new section is added to chapter 74.13 RCW  
2 to read as follows:

3        This section governs release of and access to child welfare  
4 records.

5        (1) For purposes of this section:

6        (a) "Child welfare records" means records of the department of  
7 social and health services and its contracting agencies that contain  
8 client identifying information and that pertain to requests or  
9 applications for child welfare services, receipt of child welfare  
10 services, or provision of child welfare services to a client.

11        (b) "Child welfare services" means those services set forth in RCW  
12 74.13.020 and 74.13.031.

13        (c) "Client" means an applicant for or a recipient of child welfare  
14 services.

15        (d) "Legally authorized representative" means a person or agency  
16 authorized by court order, statute, or common law to access information  
17 about or on behalf of the represented person.

18        (e) "Parent" means the biological or adoptive parent of a child  
19 unless the legal rights of that person have been terminated by judicial  
20 proceedings.

21        (f) "Record information" means any information, regardless of  
22 physical form or characteristics, that is contained in child welfare  
23 records.

24        (2) Child welfare records are confidential.    Records and record  
25 information may only be released in accordance with the provisions of  
26 this section and other applicable federal and state laws.    This section  
27 shall be interpreted and implemented in a manner that is consistent  
28 with applicable federal laws related to funding of child welfare  
29 programs.    Unauthorized disclosure of child welfare records is a gross  
30 misdemeanor.

31        (3) With the exception of information related to adoption, child  
32 welfare record information about a client may be disclosed to that  
33 client.

34        (a) If the client is a child who is less than eighteen years of  
35 age, information about the child may be disclosed to the child's  
36 parent, legal guardian, or other legally authorized representative,  
37 unless:

38        (i) The child is legally emancipated or married; or

1 (ii) The information pertains to services or treatment that the  
2 child has a right to receive without the consent of any person or  
3 agency.

4 (b) If a law enforcement or child protective services investigation  
5 of alleged child abuse or neglect is pending at the time that a request  
6 for information is made by or on behalf of a client, the department  
7 shall not disclose information pursuant to this subsection if  
8 disclosure would impede or compromise the investigation.

9 (c) The department shall not disclose information pursuant to this  
10 subsection if there is reason to believe that disclosure would  
11 seriously endanger or harm a child or a child's parent or legal  
12 guardian. For the protection of the child, the department shall not  
13 disclose the child's address, phone number, or other information that  
14 would make the child's whereabouts easily traceable, unless:

15 (i) The person requesting the information demonstrates that he or  
16 she has an existing legal right to the information;

17 (ii) A person who has the right to legal custody of the child  
18 consents to disclosure of the information; or

19 (iii) A valid court order requires or authorizes the department to  
20 disclose the information.

21 (d) Information related to a child's adoption and identifying  
22 information regarding adoptees, adoptive parents, and birth parents may  
23 be released only as provided in chapter 26.33 RCW.

24 (4) Child welfare record information may be disclosed to other  
25 persons or agencies with the written consent of a client who is the  
26 subject of the information.

27 (a) If the client is a child who is less than eighteen years of  
28 age, information about the child may be disclosed with the written  
29 consent of the child's parent, legal guardian, or other legally  
30 authorized representative, unless:

31 (i) The child is legally emancipated or married; or

32 (ii) The information pertains to services or treatment that the  
33 child has the right to receive without the consent of any person or  
34 agency.

35 (b) If the circumstances described in (a) (i) or (ii) of this  
36 subsection exist, information may be disclosed only with the written  
37 consent of the child, and the consent of the child's parent or any  
38 other person is not necessary.

1 (c) When a person consents to disclosure of information under this  
2 subsection, the department may disclose only that information which the  
3 department would be authorized to disclose to such person under  
4 subsection (3) of this section.

5 (5) Child welfare record information may be disclosed, without  
6 client consent, to the following agencies or persons under the  
7 conditions specified in this subsection. Disclosure shall be limited  
8 to the information that is relevant to the purposes for which  
9 disclosure is authorized. Recipients of child welfare record  
10 information shall keep the information confidential and shall not  
11 further disseminate or disclose the information except as authorized by  
12 this section or other applicable state or federal laws. Record  
13 information may be disclosed to persons or agencies for purposes  
14 directly connected with the administration of child welfare programs,  
15 child support programs, or other public assistance programs under Title  
16 74 RCW. Additionally, record information may be disclosed to:

17 (a) Any person or agency legally mandated by state, federal, or  
18 tribal law to receive and investigate reports of known or suspected  
19 child abuse or neglect;

20 (b) Any person or agency legally authorized to place a child in  
21 protective custody when the person or agency reasonably suspects that  
22 a child may be abused or neglected and the person or agency requires  
23 the information in order to determine whether to place the child in  
24 protective custody;

25 (c) The coroner or medical examiner, if such individual is  
26 determining the cause of a child's death.

27 (d) A court, in any proceeding under Title 13 RCW or any proceeding  
28 related to the care and custody of the child who is the subject of the  
29 information;

30 (e) A court or the presiding officer in an adjudicative proceeding  
31 under chapter 34.05 RCW, when making a determination regarding a  
32 request for an order authorizing disclosure of information;

33 (f) Subject to the rules of discovery in civil cases and the  
34 provisions of RCW 13.50.100(4), the parties to a proceeding under  
35 chapter 13.32A or 13.34 RCW, any party's attorney, and any party's  
36 court-appointed guardian ad litem;

37 (g) The parties to a court or grand jury proceeding or an  
38 adjudicative proceeding conducted pursuant to chapter 34.05 RCW, any  
39 party's attorney, and any party's court-appointed guardian ad litem

1 when the court or the presiding officer in an adjudicative proceeding  
2 has entered an order authorizing disclosure of the information. The  
3 party requesting disclosure shall provide notice of the request to the  
4 record custodian and to all other parties to the proceeding. Prior to  
5 entry of an order authorizing disclosure, the judge or presiding  
6 officer shall review the records in camera, determine the relevancy and  
7 necessity of such disclosure, and limit disclosure to such legally  
8 relevant and necessary information, not otherwise privileged, under an  
9 appropriate protective order;

10 (h) A court-appointed guardian ad litem of a child who is the  
11 subject of the information;

12 (i) Any person or agency providing services to a child or the  
13 child's family pursuant to a court-ordered case plan or a case plan  
14 developed by the department or its contracting agencies;

15 (j) A physician treating a child whom the physician reasonably  
16 suspects may be abused or neglected when the physician requires the  
17 information in order to diagnose the child's condition, determine the  
18 cause of the condition, or treat the child;

19 (k) Any person or agency designated by a court, the department, or  
20 its contracting agencies to diagnose, care for, treat, or supervise a  
21 child who is the subject of the information;

22 (l) A person about whom a report of child abuse or neglect has been  
23 made. Disclosure shall be limited to the information that directly  
24 pertains to the person requesting the information. Identifying  
25 information pertaining to the victim shall be deleted from the  
26 information that is disclosed unless the person requesting the  
27 information is not the alleged victim or the parent, legal guardian, or  
28 other legally authorized representative of the alleged victim. If the  
29 person requesting the information was providing care to the child at  
30 the time of the alleged abuse or neglect and such person, pursuant to  
31 chapter 74.15 RCW, was licensed, employed by a licensed agency, or  
32 authorized by the department to provide such care, the department may  
33 disclose the child's name to such person;

34 (m) Members of multidisciplinary teams convened by the department  
35 or its contracting agencies for purposes of case plan development and  
36 consultation;

37 (n) Members of multidisciplinary teams convened by the department,  
38 the department of health, or local health departments for the purpose  
39 of investigating or reviewing cases involving child fatalities;

1 (o) Federally recognized and nonrecognized Indian tribes in which  
2 a child is or may be a member or eligible for membership, and tribes  
3 and Indian organizations providing services to a child or the child's  
4 family;

5 (p) Any person or agency consulted by the department or its  
6 contracting agencies for purposes related to case plan development;

7 (q) Any person or agency responsible for carrying out requirements  
8 and responsibilities under chapter 74.15 RCW;

9 (r) Juvenile justice or care agencies and other persons, as  
10 provided in chapter 13.50 RCW;

11 (s) Any person or agency authorized to receive information pursuant  
12 to the provisions of chapter 26.44 RCW;

13 (t) Foster parents or any other person who provides residential  
14 care to a child placed in out-of-home care, as provided in RCW  
15 74.13.280;

16 (u) Prospective adoptive parents, as provided in chapter 26.33 RCW;

17 (v) Dependency guardians, as provided in RCW 74.13.280 or as  
18 specified by court order;

19 (w) Any person or agency conducting a bona fide research project,  
20 subject to any conditions or limitations specified in applicable  
21 federal or state laws;

22 (x) Duly designated representatives of approved private welfare  
23 agencies, public officials, members of legislative interim committees,  
24 and advisory committees, as provided in RCW 74.04.060;

25 (6) When a particular case is of legitimate concern to the general  
26 public, the department may verbally confirm factual details regarding  
27 how the case was handled by the department. Additional information may  
28 be released to the public only with the express written permission of  
29 the persons who are the subject of the information or their legally  
30 authorized representatives. If a guardian ad litem has been appointed  
31 to represent a child, information about the child will not be disclosed  
32 to the general public without the consent of the child's guardian ad  
33 litem.

