

2 **E2SHB 1493** - S AMD - 491

3 By Senators Hargrove, Long, Costa, Zarelli and Brown

4 ADOPTED 4/24/99

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that homelessness for  
8 families with children is a serious, widespread problem that has a  
9 devastating effect on children, including significant adverse effects  
10 upon their growth and development. Planning for and serving the  
11 shelter and housing needs of homeless families with children has been  
12 and continues to be a responsibility of the department of community,  
13 trade, and economic development. The legislature further finds that  
14 the department of social and health services also plays an important  
15 role in addressing the service needs of homeless families with  
16 children. In order to adequately and effectively address the complex  
17 issues confronting homeless families with children, planning for,  
18 implementing, and evaluating such services must be a collaborative  
19 effort between the department of community, trade, and economic  
20 development and the department of social and health services, other  
21 local, state, and federal agencies, and community organizations. It is  
22 the intent of the legislature that the department of community, trade,  
23 and economic development and the department of social and health  
24 services jointly present the plan to the appropriate committees of the  
25 legislature as required in section 3 of this act. It is the intent of  
26 the legislature that children should not be placed or retained in the  
27 foster care system if family homelessness is the primary reason for  
28 placement or the continuation of their placement. It is the further  
29 intent of the legislature that services to homeless families with  
30 children shall be provided within funds appropriated for that specific  
31 purpose by the legislature in the operating and capital budgets.  
32 Nothing in this act is intended to prevent the court's review of the  
33 plan developed by the department of social and health services and the  
34 department of community, trade, and economic development under  
35 *Washington State Coalition for the Homeless v. Department of Social and*  
36 *Health Services*, King County Superior Court No. 91-2-15889-4. However,

1 it is the intent of the legislature that the court's review in that  
2 proceeding be confined solely to review of the plan submitted under the  
3 order of February 4, 1998. Nothing in sections 1 through 10 of this  
4 act is intended to grant the court in this proceeding continuing review  
5 over the department of social and health services after the effective  
6 date of this act.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20A RCW  
8 to read as follows:

9 (1) The department shall collaborate with the department of  
10 community, trade, and economic development in the development of the  
11 coordinated and comprehensive plan for homeless families with children  
12 required under RCW 43.63A.650, which designates the department of  
13 community, trade, and economic development as the state agency with  
14 primary responsibility for providing shelter and housing services to  
15 homeless families with children. In fulfilling its responsibilities to  
16 collaborate with the department of community, trade, and economic  
17 development pursuant to RCW 43.63A.650, the department shall develop,  
18 administer, supervise, and monitor its portion of the plan. The  
19 department's portion of the plan shall contain at least the following  
20 elements:

- 21 (a) Coordination or linkage of services with shelter and housing;  
22 (b) Accommodation and addressing the needs of homeless families in  
23 the design and administration of department programs;  
24 (c) Participation of the department's local offices in the  
25 identification, assistance, and referral of homeless families; and  
26 (d) Ongoing monitoring of the efficiency and effectiveness of the  
27 plan's design and implementation.

28 (2) The department shall include community organizations involved  
29 in the delivery of services to homeless families with children, and  
30 experts in the development and ongoing evaluation of the plan.

31 (3) The duties under this section shall be implemented within  
32 amounts appropriated for that specific purpose by the legislature in  
33 the operating and capital budgets.

34 **Sec. 3.** RCW 43.63A.650 and 1993 c 478 s 13 are each amended to  
35 read as follows:

36 (1) The department shall be the principal state department  
37 responsible for coordinating federal and state resources and activities

1 in housing, except for programs administered by the Washington state  
2 housing finance commission under chapter 43.180 RCW, and for evaluating  
3 the operations and accomplishments of other state departments and  
4 agencies as they affect housing.

5 (2) The department shall work with local governments, tribal  
6 organizations, local housing authorities, nonprofit community or  
7 neighborhood-based organizations, and regional or state-wide nonprofit  
8 housing assistance organizations, for the purpose of coordinating  
9 federal and state resources with local resources for housing.

10 (3) The department shall be the principal state department  
11 responsible for providing shelter and housing services to homeless  
12 families with children. The department shall have the principal  
13 responsibility to coordinate, plan, and oversee the state's activities  
14 for developing a coordinated and comprehensive plan to serve homeless  
15 families with children. The plan shall be developed collaboratively  
16 with the department of social and health services. The department  
17 shall include community organizations involved in the delivery of  
18 services to homeless families with children, and experts in the  
19 development and ongoing evaluation of the plan. The department shall  
20 follow professionally recognized standards and procedures. The plan  
21 shall be implemented within amounts appropriated by the legislature for  
22 that specific purpose in the operating and capital budgets. The  
23 department shall submit the plan to the appropriate committees of the  
24 senate and house of representatives no later than September 1, 1999,  
25 and shall update the plan and submit it to the appropriate committees  
26 of the legislature by January 1st of every odd-numbered year through  
27 2007. The plan shall address at least the following: (a) The need for  
28 prevention assistance; (b) the need for emergency shelter; (c) the need  
29 for transitional assistance to aid families into permanent housing; (d)  
30 the need for linking services with shelter or housing; and (e) the need  
31 for ongoing monitoring of the efficiency and effectiveness of the  
32 plan's design and implementation.