34 (7) Nothing in this section shall be interpreted to:

35 (a) Require disclosure of any information, including identifying  
36 information regarding persons or agencies who have reported suspected  
37 child abuse or neglect to the department or law enforcement;



1 (b) Prevent the department from summarizing the outcome of a child  
2 abuse or neglect investigation to the person who reported the known or  
3 suspected abuse or neglect;

4 (c) Affect state laws or procedures concerning the confidentiality  
5 of criminal court proceedings or the criminal justice system.

6 (8) The department may adopt rules and develop regulations  
7 consistent with the provisions of this section.

8 NEW SECTION. **Sec. 14.** A new section is added to chapter 74.13 RCW  
9 to read as follows:

10 (1) Regardless of any other state law provision to the contrary,  
11 and except as otherwise provided in this section, the department shall  
12 be given access to the following information upon request:

13 (a) Records and information pertaining to a child who is the  
14 subject of a child abuse or neglect investigation, as provided in RCW  
15 26.44.030(11);

16 (b) Records and information pertaining to a child who is currently  
17 receiving child welfare services when the department is providing or  
18 supervising the provision of such services;

19 (c) Records and information pertaining to a parent's, child's, or  
20 other person's compliance with the requirements of a court-ordered case  
21 plan when the department is responsible for supervising the  
22 implementation of the plan.

23 (2) If access to records or information is denied, the department  
24 may petition the court for an order compelling disclosure.

25 (a) The petition shall be filed in the juvenile court for the  
26 county in which the record or information is located or the county in  
27 which the person who is the subject of the record or information  
28 resides. If the person who is the subject of the record or information  
29 is a party to or the subject of a proceeding under chapter 13.32A or  
30 13.34 RCW, the petition shall be filed in such proceeding.

31 (b) Except as otherwise provided in this section, the persons from  
32 whom and about whom the record or information is sought shall be served  
33 with a summons and a petition at least seven calendar days prior to a  
34 hearing on the petition. The court may order disclosure upon ex parte  
35 application of the department, without prior notice to any person, if  
36 the court finds there is reason to believe that access to the record or  
37 information is necessary to determine whether the child is in imminent  
38 danger and in need of immediate protection.

1 (c) The court shall grant the petition upon a showing that there is  
2 reason to believe that the record or information sought is relevant to  
3 the health, safety, or welfare of the child who is currently receiving  
4 child welfare services.

5 (3) Records or information regarding testing, diagnosis, or  
6 treatment of HIV/AIDS or any sexually transmitted disease may be  
7 released only in accordance with the provisions of chapter 70.24 RCW.

8 (4) Nothing in this section shall be interpreted to require any  
9 person or agency to provide records or information in violation of  
10 applicable federal laws.

11 **Sec. 15.** RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended  
12 to read as follows:

13 (1) Except as provided in subsection (2) of this section, the  
14 juvenile courts in the several counties of this state, shall have  
15 exclusive original jurisdiction over all proceedings:

16 (a) Under the interstate compact on placement of children as  
17 provided in chapter 26.34 RCW;

18 (b) Relating to children alleged or found to be dependent as  
19 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

20 (c) Relating to the termination of a parent and child relationship  
21 as provided in RCW 13.34.180 through 13.34.210;

22 (d) To approve or disapprove alternative residential placement as  
23 provided in RCW 13.32A.170;

24 (e) Relating to juveniles alleged or found to have committed  
25 offenses, traffic infractions, or violations as provided in RCW  
26 13.40.020 through 13.40.230, unless:

27 (i) The juvenile court transfers jurisdiction of a particular  
28 juvenile to adult criminal court pursuant to RCW 13.40.110; or

29 (ii) The statute of limitations applicable to adult prosecution for  
30 the offense, traffic infraction, or violation has expired; or

31 (iii) The alleged offense or infraction is a traffic, fish,  
32 boating, or game offense or traffic infraction committed by a juvenile  
33 sixteen years of age or older and would, if committed by an adult, be  
34 tried or heard in a court of limited jurisdiction, in which instance  
35 the appropriate court of limited jurisdiction shall have jurisdiction  
36 over the alleged offense or infraction: PROVIDED, That if such an  
37 alleged offense or infraction and an alleged offense or infraction  
38 subject to juvenile court jurisdiction arise out of the same event or

1 incident, the juvenile court may have jurisdiction of both matters:  
2 PROVIDED FURTHER, That the jurisdiction under this subsection does not  
3 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)  
4 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited  
5 jurisdiction which confine juveniles for an alleged offense or  
6 infraction may place juveniles in juvenile detention facilities under  
7 an agreement with the officials responsible for the administration of  
8 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

9 (iv) The juvenile is sixteen or seventeen years old and the alleged  
10 offense is: (A) A serious violent offense as defined in RCW 9.94A.030  
11 committed on or after June 13, 1994; or (B) a violent offense as  
12 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the  
13 juvenile has a criminal history consisting of: (I) One or more prior  
14 serious violent offenses; (II) two or more prior violent offenses; or  
15 (III) three or more of any combination of the following offenses: Any  
16 class A felony, any class B felony, vehicular assault, or manslaughter  
17 in the second degree, all of which must have been committed after the  
18 juvenile's thirteenth birthday and prosecuted separately. In such a  
19 case the adult criminal court shall have exclusive original  
20 jurisdiction.

21 If the juvenile challenges the state's determination of the  
22 juvenile's criminal history, the state may establish the offender's  
23 criminal history by a preponderance of the evidence. If the criminal  
24 history consists of adjudications entered upon a plea of guilty, the  
25 state shall not bear a burden of establishing the knowing and  
26 voluntariness of the plea;

27 (f) Under the interstate compact on juveniles as provided in  
28 chapter 13.24 RCW;

29 (g) Relating to termination of a diversion agreement under RCW  
30 13.40.080, including a proceeding in which the divertee has attained  
31 eighteen years of age; ((and))

32 (h) Relating to court validation of a voluntary consent to foster  
33 care placement under chapter 13.34 RCW, by the parent or Indian  
34 custodian of an Indian child, except if the parent or Indian custodian  
35 and child are residents of or domiciled within the boundaries of a  
36 federally recognized Indian reservation over which the tribe exercises  
37 exclusive jurisdiction; and

1        (i) Relating to petitions to compel disclosure of information filed  
2 by the department of social and health services pursuant to chapter  
3 74.13 RCW.

4        (2) The family court shall have concurrent original jurisdiction  
5 with the juvenile court over all proceedings under this section if the  
6 superior court judges of a county authorize concurrent jurisdiction as  
7 provided in RCW 26.12.010.

8        (3) A juvenile subject to adult superior court jurisdiction under  
9 subsection (1)(e) (i) through (iv) of this section, who is detained  
10 pending trial, may be detained in a county detention facility as  
11 defined in RCW 13.40.020 pending sentencing or a dismissal.

12        **Sec. 16.** RCW 13.50.010 and 1994 sp.s. c 7 s 541 are each amended  
13 to read as follows:

14        (1) For purposes of this chapter:

15        (a) "Juvenile justice or care agency" means any of the following:  
16 Police, diversion units, court, prosecuting attorney, defense attorney,  
17 detention center, attorney general, the department of social and health  
18 services and its contracting agencies, schools; and, in addition,  
19 persons or public or private agencies having children committed to  
20 their custody;

21        (b) "Official juvenile court file" means the legal file of the  
22 juvenile court containing the petition or information, motions,  
23 memorandums, briefs, findings of the court, and court orders;

24        (c) "Social file" means the juvenile court file containing the  
25 records and reports of the probation counselor;

26        (d) "Records" means the official juvenile court file, the social  
27 file, and records of any other juvenile justice or care agency (~~in the~~  
28 ~~ease~~) pertaining to the juvenile. Licensing files in the possession  
29 of the department of social and health services or its contracting  
30 agencies are not records for purposes of this chapter. Access to and  
31 release of licensing files and the information contained in such files  
32 is governed by chapter 74.15 RCW.