33 NEW SECTION. Sec. 4. A new section is added to chapter 43.63A RCW  
34 to read as follows:

35 (1) In order to improve services for the homeless, the department,  
36 within amounts appropriated by the legislature for this specific  
37 purpose, shall implement a system for the ongoing collection and  
38 analysis of data about the extent and nature of homelessness in

1 Washington state, giving emphasis to information about extent and  
2 nature of homelessness in Washington state families with children. The  
3 system may be merged with other data gathering and reporting systems  
4 and shall:

5 (a) Protect the right of privacy of individuals;

6 (b) Provide for consultation and collaboration with state agencies  
7 including the department of social and health services, experts, and  
8 community organizations involved in the delivery of services to  
9 homeless persons; and

10 (c) Include related information held or gathered by other state  
11 agencies.

12 (2) Within amounts appropriated by the legislature, for this  
13 specific purpose, the department shall evaluate the information  
14 gathered and disseminate the analysis and the evaluation broadly, using  
15 appropriate computer networks as well as written reports.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.63A RCW  
17 to read as follows:

18 The department shall, by rule, establish program standards,  
19 eligibility standards, eligibility criteria, and administrative rules  
20 for emergency housing programs and specify other benefits that may  
21 arise in consultation with providers.

22 **Sec. 6.** RCW 13.34.030 and 1998 c 130 s 1 are each amended to read  
23 as follows:

24 For purposes of this chapter:

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

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

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

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

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

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

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

21 (5) "Guardian" means the person or agency that: (a) Has been  
22 appointed as the guardian of a child in a legal proceeding other than  
23 a proceeding under this chapter; and (b) has the legal right to custody  
24 of the child pursuant to such appointment. The term "guardian" shall  
25 not include a "dependency guardian" appointed pursuant to a proceeding  
26 under this chapter.

27 (6) "Guardian ad litem" means a person, appointed by the court to  
28 represent the best interest of a child in a proceeding under this  
29 chapter, or in any matter which may be consolidated with a proceeding  
30 under this chapter. A "court-appointed special advocate" appointed by  
31 the court to be the guardian ad litem for the child, or to perform  
32 substantially the same duties and functions as a guardian ad litem,  
33 shall be deemed to be guardian ad litem for all purposes and uses of  
34 this chapter.

35 (7) "Guardian ad litem program" means a court-authorized volunteer  
36 program, which is or may be established by the superior court of the  
37 county in which such proceeding is filed, to manage all aspects of  
38 volunteer guardian ad litem representation for children alleged or  
39 found to be dependent. Such management shall include but is not

1 limited to: Recruitment, screening, training, supervision, assignment,  
2 and discharge of volunteers.

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

7 (9) "Preventive services" means preservation services, as defined  
8 in chapter 74.14C RCW, and other reasonably available services,  
9 including housing services, capable of preventing the need for out-of-  
10 home placement while protecting the child. Housing services may  
11 include, but are not limited to, referrals to federal, state, local, or  
12 private agencies or organizations, assistance with forms and  
13 applications, or financial subsidies for housing.

14 **Sec. 7.** RCW 74.13.020 and 1979 c 155 s 76 are each amended to read  
15 as follows:

16 As used in Title 74 RCW, child welfare services shall be defined as  
17 public social services including adoption services which strengthen,  
18 supplement, or substitute for, parental care and supervision for the  
19 purpose of:

20 (1) Preventing or remedying, or assisting in the solution of  
21 problems which may result in families in conflict, or the neglect,  
22 abuse, exploitation, or criminal behavior of children;

23 (2) Protecting and caring for (~~homeless~~) dependent(~~(7)~~) or  
24 neglected children;

25 (3) Assisting children who are in conflict with their parents, and  
26 assisting parents who are in conflict with their children with services  
27 designed to resolve such conflicts;

28 (4) Protecting and promoting the welfare of children, including the  
29 strengthening of their own homes where possible, or, where needed;

30 (5) Providing adequate care of children away from their homes in  
31 foster family homes or day care or other child care agencies or  
32 facilities.

33 As used in this chapter, child means a person less than eighteen  
34 years of age.

35 The department's duty to provide services to homeless families with  
36 children is set forth in section 2 of this act and in appropriations  
37 provided by the legislature for implementation of the plan.

1       **Sec. 8.** RCW 74.13.031 and 1998 c 314 s 10 are each amended to read  
2 as follows:

3       The department shall have the duty to provide child welfare  
4 services and shall:

5       (1) Develop, administer, supervise, and monitor a coordinated and  
6 comprehensive plan that establishes, aids, and strengthens services for  
7 the protection and care of (~~homeless,~~) runaway, dependent, or  
8 neglected children.