33        (2) Each petition or information filed with the court may include  
34 only one juvenile and each petition or information shall be filed under  
35 a separate docket number. The social file shall be filed separately  
36 from the official juvenile court file.

37        (3) It is the duty of any juvenile justice or care agency to  
38 maintain accurate records. To this end:

1 (a) The agency may never knowingly record inaccurate information.  
2 Any information in records maintained by the department of social and  
3 health services relating to a petition filed pursuant to chapter 13.34  
4 RCW that is found by the court, upon proof presented, to be false or  
5 inaccurate shall be corrected or expunged from such records by the  
6 agency;

7 (b) An agency shall take reasonable steps to assure the security of  
8 its records and prevent tampering with them; and

9 (c) An agency shall make reasonable efforts to insure the  
10 completeness of its records, including action taken by other agencies  
11 with respect to matters in its files.

12 (4) Each juvenile justice or care agency shall implement procedures  
13 consistent with the provisions of this chapter to facilitate inquiries  
14 concerning records.

15 (5) Any person who has reasonable cause to believe information  
16 concerning that person is included in the records of a juvenile justice  
17 or care agency and who has been denied access to those records by the  
18 agency may make a motion to the court for an order authorizing that  
19 person to inspect the juvenile justice or care agency record concerning  
20 that person. The court shall grant the motion to examine records  
21 unless it finds that in the interests of justice or in the best  
22 interests of the juvenile the records or parts of them should remain  
23 confidential.

24 (6) A juvenile, or his or her parents, or any person who has  
25 reasonable cause to believe information concerning that person is  
26 included in the records of a juvenile justice or care agency may make  
27 a motion to the court challenging the accuracy of any information  
28 concerning the moving party in the record or challenging the continued  
29 possession of the record by the agency. If the court grants the  
30 motion, it shall order the record or information to be corrected or  
31 destroyed.

32 (7) The person making a motion under subsection (5) or (6) of this  
33 section shall give reasonable notice of the motion to all parties to  
34 the original action and to any agency whose records will be affected by  
35 the motion.

36 (8) The court may permit inspection of records by, or release of  
37 information to, any clinic, hospital, or agency which has the subject  
38 person under care or treatment. The court may also permit inspection  
39 by or release to individuals or agencies, including juvenile justice

1 advisory committees of county law and justice councils, engaged in  
2 legitimate research for educational, scientific, or public purposes.  
3 The court may also permit inspection of, or release of information  
4 from, records which have been sealed pursuant to RCW 13.50.050(11).  
5 Access to records or information for research purposes shall be  
6 permitted only if the anonymity of all persons mentioned in the records  
7 or information will be preserved. Each person granted permission to  
8 inspect juvenile justice or care agency records for research purposes  
9 shall present a notarized statement to the court stating that the names  
10 of juveniles and parents will remain confidential.

11 (9) Juvenile detention facilities shall release records to the  
12 juvenile disposition standards commission under RCW 13.40.025 upon  
13 request. The commission shall not disclose the names of any juveniles  
14 or parents mentioned in the records without the named individual's  
15 written permission.

16 (10) This chapter applies whenever a juvenile justice or care  
17 agency is pursuing an investigation involving a juvenile, supervising  
18 a juvenile, or providing services to a juvenile, regardless of whether  
19 the juvenile is the subject of a pending proceeding under this title.

20 (11) Regardless of any other state law provision to the contrary,  
21 and except as otherwise provided in this chapter, juvenile justice or  
22 care agencies that are pursuing an investigation involving a juvenile,  
23 supervising a juvenile, or providing services to a juvenile may share  
24 information with one another regarding such juvenile. Schools  
25 receiving information pursuant to this chapter shall use the  
26 information solely for the purpose of developing educational service  
27 plans for and providing educational services to the juvenile who is the  
28 subject of the information. Records or information pertaining to the  
29 testing, diagnosis, or treatment of HIV/AIDS or any sexually  
30 transmitted disease may be released only in accordance with the  
31 provisions of chapter 70.24 RCW.

32 **Sec. 17.** RCW 13.50.100 and 1990 c 246 s 9 are each amended to read  
33 as follows:

34 (1) This section governs records not covered by RCW 13.50.050.

35 (2) Records covered by this section shall be confidential and shall  
36 be released only pursuant to this section and RCW 13.50.010, except  
37 that:

1 (a) Child welfare records in the possession of the department of  
2 social and health services and its contracting agencies may be released  
3 as provided in chapter 74.13 RCW; and

4 (b) School records may be released in accordance with applicable  
5 federal and state laws.

6 ~~(3) ((Records retained or produced by any juvenile justice or care~~  
7 ~~agency may be released to other participants in the juvenile justice or~~  
8 ~~care system only when an investigation or case involving the juvenile~~  
9 ~~in question is being pursued by the other participant or when that~~  
10 ~~other participant is assigned the responsibility of supervising the~~  
11 ~~juvenile.))~~ Records governed by this section that are retained or  
12 produced by any juvenile justice or care agency may be released to  
13 other participants in the juvenile justice or care agency system as  
14 provided in this section and RCW 13.50.010. Records covered under this  
15 section and maintained by the juvenile courts which relate to the  
16 official actions of the agency may be entered in the state-wide  
17 juvenile court information system.

18 (4) When a proceeding is pending under chapter 13.32A or 13.34 RCW,  
19 a juvenile, his or her parents, the juvenile's attorney and the  
20 juvenile's parent's attorney, shall, upon request, be given access to  
21 all records and information collected or retained by a juvenile justice  
22 or care agency which pertain to the juvenile except:

23 (a) If it is determined by the agency that release of this  
24 information is likely to cause severe psychological or physical harm to  
25 the juvenile or his or her parents the agency may withhold the  
26 information subject to other order of the court: PROVIDED, That if the  
27 court determines that limited release of the information is  
28 appropriate, the court may specify terms and conditions for the release  
29 of the information; or

30 (b) If the information or record has been obtained by a juvenile  
31 justice or care agency in connection with the provision of counseling,  
32 psychological, psychiatric, or medical services to the juvenile, and  
33 the juvenile has a legal right to receive those services without the  
34 consent of any person or agency, then the information or record may not  
35 be disclosed to the juvenile's parents without the informed consent of  
36 the juvenile; or

37 (c) That the department of social and health services may delete  
38 the name and identifying information regarding persons or organizations  
39 who have reported suspected child abuse or neglect.

1 (5) A juvenile or his or her parent denied access to any records  
2 following an agency determination under subsection (4) of this section  
3 may file a motion in juvenile court requesting access to the records.  
4 The court shall grant the motion unless it finds access may not be  
5 permitted according to the standards found in subsections (4) (a) and  
6 (b) of this section.

7 (6) The person making a motion under subsection (5) of this section  
8 shall give reasonable notice of the motion to all parties to the  
9 original action and to any agency whose records will be affected by the  
10 motion.

11 (7) Subject to the rules of discovery in civil cases, any party to  
12 a proceeding seeking a declaration of dependency or a termination of  
13 the parent-child relationship and any party's counsel and the guardian  
14 ad litem of any party, shall have access to the records of any natural  
15 or adoptive child of the parent, subject to the limitations in  
16 subsection (4) of this section.

17 ~~((8) Information concerning a juvenile or a juvenile's family  
18 contained in records covered by this section may be released to the  
19 public only when that information could not reasonably be expected to  
20 identify the juvenile or the juvenile's family.))~~

21 NEW SECTION. **Sec. 18.** A new section is added to chapter 13.50 RCW  
22 to read as follows:

23 The office of the attorney general, the department of social and  
24 health services, and the office of the superintendent of public  
25 instruction shall develop and publish a guide to state and federal  
26 juvenile confidentiality laws. The guide shall be in a format that is  
27 understandable and useful to the general public.

28 **Sec. 19.** RCW 26.44.030 and 1993 c 412 s 13 and 1993 c 237 s 1 are  
29 each reenacted and amended to read as follows:

30 (1)(a) When any practitioner, county coroner or medical examiner,  
31 law enforcement officer, professional school personnel, registered or  
32 licensed nurse, social service counselor, psychologist, pharmacist,  
33 licensed or certified child care providers or their employees, employee  
34 of the department, or juvenile probation officer has reasonable cause  
35 to believe that a child or adult dependent or developmentally disabled  
36 person, has suffered abuse or neglect, he or she shall report such



1 incident, or cause a report to be made, to the proper law enforcement  
2 agency or to the department as provided in RCW 26.44.040.

3 (b) The reporting requirement shall also apply to any adult who has  
4 reasonable cause to believe that a child or adult dependent or  
5 developmentally disabled person, who resides with them, has suffered  
6 severe abuse, and is able or capable of making a report. For the  
7 purposes of this subsection, "severe abuse" means any of the following:  
8 Any single act of abuse that causes physical trauma of sufficient  
9 severity that, if left untreated, could cause death; any single act of  
10 sexual abuse that causes significant bleeding, deep bruising, or  
11 significant external or internal swelling; or more than one act of  
12 physical abuse, each of which causes bleeding, deep bruising,  
13 significant external or internal swelling, bone fracture, or  
14 unconsciousness.

15 (c) The report shall be made at the first opportunity, but ((~~+~~  
16 and)) in no case longer than forty-eight hours after there is  
17 reasonable cause to believe that the child or adult has suffered abuse  
18 or neglect. The report shall include the identity of the accused if  
19 known.

20 (2) The reporting requirement of subsection (1) of this section  
21 does not apply to the discovery of abuse or neglect that occurred  
22 during childhood if it is discovered after the child has become an  
23 adult. However, if there is reasonable cause to believe other  
24 children, dependent adults, or developmentally disabled persons are or  
25 may be at risk of abuse or neglect by the accused, the reporting  
26 requirement of subsection (1) of this section shall apply.

27 (3) Any other person who has reasonable cause to believe that a  
28 child or adult dependent or developmentally disabled person has  
29 suffered abuse or neglect may report such incident to the proper law  
30 enforcement agency or to the department of social and health services  
31 as provided in RCW 26.44.040.

32 (4) The department, upon receiving a report of an incident of abuse  
33 or neglect pursuant to this chapter, involving a child or adult  
34 dependent or developmentally disabled person who has died or has had  
35 physical injury or injuries inflicted upon him or her other than by  
36 accidental means or who has been subjected to sexual abuse, shall  
37 report such incident to the proper law enforcement agency. In  
38 emergency cases, where the child, adult dependent, or developmentally  
39 disabled person's welfare is endangered, the department shall notify

1 the proper law enforcement agency within twenty-four hours after a  
2 report is received by the department. In all other cases, the  
3 department shall notify the law enforcement agency within seventy-two  
4 hours after a report is received by the department. If the department  
5 makes an oral report, a written report shall also be made to the proper  
6 law enforcement agency within five days thereafter.

7 (5) Any law enforcement agency receiving a report of an incident of  
8 abuse or neglect pursuant to this chapter, involving a child or adult  
9 dependent or developmentally disabled person who has died or has had  
10 physical injury or injuries inflicted upon him or her other than by  
11 accidental means, or who has been subjected to sexual abuse, shall  
12 report such incident in writing as provided in RCW 26.44.040 to the  
13 proper county prosecutor or city attorney for appropriate action  
14 whenever the law enforcement agency's investigation reveals that a  
15 crime may have been committed. The law enforcement agency shall also  
16 notify the department of all reports received and the law enforcement  
17 agency's disposition of them. In emergency cases, where the child,  
18 adult dependent, or developmentally disabled person's welfare is  
19 endangered, the law enforcement agency shall notify the department  
20 within twenty-four hours. In all other cases, the law enforcement  
21 agency shall notify the department within seventy-two hours after a  
22 report is received by the law enforcement agency.

23 (6) Any county prosecutor or city attorney receiving a report under  
24 subsection (5) of this section shall notify the victim, any persons the  
25 victim requests, and the local office of the department, of the  
26 decision to charge or decline to charge a crime, within five days of  
27 making the decision.

28 (7) The department may conduct ongoing case planning and  
29 consultation with those persons or agencies required to report under  
30 this section, with consultants designated by the department, and with  
31 designated representatives of Washington Indian tribes if the client  
32 information exchanged is pertinent to cases currently receiving child  
33 protective services or department case services for the developmentally  
34 disabled. Upon request, the department shall conduct such planning and  
35 consultation with those persons required to report under this section  
36 if the department determines it is in the best interests of the child  
37 or developmentally disabled person. Information considered privileged  
38 by statute and not directly related to reports required by this section  
39 shall not be divulged without a valid written waiver of the privilege.

1 (8) Any case referred to the department by a physician licensed  
2 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
3 opinion that child abuse, neglect, or sexual assault has occurred and  
4 that the child's safety will be seriously endangered if returned home,  
5 the department shall file a dependency petition unless a second  
6 licensed physician of the parents' choice believes that such expert  
7 medical opinion is incorrect. If the parents fail to designate a  
8 second physician, the department may make the selection. If a  
9 physician finds that a child has suffered abuse or neglect but that  
10 such abuse or neglect does not constitute imminent danger to the  
11 child's health or safety, and the department agrees with the  
12 physician's assessment, the child may be left in the parents' home  
13 while the department proceeds with reasonable efforts to remedy  
14 parenting deficiencies.

15 (9) Persons or agencies exchanging information under subsection (7)  
16 of this section shall not further disseminate or release the  
17 information except as authorized by state or federal statute.  
18 Violation of this subsection is a misdemeanor.

19 (10) Upon receiving reports of abuse or neglect, the department or  
20 law enforcement agency may interview children. The interviews may be  
21 conducted on school premises, at day-care facilities, at the child's  
22 home, or at other suitable locations outside of the presence of  
23 parents. Parental notification of the interview shall occur at the  
24 earliest possible point in the investigation that will not jeopardize  
25 the safety or protection of the child or the course of the  
26 investigation. Prior to commencing the interview the department or law  
27 enforcement agency shall determine whether the child wishes a third  
28 party to be present for the interview and, if so, shall make reasonable  
29 efforts to accommodate the child's wishes. Unless the child objects,  
30 the department or law enforcement agency shall make reasonable efforts  
31 to include a third party in any interview so long as the presence of  
32 the third party will not jeopardize the course of the investigation.

33 (11) Upon receiving a report of child abuse and neglect, the  
34 department or investigating law enforcement agency shall have access to  
35 all relevant records of the child in the possession of mandated  
36 reporters and their employees.

37 (12) The department shall maintain investigation records and  
38 conduct timely and periodic reviews of all cases constituting abuse and

1 neglect. The department shall maintain a log of screened-out  
2 nonabusive cases.

3 (13) The department shall use a risk assessment process when  
4 investigating child abuse and neglect referrals. The department shall  
5 present the risk factors at all hearings in which the placement of a  
6 dependent child is an issue. The department shall, within funds  
7 appropriated for this purpose, offer enhanced community-based services  
8 to persons who are determined not to require further state  
9 intervention.

10 The department shall provide annual reports to the appropriate  
11 committees of the senate and house of representatives on the  
12 effectiveness of the risk assessment process.

13 (14) Upon receipt of a report of abuse or neglect the law  
14 enforcement agency may arrange to interview the person making the  
15 report and any collateral sources to determine if any malice is  
16 involved in the reporting.

17 **Sec. 20.** RCW 74.15.020 and 1994 c 273 s 21 are each amended to  
18 read as follows:

19 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
20 otherwise clearly indicated by the context thereof, the following terms  
21 shall mean:

22 (1) "Department" means the state department of social and health  
23 services;

24 (2) "Secretary" means the secretary of social and health services;

25 (3) "Agency" means any person, firm, partnership, association,  
26 corporation, or facility which receives children, expectant mothers, or  
27 persons with developmental disabilities for control, care, or  
28 maintenance outside their own homes, or which places, arranges the  
29 placement of, or assists in the placement of children, expectant  
30 mothers, or persons with developmental disabilities for foster care or  
31 placement of children for adoption, and shall include the following  
32 irrespective of whether there is compensation to the agency or to the  
33 children, expectant mothers or persons with developmental disabilities  
34 for services rendered:

35 (a) "Group-care facility" means an agency, other than a foster-  
36 family home, which is maintained and operated for the care of a group  
37 of children on a twenty-four hour basis;

1 (b) "Child-placing agency" means an agency which places a child or  
2 children for temporary care, continued care, or for adoption;

3 (c) "Maternity service" means an agency which provides or arranges  
4 for care or services to expectant mothers, before or during  
5 confinement, or which provides care as needed to mothers and their  
6 infants after confinement;

7 (d) "Day-care center" means an agency which regularly provides care  
8 for a group of children for periods of less than twenty-four hours;

9 (e) "Family day-care provider" means a licensed day-care provider  
10 who regularly provides day care for not more than twelve children in  
11 the provider's home in the family living quarters;

12 (f) "Foster-family home" means an agency which regularly provides  
13 care on a twenty-four hour basis to one or more children, expectant  
14 mothers, or persons with developmental disabilities in the family abode  
15 of the person or persons under whose direct care and supervision the  
16 child, expectant mother, or person with a developmental disability is  
17 placed;

18 (g) "Crisis residential center" means an agency which is a  
19 temporary protective residential facility operated to perform the  
20 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
21 74.13.032 through 74.13.036.