9       (2) Within available resources, recruit an adequate number of  
10 prospective adoptive and foster homes, both regular and specialized,  
11 i.e. homes for children of ethnic minority, including Indian homes for  
12 Indian children, sibling groups, handicapped and emotionally disturbed,  
13 teens, pregnant and parenting teens, and annually report to the  
14 governor and the legislature concerning the department's success in:  
15 (a) Meeting the need for adoptive and foster home placements; (b)  
16 reducing the foster parent turnover rate; (c) completing home studies  
17 for legally free children; and (d) implementing and operating the  
18 passport program required by RCW 74.13.285. The report shall include  
19 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

20       (3) Investigate complaints of any recent act or failure to act on  
21 the part of a parent or caretaker that results in death, serious  
22 physical or emotional harm, or sexual abuse or exploitation, or that  
23 presents an imminent risk of serious harm, and on the basis of the  
24 findings of such investigation, offer child welfare services in  
25 relation to the problem to such parents, legal custodians, or persons  
26 serving in loco parentis, and/or bring the situation to the attention  
27 of an appropriate court, or another community agency: PROVIDED, That  
28 an investigation is not required of nonaccidental injuries which are  
29 clearly not the result of a lack of care or supervision by the child's  
30 parents, legal custodians, or persons serving in loco parentis. If the  
31 investigation reveals that a crime against a child may have been  
32 committed, the department shall notify the appropriate law enforcement  
33 agency.

34       (4) Offer, on a voluntary basis, family reconciliation services to  
35 families who are in conflict.

36       (5) Monitor out-of-home placements, on a timely and routine basis,  
37 to assure the safety, well-being, and quality of care being provided is  
38 within the scope of the intent of the legislature as defined in RCW  
39 74.13.010 and 74.15.010, and annually submit a report measuring the

1 extent to which the department achieved the specified goals to the  
2 governor and the legislature.

3 (6) Have authority to accept custody of children from parents and  
4 to accept custody of children from juvenile courts, where authorized to  
5 do so under law, to provide child welfare services including placement  
6 for adoption, and to provide for the physical care of such children and  
7 make payment of maintenance costs if needed. Except where required by  
8 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency  
9 which receives children for adoption from the department shall  
10 discriminate on the basis of race, creed, or color when considering  
11 applications in their placement for adoption.

12 (7) Have authority to provide temporary shelter to children who  
13 have run away from home and who are admitted to crisis residential  
14 centers.

15 (8) Have authority to purchase care for children; and shall follow  
16 in general the policy of using properly approved private agency  
17 services for the actual care and supervision of such children insofar  
18 as they are available, paying for care of such children as are accepted  
19 by the department as eligible for support at reasonable rates  
20 established by the department.

21 (9) Establish a children's services advisory committee which shall  
22 assist the secretary in the development of a partnership plan for  
23 utilizing resources of the public and private sectors, and advise on  
24 all matters pertaining to child welfare, licensing of child care  
25 agencies, adoption, and services related thereto. At least one member  
26 shall represent the adoption community.

27 (10) Have authority to provide continued foster care or group care  
28 for individuals from eighteen through twenty years of age to enable  
29 them to complete their high school or vocational school program.

30 (11) Have authority within funds appropriated for foster care  
31 services to purchase care for Indian children who are in the custody of  
32 a federally recognized Indian tribe or tribally licensed child-placing  
33 agency pursuant to parental consent, tribal court order, or state  
34 juvenile court order; and the purchase of such care shall be subject to  
35 the same eligibility standards and rates of support applicable to other  
36 children for whom the department purchases care.

37 Notwithstanding any other provision of RCW 13.32A.170 through  
38 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
39 services to be provided by the department of social and health services



1 under subsections (4), (6), and (7) of this section, subject to the  
2 limitations of these subsections, may be provided by any program  
3 offering such services funded pursuant to Titles II and III of the  
4 federal juvenile justice and delinquency prevention act of 1974.

5 (12) Within amounts appropriated for this specific purpose, provide  
6 preventive services to families with children that prevent or shorten  
7 the duration of an out-of-home placement.

8 **Sec. 9.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are  
9 each reenacted and amended to read as follows:

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

16 (1) The court shall order one of the following dispositions of the  
17 case:

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

26 (b) Order that the child be removed from his or her home and  
27 ordered into the custody, control, and care of a relative or the  
28 department of social and health services or a licensed child placing  
29 agency for placement in a foster family home or group care facility  
30 licensed pursuant to chapter 74.15 RCW or in a home not required to be  
31 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable  
32 cause to believe that the safety or welfare of the child would be  
33 jeopardized or that efforts to reunite the parent and child will be  
34 hindered, such child shall be placed with a person who is related to  
35 the child as defined in RCW 74.15.020(~~((4)(a))~~) (2)(a) and with whom  
36 the child has a relationship and is comfortable, and who is willing and  
37 available to care for the child. Placement of the child with a  
38 relative under this subsection shall be given preference by the court.

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

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

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

14 (iii) The court finds, by clear, cogent, and convincing evidence,  
15 a manifest danger exists that the child will suffer serious abuse or  
16 neglect if the child is not removed from the home and an order under  
17 RCW 26.44.063 would not protect the child from danger; or

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

23 (2) If the court has ordered a child removed from his or her home  
24 pursuant to subsection (1)(b) of this section, the court may order that  
25 a petition seeking termination of the parent and child relationship be  
26 filed if the court finds: (a) Termination is recommended by the  
27 supervising agency; (b) termination is in the best interests of the  
28 child; and (c) that because of the existence of aggravated  
29 circumstances, reasonable efforts to unify the family are not required.  
30 Notwithstanding the existence of aggravated circumstances, reasonable  
31 efforts may be required if the court or department determines it is in  
32 the best interest of the child. In determining whether aggravated  
33 circumstances exist, the court shall consider one or more of the  
34 following:

35 (i) Conviction of the parent of rape of the child in the first,  
36 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and  
37 9A.44.079;