22 (4) "Agency" shall not include the following:

23 (a) (~~Persons related by blood or marriage to the child, expectant~~  
24 ~~mother, or persons with developmental disabilities in the following~~  
25 ~~degrees:— Parent, grandparent, brother, sister, stepparent,~~  
26 ~~stepbrother, stepsister, uncle, aunt, and/or first cousin)) Any person  
27 related to a child in the following degree:~~

28 (i) Any blood relative, including those of half blood, and  
29 including first cousins, nephews or nieces, and persons of preceding  
30 generations as denoted by prefixes of grand, great, or great-great;

31 (ii) Stepfather, stepmother, stepbrother, and stepsister;

32 (iii) A person who legally adopts a child or his or her parent as  
33 well as the natural and other legally adopted children of such persons,  
34 and other relatives of the adoptive parents in accordance with state  
35 law;

36 (iv) Extended family members, as defined by the law or custom of  
37 the Indian child's tribe or, in the absence of such law or custom,  
38 shall be a person who has reached the age of eighteen and who is the  
39 Indian child's grandparent, aunt or uncle, brother or sister, brother-

1 in-law or sister-in-law, niece or nephew, first or second cousin, or  
2 stepparent who provides care in the family abode on a twenty-four-hour  
3 basis to an Indian child as defined in 19 U.S.C. Sec. 1903(4);

4 (b) Persons who are legal guardians of the child, expectant mother,  
5 or persons with developmental disabilities;

6 (c) Persons who care for a neighbor's or friend's child or  
7 children, with or without compensation, where the person does not  
8 engage in such activity on a regular basis, or where parents on a  
9 mutually cooperative basis exchange care of one another's children, or  
10 persons who have the care of an exchange student in their own home;

11 (d) A person, partnership, corporation, or other entity that  
12 provides placement or similar services to exchange students or  
13 international student exchange visitors;

14 (e) Nursery schools or kindergartens which are engaged primarily in  
15 educational work with preschool children and in which no child is  
16 enrolled on a regular basis for more than four hours per day;

17 (f) Schools, including boarding schools, which are engaged  
18 primarily in education, operate on a definite school year schedule,  
19 follow a stated academic curriculum, accept only school-age children  
20 and do not accept custody of children;

21 (g) Seasonal camps of three months' or less duration engaged  
22 primarily in recreational or educational activities;

23 (h) Hospitals licensed pursuant to chapter 70.41 RCW when  
24 performing functions defined in chapter 70.41 RCW, nursing homes  
25 licensed under chapter 18.51 RCW and boarding homes licensed under  
26 chapter 18.20 RCW;

27 (i) Licensed physicians or lawyers;

28 (j) Facilities providing care to children for periods of less than  
29 twenty-four hours whose parents remain on the premises to participate  
30 in activities other than employment;

31 (k) Facilities approved and certified under chapter 71A.22 RCW;

32 (l) Any agency having been in operation in this state ten years  
33 prior to June 8, 1967, and not seeking or accepting moneys or  
34 assistance from any state or federal agency, and is supported in part  
35 by an endowment or trust fund;

36 (m) Persons who have a child in their home for purposes of  
37 adoption, if the child was placed in such home by a licensed child-  
38 placing agency, an authorized public or tribal agency or court or if a

1 replacement report has been filed under chapter 26.33 RCW and the  
2 placement has been approved by the court;

3 (n) An agency operated by any unit of local, state, or federal  
4 government or an agency, located within the boundaries of a federally  
5 recognized Indian reservation, licensed by the Indian tribe;

6 (o) An agency located on a federal military reservation, except  
7 where the military authorities request that such agency be subject to  
8 the licensing requirements of this chapter.

9 (5) "Requirement" means any rule, regulation or standard of care to  
10 be maintained by an agency.

11 **Sec. 21.** RCW 13.34.130 and 1994 c 288 s 4 are each amended to read  
12 as follows:

13 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has  
14 been proven by a preponderance of the evidence that the child is  
15 dependent within the meaning of RCW 13.34.030; after consideration of  
16 the predisposition report prepared pursuant to RCW 13.34.110 and after  
17 a disposition hearing has been held pursuant to RCW 13.34.110, the  
18 court shall enter an order of disposition pursuant to this section.

19 (1) The court shall order one of the following dispositions of the  
20 case:

21 (a) Order a disposition other than removal of the child from his or  
22 her home, which shall provide a program designed to alleviate the  
23 immediate danger to the child, to mitigate or cure any damage the child  
24 has already suffered, and to aid the parents so that the child will not  
25 be endangered in the future. In selecting a program, the court should  
26 choose those services that least interfere with family autonomy,  
27 provided that the services are adequate to protect the child.

28 (b) Order that the child be removed from his or her home and  
29 ordered into the custody, control, and care of a relative or the  
30 department of social and health services or a licensed child placing  
31 agency for placement in a foster family home or group care facility  
32 licensed pursuant to chapter 74.15 RCW or in a home not required to be  
33 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable  
34 cause to believe that the safety or welfare of the child would be  
35 jeopardized or that efforts to reunite the parent and child will be  
36 hindered, such child shall be placed with (~~a grandparent, brother,~~  
37 ~~sister, stepbrother, stepsister, uncle, aunt, or first cousin~~)) a  
38 person who is related to the child as defined in RCW 74.15.020(4)(a)

1 and with whom the child has a relationship and is comfortable, and who  
2 is willing and available to care for the child. An order for out-of-  
3 home placement may be made only if the court finds that reasonable  
4 efforts have been made to prevent or eliminate the need for removal of  
5 the child from the child's home and to make it possible for the child  
6 to return home, specifying the services that have been provided to the  
7 child and the child's parent, guardian, or legal custodian, and that  
8 preventive services have been offered or provided and have failed to  
9 prevent the need for out-of-home placement, unless the health, safety,  
10 and welfare of the child cannot be protected adequately in the home,  
11 and that:

12 (i) There is no parent or guardian available to care for such  
13 child;

14 (ii) The parent, guardian, or legal custodian is not willing to  
15 take custody of the child;

16 (iii) A manifest danger exists that the child will suffer serious  
17 abuse or neglect if the child is not removed from the home and an order  
18 under RCW 26.44.063 would not protect the child from danger; or

19 (iv) The extent of the child's disability is such that the parent,  
20 guardian, or legal custodian is unable to provide the necessary care  
21 for the child and the parent, guardian, or legal custodian has  
22 determined that the child would benefit from placement outside of the  
23 home.

24 (2) If the court has ordered a child removed from his or her home  
25 pursuant to subsection (1)(b) of this section, the court may order that  
26 a petition seeking termination of the parent and child relationship be  
27 filed if the court finds it is recommended by the supervising agency,  
28 that it is in the best interests of the child and that it is not  
29 reasonable to provide further services to reunify the family because  
30 the existence of aggravated circumstances make it unlikely that  
31 services will effectuate the return of the child to the child's parents  
32 in the near future. In determining whether aggravated circumstances  
33 exist, the court shall consider one or more of the following:

34 (a) Conviction of the parent of rape of the child in the first,  
35 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and  
36 9A.44.079;

37 (b) Conviction of the parent of criminal mistreatment of the child  
38 in the first or second degree as defined in RCW 9A.42.020 and  
39 9A.42.030;



1 (c) Conviction of the parent of one of the following assault  
2 crimes, when the child is the victim: Assault in the first or second  
3 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child  
4 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

5 (d) Conviction of the parent of murder, manslaughter, or homicide  
6 by abuse of the child's other parent, sibling, or another child;

7 (e) A finding by a court that a parent is a sexually violent  
8 predator as defined in RCW 71.09.020;

9 (f) Failure of the parent to complete available treatment ordered  
10 under this chapter or the equivalent laws of another state, where such  
11 failure has resulted in a prior termination of parental rights to  
12 another child and the parent has failed to effect significant change in  
13 the interim.

14 (3) Whenever a child is ordered removed from the child's home, the  
15 agency charged with his or her care shall provide the court with:

16 (a) A permanency plan of care that shall identify one of the  
17 following outcomes as a primary goal and may identify additional  
18 outcomes as alternative goals: Return of the child to the home of the  
19 child's parent, guardian, or legal custodian; adoption; guardianship;  
20 or long-term relative or foster care, until the child is age eighteen,  
21 with a written agreement between the parties and the care provider.

22 (b) Unless the court has ordered, pursuant to subsection (2) of  
23 this section, that a termination petition be filed, a specific plan as  
24 to where the child will be placed, what steps will be taken to return  
25 the child home, and what actions the agency will take to maintain  
26 parent-child ties. All aspects of the plan shall include the goal of  
27 achieving permanence for the child.

28 (i) The agency plan shall specify what services the parents will be  
29 offered in order to enable them to resume custody, what requirements  
30 the parents must meet in order to resume custody, and a time limit for  
31 each service plan and parental requirement.

32 (ii) The agency shall be required to encourage the maximum parent-  
33 child contact possible, including regular visitation and participation  
34 by the parents in the care of the child while the child is in  
35 placement. Visitation may be limited or denied only if the court  
36 determines that such limitation or denial is necessary to protect the  
37 child's health, safety, or welfare.

38 (iii) A child shall be placed as close to the child's home as  
39 possible, preferably in the child's own neighborhood, unless the court

1 finds that placement at a greater distance is necessary to promote the  
2 child's or parents' well-being.

3 (iv) The agency charged with supervising a child in placement shall  
4 provide all reasonable services that are available within the agency,  
5 or within the community, or those services which the department of  
6 social and health services has existing contracts to purchase. It  
7 shall report to the court if it is unable to provide such services.

8 (c) If the court has ordered, pursuant to subsection (2) of this  
9 section, that a termination petition be filed, a specific plan as to  
10 where the child will be placed, what steps will be taken to achieve  
11 permanency for the child, services to be offered or provided to the  
12 child, and, if visitation would be in the best interests of the child,  
13 a recommendation to the court regarding visitation between parent and  
14 child pending a fact-finding hearing on the termination petition. The  
15 agency shall not be required to develop a plan of services for the  
16 parents or provide services to the parents.

17 (4) If there is insufficient information at the time of the  
18 disposition hearing upon which to base a determination regarding the  
19 suitability of a proposed placement with a relative, the child shall  
20 remain in foster care and the court shall direct the supervising agency  
21 to conduct necessary background investigations as provided in chapter  
22 74.15 RCW and report the results of such investigation to the court  
23 within thirty days. However, if such relative appears otherwise  
24 suitable and competent to provide care and treatment, the criminal  
25 history background check need not be completed before placement, but as  
26 soon as possible after placement. Any placements with relatives,  
27 pursuant to this section, shall be contingent upon cooperation by the  
28 relative with the agency case plan and compliance with court orders  
29 related to the care and supervision of the child including, but not  
30 limited to, court orders regarding parent-child contacts and any other  
31 conditions imposed by the court. Noncompliance with the case plan or  
32 court order shall be grounds for removal of the child from the  
33 relative's home, subject to review by the court.

34 (5) Except for children whose cases are reviewed by a citizen  
35 review board under chapter 13.70 RCW, the status of all children found  
36 to be dependent shall be reviewed by the court at least every six  
37 months from the beginning date of the placement episode or the date  
38 dependency is established, whichever is first, at a hearing in which it  
39 shall be determined whether court supervision should continue. The

1 review shall include findings regarding the agency and parental  
2 completion of disposition plan requirements, and if necessary, revised  
3 permanency time limits.

4 (a) A child shall not be returned home at the review hearing unless  
5 the court finds that a reason for removal as set forth in this section  
6 no longer exists. The parents, guardian, or legal custodian shall  
7 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 shall continue for a period of six months, at which time  
10 there shall be a hearing on the need for continued intervention.

11 (b) If the child is not returned home, the court shall establish in  
12 writing:

13 (i) Whether reasonable services have been provided to or offered to  
14 the parties to facilitate reunion, specifying the services provided or  
15 offered;

16 (ii) Whether the child has been placed in the least-restrictive  
17 setting appropriate to the child's needs, including whether  
18 consideration has been given to placement with the child's relatives;

19 (iii) Whether there is a continuing need for placement and whether  
20 the placement is appropriate;

21 (iv) Whether there has been compliance with the case plan by the  
22 child, the child's parents, and the agency supervising the placement;

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

25 (vi) Whether the parents have visited the child and any reasons why  
26 visitation has not occurred or has been infrequent;

27 (vii) Whether additional services are needed to facilitate the  
28 return of the child to the child's parents; if so, the court shall  
29 order that reasonable services be offered specifying such services; and

30 (viii) The projected date by which the child will be returned home  
31 or other permanent plan of care will be implemented.

32 (c) The court at the review hearing may order that a petition  
33 seeking termination of the parent and child relationship be filed.

34 **Sec. 22.** RCW 13.34.145 and 1994 c 288 s 5 are each amended to read  
35 as follows:

36 (1) A permanency plan shall be developed no later than sixty days  
37 from the time the supervising agency assumes responsibility for  
38 providing services, including placing the child, or at the time of a

1 hearing under RCW 13.34.130, whichever occurs first. The permanency  
2 planning process continues until a permanency planning goal is achieved  
3 or dependency is dismissed. The planning process shall include  
4 reasonable efforts to return the child to the parent's home.

5 (a) Whenever a child is placed in out-of-home care pursuant to RCW  
6 13.34.130, the agency that has custody of the child shall provide the  
7 court with a written permanency plan of care directed towards securing  
8 a safe, stable, and permanent home for the child as soon as possible.  
9 The plan shall identify one of the following outcomes as the primary  
10 goal and may also identify additional outcomes as alternative goals:  
11 Return of the child to the home of the child's parent, guardian, or  
12 legal custodian; adoption; guardianship; or long-term relative or  
13 foster care, until the child is age eighteen, with a written agreement  
14 between the parties and the care provider.

15 (b) The identified outcomes and goals of the permanency plan may  
16 change over time based upon the circumstances of the particular case.

17 (c) Permanency planning goals should be achieved at the earliest  
18 possible date, preferably before the child has been in out-of-home care  
19 for fifteen months.

20 (2)(a) For children ten and under, a permanency planning hearing  
21 shall be held in all cases where the child has remained in out-of-home  
22 care for at least nine months and an adoption decree or guardianship  
23 order has not previously been entered. The hearing shall take place no  
24 later than twelve months following commencement of the current  
25 placement episode.

26 (b) For children over ten, a permanency planning hearing shall be  
27 held in all cases where the child has remained in out-of-home care for  
28 at least fifteen months and an adoption decree or guardianship order  
29 has not previously been entered. The hearing shall take place no later  
30 than eighteen months following commencement of the current placement  
31 episode.

32 (3) Whenever a child is removed from the home of a dependency  
33 guardian or long-term relative or foster care provider, and the child  
34 is not returned to the home of the parent, guardian, or legal custodian  
35 but is placed in out-of-home care, a permanency planning hearing shall  
36 take place no later than twelve or eighteen months, as provided in  
37 subsection (2) of this section, following the date of removal unless,  
38 prior to the hearing, the child returns to the home of the dependency  
39 guardian or long-term care provider, the child is placed in the home of

1 the parent, guardian, or legal custodian, an adoption decree or  
2 guardianship order is entered, or the dependency is dismissed.

3 (4) No later than ten working days prior to the permanency planning  
4 hearing, the agency having custody of the child shall submit a written  
5 permanency plan to the court and shall mail a copy of the plan to all  
6 parties and their legal counsel, if any.

7 (5) At the permanency planning hearing, the court shall enter  
8 findings as required by RCW 13.34.130(5) and shall review the  
9 permanency plan prepared by the agency. If the child has resided in  
10 the home of a foster parent or relative for more than six months prior  
11 to the permanency planning hearing, the court shall also enter a  
12 finding regarding whether the foster parent or relative was informed of  
13 the hearing as required in RCW 74.13.280. If a goal of long-term  
14 foster or relative care has been achieved prior to the permanency  
15 planning hearing, the court shall review the child's status to  
16 determine whether the placement and the plan for the child's care  
17 remain appropriate. In cases where the primary permanency planning  
18 goal has not yet been achieved, the court shall inquire regarding the  
19 reasons why the primary goal has not been achieved and determine what  
20 needs to be done to make it possible to achieve the primary goal. In  
21 all cases, the court shall:

22 (a)(i) Order the permanency plan prepared by the agency to be  
23 implemented; or

24 (ii) Modify the permanency plan, and order implementation of the  
25 modified plan; and

26 (b)(i) Order the child returned home only if the court finds that  
27 a reason for removal as set forth in RCW 13.34.130 no longer exists; or

28 (ii) Order the child to remain in out-of-home care for a limited  
29 specified time period while efforts are made to implement the  
30 permanency plan.