1 (ii) Conviction of the parent of criminal mistreatment of the child  
2 in the first or second degree as defined in RCW 9A.42.020 and  
3 9A.42.030;

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

8 (iv) Conviction of the parent of murder, manslaughter, or homicide  
9 by abuse of the child's other parent, sibling, or another child;

10 (v) Conviction of the parent of attempting, soliciting, or  
11 conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of  
12 this subsection;

13 (vi) A finding by a court that a parent is a sexually violent  
14 predator as defined in RCW 71.09.020;

15 (vii) Failure of the parent to complete available treatment ordered  
16 under this chapter or the equivalent laws of another state, where such  
17 failure has resulted in a prior termination of parental rights to  
18 another child and the parent has failed to effect significant change in  
19 the interim. In the case of a parent of an Indian child, as defined in  
20 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~{Sec.}~~) Sec.  
21 1903), the court shall also consider tribal efforts to assist the  
22 parent in completing treatment and make it possible for the child to  
23 return home;

24 (viii) An infant under three years of age has been abandoned as  
25 defined in RCW 13.34.030(4)(a);

26 (ix) The mother has given birth to three or more drug-affected  
27 infants, resulting in the department filing a petition under section 23  
28 of this act.

29 (3) If reasonable efforts are not ordered under subsection (2) of  
30 this section a permanency (~~{plan-planning}~~) planning hearing shall be  
31 held within thirty days. Reasonable efforts shall be made to place the  
32 child in a timely manner in accordance with the permanency plan, and to  
33 complete whatever steps are necessary to finalize the permanent  
34 placement of the child.

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

37 (a) A permanency plan of care that shall identify one of the  
38 following outcomes as a primary goal and may identify additional  
39 outcomes as alternative goals: Return of the child to the home of the

1 child's parent, guardian, or legal custodian; adoption; guardianship;  
2 permanent legal custody; ~~((or))~~ long-term relative or foster care,  
3 until the child is age eighteen, with a written agreement between the  
4 parties and the care provider; and independent living, if appropriate  
5 and if the child is age sixteen or older; or a responsible living  
6 skills program. Whenever a permanency plan identifies independent  
7 living as a goal, the plan shall also specifically identify the  
8 services that will be provided to assist the child to make a successful  
9 transition from foster care to independent living. Before the court  
10 approves independent living as a permanency plan of care, the court  
11 shall make a finding that the provision of services to assist the child  
12 in making a transition from foster care to independent living will  
13 allow the child to manage his or her financial affairs and to manage  
14 his or her personal, social, educational, and nonfinancial affairs.  
15 The department shall not discharge a child to an independent living  
16 situation before the child is eighteen years of age unless the child  
17 becomes emancipated pursuant to chapter 13.64 RCW.

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

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

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

34 (iii) A child shall be placed as close to the child's home as  
35 possible, preferably in the child's own neighborhood, unless the court  
36 finds that placement at a greater distance is necessary to promote the  
37 child's or parents' well-being.

38 (iv) The agency charged with supervising a child in placement shall  
39 provide all reasonable services that are available within the agency,

1 or within the community, or those services which the department of  
2 social and health services has existing contracts to purchase. It  
3 shall report to the court if it is unable to provide such services.

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

13 (5) If the court determines that the continuation of reasonable  
14 efforts to prevent or eliminate the need to remove the child from his  
15 or her home or to safely return the child home should not be part of  
16 the permanency plan of care for the child, reasonable efforts shall be  
17 made to place the child in a timely manner and to complete whatever  
18 steps are necessary to finalize the permanent placement of the child.

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

36 (7) Except for children whose cases are reviewed by a citizen  
37 review board under chapter 13.70 RCW, the status of all children found  
38 to be dependent shall be reviewed by the court at least every six  
39 months from the beginning date of the placement episode or the date

1 dependency is established, whichever is first, at a hearing in which it  
2 shall be determined whether court supervision should continue. The  
3 review shall include findings regarding the agency and parental  
4 completion of disposition plan requirements, and if necessary, revised  
5 permanency time limits. The supervising agency shall provide a foster  
6 parent, preadoptive parent, or relative with notice of, and their right  
7 to an opportunity to be heard in, a review hearing pertaining to the  
8 child, but only if that person is currently providing care to that  
9 child at the time of the hearing. This section shall not be construed  
10 to grant party status to any person who has been provided an  
11 opportunity to be heard.

12 (a) A child shall not be returned home at the review hearing unless  
13 the court finds that a reason for removal as set forth in this section  
14 no longer exists. The parents, guardian, or legal custodian shall  
15 report to the court the efforts they have made to correct the  
16 conditions which led to removal. If a child is returned, casework  
17 supervision shall continue for a period of six months, at which time  
18 there shall be a hearing on the need for continued intervention.

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

21 (i) Whether reasonable services have been provided to or offered to  
22 the parties to facilitate reunion, specifying the services provided or  
23 offered;

24 (ii) Whether the child has been placed in the least-restrictive  
25 setting appropriate to the child's needs, including whether  
26 consideration and preference has been given to placement with the  
27 child's relatives;

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

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

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

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

36 (vii) Whether additional services, including housing assistance,  
37 are needed to facilitate the return of the child to the child's  
38 parents; if so, the court shall order that reasonable services be  
39 offered specifying such services; and

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

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

5 (8) The court's ability to order housing assistance under this  
6 section is: (a) Limited to cases in which homelessness or the lack of  
7 adequate and safe housing is the primary reason for an out-of-home  
8 placement; and (b) subject to the availability of funds appropriated  
9 for this specific purpose.