31 (6) If the court orders the child returned home, casework  
32 supervision shall continue for at least six months, at which time a  
33 review hearing shall be held pursuant to RCW 13.34.130(5), and the  
34 court shall determine the need for continued intervention.

35 (7) Following the first permanency planning hearing, the court  
36 shall hold a further permanency planning hearing in accordance with  
37 this section at least once every twelve months until a permanency  
38 planning goal is achieved or the dependency is dismissed, whichever  
39 occurs first.

1 (8) Except as otherwise provided in RCW 13.34.235, the status of  
2 all dependent children shall continue to be reviewed by the court at  
3 least once every six months, in accordance with RCW 13.34.130(5), until  
4 the dependency is dismissed. Prior to the second permanency planning  
5 hearing, the agency that has custody of the child shall consider  
6 whether to file a petition for termination of parental rights.

7 (9) Nothing in this chapter may be construed to limit the ability  
8 of the agency that has custody of the child to file a petition for  
9 termination of parental rights or a guardianship petition at any time  
10 following the establishment of dependency. Upon the filing of such a  
11 petition, a fact-finding hearing shall be scheduled and held in  
12 accordance with this chapter unless the agency requests dismissal of  
13 the petition prior to the hearing or unless the parties enter an agreed  
14 order terminating parental rights, establishing guardianship, or  
15 otherwise resolving the matter.

16 (10) The approval of a permanency plan that does not contemplate  
17 return of the child to the parent does not relieve the supervising  
18 agency of its obligation to provide reasonable services, under this  
19 chapter, intended to effectuate the return of the child to the parent,  
20 including but not limited to, visitation rights.

21 (11) Nothing in this chapter may be construed to limit the  
22 procedural due process rights of any party in a termination or  
23 guardianship proceeding filed under this chapter.

24 **Sec. 23.** RCW 74.13.280 and 1991 c 340 s 4 are each amended to read  
25 as follows:

26 (1) Except as provided in RCW 70.24.105, whenever a child is placed  
27 in out-of-home care by the department or a child-placing agency, the  
28 department or agency may share information about the child and the  
29 child's family with the care provider and may consult with the care  
30 provider regarding the child's case plan. If the child is dependent  
31 pursuant to a proceeding under chapter 13.34 RCW, the department or  
32 agency shall keep the care provider informed regarding the dates and  
33 location of dependency review and permanency planning hearings  
34 pertaining to the child.

35 (2) Any person who receives information about a child or a child's  
36 family pursuant to this section shall keep the information confidential  
37 and shall not further disclose or disseminate the information except as  
38 authorized by law.

1 (3) Nothing in this section shall be construed to limit the  
2 authority of the department or child-placing agencies to disclose  
3 client information or to maintain client confidentiality as provided by  
4 law.

5 **Sec. 24.** RCW 13.04.033 and 1990 c 284 s 35 are each amended to  
6 read as follows:

7 (1) Any person aggrieved by a final order of the court may appeal  
8 the order as provided by this section. All appeals in matters other  
9 than those related to commission of a juvenile offense shall be taken  
10 in the same manner as in other civil cases. Except as otherwise  
11 provided in this title, all appeals in matters related to the  
12 commission of a juvenile offense shall be taken in the same manner as  
13 criminal cases and the right to collateral relief shall be the same as  
14 in criminal cases. The order of the juvenile court shall stand pending  
15 the disposition of the appeal: PROVIDED, That the court or the  
16 appellate court may upon application stay the order.

17 (2) If the final order from which an appeal is taken grants the  
18 custody of the child to, or withholds it from, any of the parties, or  
19 if the child is committed as provided under this chapter, the appeal  
20 shall be given priority in hearing.

21 (3) In the absence of a specific direction from the party seeking  
22 review to file the notice, or the court-appointed guardian ad litem,  
23 the court may dismiss the review pursuant to RAP 18.9. To the extent  
24 that this enactment [1990 c 284] conflicts with the requirements of RAP  
25 5.3(a) or RAP 5.3(b) this enactment [1990 c 284] shall supersede the  
26 conflicting rule.

27 (4) In an appeal taken from a proceeding under chapter 13.32A or  
28 13.34 RCW, the juvenile court file, the trial court record of the  
29 proceeding, clerk's papers, pleadings, exhibits, and transcripts are  
30 confidential. Appellate briefs and decisions shall use initials or  
31 pseudonyms to identify the juvenile and the juvenile's family.

32 (a) Confidential documents, and any information contained therein,  
33 may be released to the public only upon entry of an order, issued by  
34 the court in which the appeal is pending, authorizing release of the  
35 documents or information.

36 (b) The court may enter an order authorizing release of  
37 confidential documents and information only when the court finds:

1 (i) There is a compelling public interest that requires release of  
2 the documents or information; and

3 (ii) Release will not be detrimental to the child who is the  
4 subject of the proceeding.

5 (c) The court shall not authorize the release of any documents or  
6 information that identifies or could reasonably be expected to identify  
7 the child or the child's family.

8 **Sec. 25.** RCW 74.15.120 and 1979 c 141 s 361 are each amended to  
9 read as follows:

10 The secretary of social and health services may, at his or her  
11 discretion, issue a provisional license to an agency or facility for a  
12 period not to exceed six months, renewable for a period not to exceed  
13 two years, to allow such agency or facility reasonable time to become  
14 eligible for full license, ~~((except that))~~ however a provisional  
15 license shall not be granted to any foster-family home except as  
16 specified in this section. A provisional license may be granted to a  
17 foster-family home only if the following three conditions are met: (1)  
18 The license is limited so that the licensee is authorized to provide  
19 care only to a specific child or specific children; (2) the department  
20 has determined that the licensee has a relationship with the child, and  
21 the child is comfortable with the licensee, or that it would otherwise  
22 be in the child's best interest to remain or be placed in the  
23 licensee's home and (3) the provisional license is issued for a period  
24 not to exceed ninety days.

25 **Sec. 26.** RCW 13.34.030 and 1994 c 288 s 1 are each amended to read  
26 as follows:

27 For purposes of this chapter:

28 (1) "Child" and "juvenile" means any individual under the age of  
29 eighteen years.

30 (2) "Current placement episode" means the period of time that  
31 begins with the most recent date that the child was removed from the  
32 home of the parent, guardian, or legal custodian for purposes of  
33 placement in out-of-home care and continues until the child returns  
34 home, an adoption decree or guardianship order is entered, or the  
35 dependency is dismissed, whichever occurs soonest. If the most recent  
36 date of removal occurred prior to the filing of a dependency petition  
37 under this chapter or after filing but prior to entry of a disposition



1 order, such time periods shall be included when calculating the length  
2 of a child's current placement episode.

3 (3) "Dependency guardian" means the person, nonprofit corporation,  
4 or Indian tribe appointed by the court pursuant to RCW 13.34.232 for  
5 the limited purpose of assisting the court in the supervision of the  
6 dependency.

7 (4) "Dependent child" means any child:

8 (a) Who has been abandoned; that is, where the child's parent,  
9 guardian, or other custodian has (~~evidenced~~) expressed either by  
10 statement or conduct, (~~a settled~~) an intent to forego, for an  
11 extended period, (~~all~~) parental rights or (~~all~~) parental  
12 responsibilities despite an ability to do so. If the court finds that  
13 the petitioner has exercised due diligence in attempting to locate the  
14 parent, no contact between the child and the child's parent, guardian,  
15 or other custodian for a period of three months creates a rebuttable  
16 presumption of abandonment, even if there is no expressed intent to  
17 abandon;

18 (b) Who is abused or neglected as defined in chapter 26.44 RCW by  
19 a person legally responsible for the care of the child;

20 (c) Who has no parent, guardian, or custodian capable of adequately  
21 caring for the child, such that the child is in circumstances which  
22 constitute a danger of substantial damage to the child's psychological  
23 or physical development; or

24 (d) Who has a developmental disability, as defined in RCW  
25 71A.10.020 and whose parent, guardian, or legal custodian together with  
26 the department determines that services appropriate to the child's  
27 needs can not be provided in the home. However, (a), (b), and (c) of  
28 this subsection may still be applied if other reasons for removal of  
29 the child from the home exist.