10 NEW SECTION. Sec. 10. Sections 10 through 26 of this act may be  
11 referred to as the homeless youth prevention, protection, and education  
12 act, or the HOPE act. Every day many youth in this state seek shelter  
13 out on the street. A nurturing nuclear family does not exist for them,  
14 and state-sponsored alternatives such as foster homes do not meet the  
15 demand and isolate youth, who feel like outsiders in families not their  
16 own. The legislature recognizes the need to develop placement  
17 alternatives for dependent youth ages sixteen to eighteen, who are  
18 living on the street. The HOPE act is an effort to engage youth and  
19 provide them access to services through development of life skills in  
20 a setting that supports them. Nothing in sections 10 through 26 of  
21 this act shall constitute an entitlement.

22 **Sec. 11.** RCW 74.15.020 and 1998 c 269 s 3 are each amended to read  
23 as follows:

24 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
25 otherwise clearly indicated by the context thereof, the following terms  
26 shall mean:

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

1 (a) "Child day-care center" means an agency which regularly  
2 provides care for a group of children for periods of less than twenty-  
3 four hours;

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

6 (c) "Community facility" means a group care facility operated for  
7 the care of juveniles committed to the department under RCW 13.40.185.  
8 A county detention facility that houses juveniles committed to the  
9 department under RCW 13.40.185 pursuant to a contract with the  
10 department is not a community facility;

11 (d) "Crisis residential center" means an agency which is a  
12 temporary protective residential facility operated to perform the  
13 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
14 74.13.032 through 74.13.036;

15 (e) "Family day-care provider" means a child day-care provider who  
16 regularly provides child day care for not more than twelve children in  
17 the provider's home in the family living quarters;

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

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

27 (h) "HOPE center" means an agency licensed by the secretary to  
28 provide temporary residential placement and other services to street  
29 youth. A street youth may remain in a HOPE center for thirty days  
30 while services are arranged and permanent placement is coordinated. No  
31 street youth may stay longer than thirty days unless approved by the  
32 department and any additional days approved by the department must be  
33 based on the unavailability of a long-term placement option. A street  
34 youth whose parent wants him or her returned to home may remain in a  
35 HOPE center until his or her parent arranges return of the youth, not  
36 longer. All other street youth must have court approval under chapter  
37 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

38 (i) "Maternity service" means an agency which provides or arranges  
39 for care or services to expectant mothers, before or during



1 confinement, or which provides care as needed to mothers and their  
2 infants after confinement;

3 ~~((i))~~ (j) "Responsible living skills program" means an agency  
4 licensed by the secretary that provides residential and transitional  
5 living services to persons ages sixteen to eighteen who are dependent  
6 under chapter 13.34 RCW and who have been unable to live in his or her  
7 legally authorized residence and, as a result, the minor lived outdoors  
8 or in another unsafe location not intended for occupancy by the minor.  
9 Dependent minors ages fourteen and fifteen may be eligible if no other  
10 placement alternative is available and the department approves the  
11 placement;

12 (k) "Service provider" means the entity that operates a community  
13 facility.

14 (2) "Agency" shall not include the following:

15 (a) Persons related to the child, expectant mother, or person with  
16 developmental disability in the following ways:

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

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

21 (iii) A person who legally adopts a child or the child's parent as  
22 well as the natural and other legally adopted children of such persons,  
23 and other relatives of the adoptive parents in accordance with state  
24 law;

25 (iv) Spouses of any persons named in (i), (ii), or (iii) of this  
26 subsection (2)(a), even after the marriage is terminated; or

27 (v) Extended family members, as defined by the law or custom of the  
28 Indian child's tribe or, in the absence of such law or custom, a person  
29 who has reached the age of eighteen and who is the Indian child's  
30 grandparent, aunt or uncle, brother or sister, brother-in-law or  
31 sister-in-law, niece or nephew, first or second cousin, or stepparent  
32 who provides care in the family abode on a twenty-four-hour basis to an  
33 Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

36 (c) Persons who care for a neighbor's or friend's child or  
37 children, with or without compensation, where: (i) The person  
38 providing care for periods of less than twenty-four hours does not  
39 conduct such activity on an ongoing, regularly scheduled basis for the

1 purpose of engaging in business, which includes, but is not limited to,  
2 advertising such care; or (ii) the parent and person providing care on  
3 a twenty-four-hour basis have agreed to the placement in writing and  
4 the state is not providing any payment for the care;

5 (d) Parents on a mutually cooperative basis exchange care of one  
6 another's children;

7 (e) A person, partnership, corporation, or other entity that  
8 provides placement or similar services to exchange students or  
9 international student exchange visitors or persons who have the care of  
10 an exchange student in their home;

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

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

18 (h) Seasonal camps of three months' or less duration engaged  
19 primarily in recreational or educational activities;

20 (i) Hospitals licensed pursuant to chapter 70.41 RCW when  
21 performing functions defined in chapter 70.41 RCW, nursing homes  
22 licensed under chapter 18.51 RCW and boarding homes licensed under  
23 chapter 18.20 RCW;

24 (j) Licensed physicians or lawyers;

25 (k) Facilities providing care to children for periods of less than  
26 twenty-four hours whose parents remain on the premises to participate  
27 in activities other than employment;

28 (l) Facilities approved and certified under chapter 71A.22 RCW;

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

33 (n) Persons who have a child in their home for purposes of  
34 adoption, if the child was placed in such home by a licensed child-  
35 placing agency, an authorized public or tribal agency or court or if a  
36 replacement report has been filed under chapter 26.33 RCW and the  
37 placement has been approved by the court;

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

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

7 (3) "Department" means the state department of social and health  
8 services.

9 (4) "Juvenile" means a person under the age of twenty-one who has  
10 been sentenced to a term of confinement under the supervision of the  
11 department under RCW 13.40.185.

12 (5) "Probationary license" means a license issued as a disciplinary  
13 measure to an agency that has previously been issued a full license but  
14 is out of compliance with licensing standards.

15 (6) "Requirement" means any rule, regulation, or standard of care  
16 to be maintained by an agency.

17 (7) "Secretary" means the secretary of social and health services.

18 (8) "Street youth" means a person under the age of eighteen who  
19 lives outdoors or in another unsafe location not intended for occupancy  
20 by the minor and who is not residing with his or her parent or at his  
21 or her legally authorized residence.

22 (9) "Transitional living services" means at a minimum, to the  
23 extent funds are available, the following:

24 (a) Educational services, including basic literacy and  
25 computational skills training, either in local alternative or public  
26 high schools or in a high school equivalency program that leads to  
27 obtaining a high school equivalency degree;

28 (b) Assistance and counseling related to obtaining vocational  
29 training or higher education, job readiness, job search assistance, and  
30 placement programs;

31 (c) Counseling and instruction in life skills such as money  
32 management, home management, consumer skills, parenting, health care,  
33 access to community resources, and transportation and housing options;

34 (d) Individual and group counseling; and

35 (e) Establishing networks with federal agencies and state and local  
36 organizations such as the United States department of labor, employment  
37 and training administration programs including the job training  
38 partnership act which administers private industry councils and the job  
39 corps; vocational rehabilitation; and volunteer programs.

1        NEW SECTION.    **Sec. 12.**    A new section is added to chapter 74.15 RCW  
2 to read as follows:

3        The secretary shall establish HOPE centers that provide no more  
4 than seventy-five beds across the state and may establish HOPE centers  
5 by contract, within funds appropriated by the legislature specifically  
6 for this purpose.    HOPE centers shall be operated in a manner to  
7 reasonably assure that street youth placed there will not run away.  
8 Street youth may leave a HOPE center during the course of the day to  
9 attend school or other necessary appointments, but the street youth  
10 must be accompanied by an administrator or an administrator's designee.  
11 The street youth must provide the administration with specific  
12 information regarding his or her destination and expected time of  
13 return to the HOPE center.    Any street youth who runs away from a HOPE  
14 center shall not be readmitted unless specifically authorized by the  
15 street youth's placement and liaison specialist, and the placement and  
16 liaison specialist shall document with specific factual findings an  
17 appropriate basis for readmitting any street youth to a HOPE center.  
18 HOPE centers are required to have the following:

19        (1) A license issued by the secretary;

20        (2) A professional with a master's degree in counseling, social  
21 work, or related field and at least one year of experience working with  
22 street youth or a bachelor of arts degree in social work or a related  
23 field and five years of experience working with street youth.    This  
24 professional staff person may be contractual or a part-time employee,  
25 but must be available to work with street youth in a HOPE center at a  
26 ratio of one to every fifteen youth staying in a HOPE center.    This  
27 professional shall be known as a placement and liaison specialist.  
28 Preference shall be given to those professionals cross-credentialed in  
29 mental health and chemical dependency.    The placement and liaison  
30 specialist shall:

31        (a) Conduct an assessment of the street youth that includes a  
32 determination of the street youth's legal status regarding residential  
33 placement;

34        (b) Facilitate the street youth's return to his or her legally  
35 authorized residence at the earliest possible date or initiate  
36 processes to arrange legally authorized appropriate placement.    Any  
37 street youth who may meet the definition of dependent child under RCW  
38 13.34.030 must be referred to the department.    The department shall  
39 determine whether a dependency petition should be filed under chapter

1 13.34 RCW. A shelter care hearing must be held within seventy-two  
2 hours to authorize out-of-home placement for any youth the department  
3 determines is appropriate for out-of-home placement under chapter 13.34  
4 RCW. All of the provisions of chapter 13.32A RCW must be followed for  
5 children in need of services or at-risk youth;

6 (c) Interface with other relevant resources and system  
7 representatives to secure long-term residential placement and other  
8 needed services for the street youth;

9 (d) Be assigned immediately to each youth and meet with the youth  
10 within eight hours of the youth receiving HOPE center services;

11 (e) Facilitate a physical examination of any street youth who has  
12 not seen a physician within one year prior to residence at a HOPE  
13 center and facilitate evaluation by a county-designated mental health  
14 professional, a chemical dependency specialist, or both if appropriate;  
15 and