30 (5) "Guardian" means the person or agency that: (a) Has been  
31 appointed as the guardian of a child in a legal proceeding other than  
32 a proceeding under this chapter; and (b) has the legal right to custody  
33 of the child pursuant to such appointment. The term "guardian" shall  
34 not include a "dependency guardian" appointed pursuant to a proceeding  
35 under this chapter.

36 (6) "Guardian ad litem" means a person, appointed by the court to  
37 represent the best interest of a child in a proceeding under this  
38 chapter, or in any matter which may be consolidated with a proceeding  
39 under this chapter. A "court-appointed special advocate" appointed by

1 the court to be the guardian ad litem for the child, or to perform  
2 substantially the same duties and functions as a guardian ad litem,  
3 shall be deemed to be guardian ad litem for all purposes and uses of  
4 this chapter.

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

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

16 (9) "Preventive services" means family preservation services, as  
17 defined in RCW 74.14C.010, and other reasonably available services  
18 capable of preventing the need for out-of-home placement while  
19 protecting the child.

20 **Sec. 27.** RCW 13.34.233 and 1994 c 288 s 8 are each amended to read  
21 as follows:

22 (1) Any party may request the court to modify or terminate a  
23 dependency guardianship order under RCW 13.34.150. Notice of any  
24 motion to modify or terminate the guardianship shall be served on all  
25 other parties, including any agency that was responsible for  
26 supervising the child's placement at the time the guardianship petition  
27 was filed. Notice shall in all cases be served upon the department of  
28 social and health services. If the department was not previously a  
29 party to the guardianship proceeding, the department shall nevertheless  
30 have the right to initiate a proceeding to modify or terminate a  
31 guardianship and the right to intervene at any stage of such a  
32 proceeding.

33 (2) The guardianship may be modified or terminated upon the motion  
34 of any party or the department if the court finds by a preponderance of  
35 the evidence that there has been a substantial change of circumstances  
36 subsequent to the establishment of the guardianship and that it is in  
37 the child's best interest to modify or terminate the guardianship.  
38 (~~Unless all parties agree to entry of an order modifying or~~

1 ~~terminating the guardianship,~~) The court shall hold a hearing on the  
2 motion before modifying or terminating a guardianship.

3 (3) Upon entry of an order terminating the guardianship, the  
4 dependency guardian shall not have any rights or responsibilities with  
5 respect to the child and shall not have legal standing to participate  
6 as a party in further dependency proceedings pertaining to the child.  
7 The court may allow the child's dependency guardian to attend  
8 dependency review proceedings pertaining to the child for the sole  
9 purpose of providing information about the child to the court.

10 (4) Upon entry of an order terminating the guardianship, the child  
11 shall remain dependent and the court shall either return the child to  
12 the child's parent or order the child into the custody, control, and  
13 care of the department of social and health services or a licensed  
14 child-placing agency for placement in a foster home or group care  
15 facility licensed pursuant to chapter 74.15 RCW or in a home not  
16 required to be licensed pursuant to such chapter. The court shall not  
17 place a child in the custody of the child's parent unless the court  
18 finds that a reason for removal as set forth in RCW 13.34.130 no longer  
19 exists and that such placement is in the child's best interest. The  
20 court shall thereafter conduct reviews as provided in RCW 13.34.130(5)  
21 and, where applicable, shall hold a permanency planning hearing in  
22 accordance with RCW 13.34.145.

23 NEW SECTION. **Sec. 28.** A new section is added to chapter 74.15 RCW  
24 to read as follows:

25 (1) Except as provided in this section or other applicable state or  
26 federal laws, licensing records shall be disclosed in accordance with  
27 chapter 42.17 RCW. For purposes of this section, "licensing records"  
28 means records of the department of social and health services that  
29 contain information related to licensing decisions and actions of the  
30 department or information related to persons or agencies licensed under  
31 this chapter.

32 (2) The following information is confidential and may only be  
33 disclosed in accordance with this section or other applicable state or  
34 federal laws:

35 (a) The residence address and telephone number of any person  
36 licensed under this chapter, any person employed by a licensed agency,  
37 and any person authorized to provide care under this chapter;

1 (b) The business address and telephone number of any person  
2 licensed as a foster family home or authorized to provide foster care  
3 under this chapter;

4 (c) The name, address, and any identifying information regarding  
5 any person who is receiving care or has received care in a home or  
6 facility licensed under this chapter or by a person authorized to care  
7 under this chapter. For purposes of this section, "identifying  
8 information" means:

9 (i) The person's name and address;

10 (ii) The name and address of the person's family members;

11 (iii) Personal identifiers, such as the person's social security  
12 number; and

13 (iv) Personal characteristics or any other information that would  
14 make the person's identity easily traceable;

15 (d) Applications for licensure and any other information obtained  
16 by or submitted to the department pursuant to the application process,  
17 including letters of reference;

18 (e) Conviction record information and dependency record information  
19 obtained by the department pursuant to RCW 74.15.030(2)(b).

20 (3) Information set forth in subsection (2) of this section may be  
21 disclosed in accordance with subsection (4) of this section or with the  
22 consent of the person who is the subject of the information.  
23 Information in subsection (2)(c) of this section pertaining to a person  
24 under age eighteen may be disclosed with the consent of the child's  
25 parent or legal guardian, except that information about a child in  
26 residential care may only be disclosed in accordance with the  
27 provisions of section . . . of this act.

28 (4) Information set forth in subsection (2) of this section may be  
29 disclosed to persons or agencies for purposes connected to the  
30 administration of this chapter, the administration of child welfare or  
31 child care programs under chapter 74.13 RCW, or the administration of  
32 public assistance programs. Such information may also be disclosed to:

33 (a) Law enforcement agencies;

34 (b) Licensed child placement agencies;

35 (c) Any person or agency conducting a bona fide research project,  
36 subject to any conditions or limitations specified in applicable  
37 federal or state laws;

1 (d) Duly designated representatives of private welfare agencies,  
2 public officials, members of legislative interim committees, and  
3 advisory committees.

4 (5) The department is not required to disclose the following  
5 information:

6 (a) Any information that, if disclosed, would be detrimental to the  
7 health, safety, or welfare of any person who is receiving care or has  
8 received care in a home or facility licensed under this chapter or by  
9 a person or agency authorized to provide such care under this chapter;

10 (b) Information compiled in the course of an investigation of a  
11 person or home licensed under this chapter or investigation of a person  
12 or agency authorized to provide care under this chapter, but only if  
13 nondisclosure is essential to effective law enforcement or enforcement  
14 of the provisions of this chapter.

15 (6) Reports and records of the child protective services section of  
16 the department and any other child welfare records that may be  
17 contained in licensing records may only be disclosed in accordance with  
18 the provisions of section . . . of this act.

19 **Sec. 29.** RCW 28A.225.330 and 1994 c 304 s 2 are each amended to  
20 read as follows:

21 (1) When enrolling a student who has attended school in another  
22 school district, the school enrolling the student may request the  
23 parent and the student to briefly indicate in writing whether or not  
24 the student has:

25 (a) Any history of placement in special educational programs;

26 (b) Any past, current, or pending disciplinary action;

27 (c) Any history of violent behavior;

28 (d) Any unpaid fines or fees imposed by other schools; and

29 (e) Any health conditions affecting the student's educational  
30 needs.

31 (2) The school enrolling the student shall request the school the  
32 student previously attended to send the student's permanent record  
33 including records of disciplinary action. If the student has not paid  
34 a fine or fee under RCW 28A.635.060, the school may withhold the  
35 student's official transcript, but shall transmit information about the  
36 student's academic performance, special placement, and records of  
37 disciplinary action. If the official transcript is not sent due to  
38 unpaid fees or fines, the enrolling school shall notify both the

1 student and parent or guardian that the official transcript will not be  
2 sent until the obligation is met, and failure to have an official  
3 transcript may result in exclusion from extracurricular activities or  
4 failure to graduate.

5 (3) If information is requested under subsection (2) of this  
6 section, the information shall be transmitted (~~(within two school days~~  
7 ~~after receiving the request))~~ by express mail or another means designed  
8 to deliver the records within two school days after receiving the  
9 request. The state board of education shall provide by rule for the  
10 discipline under chapter 28A.410 RCW of a school principal or other  
11 chief administrator of a public school building who fails to make a  
12 good faith effort to assure compliance with this subsection.

13 NEW SECTION. Sec. 30. RCW 74.14C.035 and 1992 c 214 s 8 are each  
14 repealed.

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