16 (f) Arrange an educational assessment to measure the street youth's  
17 competency level in reading, writing, and basic mathematics, and that  
18 will measure learning disabilities or special needs;

19 (3) Staff trained in development needs of street youth as  
20 determined by the secretary, including an administrator who is a  
21 professional with a master's degree in counseling, social work, or a  
22 related field and at least one year of experience working with street  
23 youth, or a bachelor of arts degree in social work or a related field  
24 and five years of experience working with street youth, who must work  
25 with the placement and liaison specialist to provide appropriate  
26 services on site;

27 (4) A data collection system that measures outcomes for the  
28 population served, and enables research and evaluation that can be used  
29 for future program development and service delivery. Data collection  
30 systems must have confidentiality rules and protocols developed by the  
31 secretary;

32 (5) Notification requirements that meet the notification  
33 requirements of chapter 13.32A RCW. The youth's arrival date and time  
34 must be logged at intake by HOPE center staff. The staff must  
35 immediately notify law enforcement and dependency caseworkers if a  
36 street youth runs away from a HOPE center. A child may be transferred  
37 to a secure facility as defined in RCW 13.32A.030 whenever the staff  
38 reasonably believes that a street youth is likely to leave the HOPE  
39 center and not return after full consideration of the factors set forth

1 in RCW 13.32A.130(2)(a) (i) and (ii). The street youth's temporary  
2 placement in the HOPE center must be authorized by the court or the  
3 secretary if the youth is a dependent of the state under chapter 13.34  
4 RCW or the department is responsible for the youth under chapter 13.32A  
5 RCW, or by the youth's parent or legal custodian, until such time as  
6 the parent can retrieve the youth who is returning to home;

7 (6) HOPE centers must identify to the department any street youth  
8 it serves who is not returning promptly to home. The department then  
9 must contact the missing children's clearinghouse identified in chapter  
10 13.60 RCW and either report the youth's location or report that the  
11 youth is the subject of a dependency action and the parent should  
12 receive notice from the department;

13 (7) Services that provide counseling and education to the street  
14 youth; and

15 (8) The department shall only award contracts for the operation of  
16 HOPE center beds and responsible living skills programs in departmental  
17 regions: (a) With operating secure crisis residential centers; or (b)  
18 in which the secretary finds significant progress is made toward  
19 opening a secure crisis residential center.

20 NEW SECTION. **Sec. 13.** A new section is added to chapter 74.15 RCW  
21 to read as follows:

22 The secretary shall establish responsible living skills programs  
23 that provide no more than seventy-five beds across the state and may  
24 establish responsible living skills programs by contract, within funds  
25 appropriated by the legislature specifically for this purpose.  
26 Responsible living skills programs shall have the following:

27 (1) A license issued by the secretary;

28 (2) A professional with a master's degree in counseling, social  
29 work, or related field and at least one year of experience working with  
30 street youth available to serve residents or a bachelor of arts degree  
31 in social work or a related field and five years of experience working  
32 with street youth. The professional shall provide counseling services  
33 and interface with other relevant resources and systems to prepare the  
34 minor for adult living. Preference shall be given to those  
35 professionals cross-credentialed in mental health and chemical  
36 dependency;

1 (3) Staff trained in development needs of older adolescents  
2 eligible to participate in responsible living skills programs as  
3 determined by the secretary;

4 (4) Transitional living services and a therapeutic model of service  
5 delivery that provides necessary program supervision of residents and  
6 at the same time includes a philosophy, program structure, and  
7 treatment planning that emphasizes achievement of competency in  
8 independent living skills. Independent living skills include achieving  
9 basic educational requirements such as a GED, enrollment in vocational  
10 and technical training programs offered at the community and vocational  
11 colleges, obtaining and maintaining employment; accomplishing basic  
12 life skills such as money management, nutrition, preparing meals, and  
13 cleaning house. A baseline skill level in ability to function  
14 productively and independently shall be determined at entry.  
15 Performance shall be measured and must demonstrate improvement from  
16 involvement in the program. Each resident shall have a plan for  
17 achieving independent living skills by the time the resident leaves the  
18 placement. The plan shall be written within the first thirty days of  
19 placement and reviewed every ninety days. A resident who fails to  
20 consistently adhere to the elements of the plan shall be subject to  
21 reassessment by the professional staff of the program and may be placed  
22 outside the program; and

23 (5) A data collection system that measures outcomes for the  
24 population served, and enables research and evaluation that can be used  
25 for future program development and service delivery. Data collection  
26 systems must have confidentiality rules and protocols developed by the  
27 secretary.

28 (6) The department shall not award contracts for the operation of  
29 responsible living skills programs until HOPE center beds are  
30 operational.

31 NEW SECTION. **Sec. 14.** A new section is added to chapter 74.15 RCW  
32 to read as follows:

33 To be eligible for placement in a responsible living skills  
34 program, the minor must be dependent under chapter 13.34 RCW and must  
35 have lived in a HOPE center or in a secure crisis residential center.  
36 Responsible living skills centers are intended as a placement  
37 alternative for dependent youth that the department chooses for the  
38 youth because no other services or alternative placements have been

1 successful. Responsible living skills centers are not for dependent  
2 youth whose permanency plan includes return to home or family  
3 reunification.

4 NEW SECTION. **Sec. 15.** A new section is added to chapter 74.15 RCW  
5 to read as follows:

6 The secretary is authorized to license HOPE centers and responsible  
7 living skills programs that meet statutory and rule requirements  
8 created by the secretary. The secretary is authorized to develop rules  
9 necessary to carry out the provisions of sections 10 through 26 of this  
10 act. The secretary may rely upon existing licensing provisions in  
11 development of licensing requirements for HOPE centers and responsible  
12 living skills programs, as are appropriate to carry out the intent of  
13 sections 10 through 26 of this act. HOPE centers and responsible  
14 living skills programs shall be required to adhere to departmental  
15 regulations prohibiting the use of alcohol, tobacco, controlled  
16 substances, violence, and sexual activity between residents.

17 **Sec. 16.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are  
18 each reenacted and amended to read as follows:

19 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has  
20 been proven by a preponderance of the evidence that the child is  
21 dependent within the meaning of RCW 13.34.030; after consideration of  
22 the predisposition report prepared pursuant to RCW 13.34.110 and after  
23 a disposition hearing has been held pursuant to RCW 13.34.110, the  
24 court shall enter an order of disposition pursuant to this section.

25 (1) The court shall order one of the following dispositions of the  
26 case:

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

34 (b) Order that the child be removed from his or her home and  
35 ordered into the custody, control, and care of a relative or the  
36 department of social and health services or a licensed child placing  
37 agency for placement in a foster family home or group care facility



1 licensed pursuant to chapter 74.15 RCW or in a home not required to be  
2 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable  
3 cause to believe that the safety or welfare of the child would be  
4 jeopardized or that efforts to reunite the parent and child will be  
5 hindered, such child shall be placed with a person who is related to  
6 the child as defined in RCW 74.15.020(~~(+4)~~) (2)(a) and with whom the  
7 child has a relationship and is comfortable, and who is willing and  
8 available to care for the child. Placement of the child with a  
9 relative under this subsection shall be given preference by the court.  
10 An order for out-of-home placement may be made only if the court finds  
11 that reasonable efforts have been made to prevent or eliminate the need  
12 for removal of the child from the child's home and to make it possible  
13 for the child to return home, specifying the services that have been  
14 provided to the child and the child's parent, guardian, or legal  
15 custodian, and that preventive services have been offered or provided  
16 and have failed to prevent the need for out-of-home placement, unless  
17 the health, safety, and welfare of the child cannot be protected  
18 adequately in the home, and that:

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

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

23 (iii) The court finds, by clear, cogent, and convincing evidence,  
24 a manifest danger exists that the child will suffer serious abuse or  
25 neglect if the child is not removed from the home and an order under  
26 RCW 26.44.063 would not protect the child from danger; or

27 (iv) The extent of the child's disability is such that the parent,  
28 guardian, or legal custodian is unable to provide the necessary care  
29 for the child and the parent, guardian, or legal custodian has  
30 determined that the child would benefit from placement outside of the  
31 home.

32 (2) If the court has ordered a child removed from his or her home  
33 pursuant to subsection (1)(b) of this section, the court may order that  
34 a petition seeking termination of the parent and child relationship be  
35 filed if the court finds: (a) Termination is recommended by the  
36 supervising agency; (b) termination is in the best interests of the  
37 child; and (c) that because of the existence of aggravated  
38 circumstances, reasonable efforts to unify the family are not required.  
39 Notwithstanding the existence of aggravated circumstances, reasonable

1 efforts may be required if the court or department determines it is in  
2 the best interest of the child. In determining whether aggravated  
3 circumstances exist, the court shall consider one or more of the  
4 following:

5 (i) Conviction of the parent of rape of the child in the first,  
6 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and  
7 9A.44.079;

8 (ii) Conviction of the parent of criminal mistreatment of the child  
9 in the first or second degree as defined in RCW 9A.42.020 and  
10 9A.42.030;

11 (iii) Conviction of the parent of one of the following assault  
12 crimes, when the child is the victim: Assault in the first or second  
13 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child  
14 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

15 (iv) Conviction of the parent of murder, manslaughter, or homicide  
16 by abuse of the child's other parent, sibling, or another child;

17 (v) Conviction of the parent of attempting, soliciting, or  
18 conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of  
19 this subsection;

20 (vi) A finding by a court that a parent is a sexually violent  
21 predator as defined in RCW 71.09.020;

22 (vii) Failure of the parent to complete available treatment ordered  
23 under this chapter or the equivalent laws of another state, where such  
24 failure has resulted in a prior termination of parental rights to  
25 another child and the parent has failed to effect significant change in  
26 the interim. In the case of a parent of an Indian child, as defined in  
27 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~{Sec.}~~)) Sec.  
28 1903), the court shall also consider tribal efforts to assist the  
29 parent in completing treatment and make it possible for the child to  
30 return home;

31 (viii) An infant under three years of age has been abandoned as  
32 defined in RCW 13.34.030(4)(a);

33 (ix) The mother has given birth to three or more drug-affected  
34 infants, resulting in the department filing a petition under section 23  
35 (~~(of this act)~~), chapter 314, Laws of 1998.

36 (3) If reasonable efforts are not ordered under subsection (2) of  
37 this section a permanency (~~(plan-planning)~~) planning hearing shall be  
38 held within thirty days. Reasonable efforts shall be made to place the  
39 child in a timely manner in accordance with the permanency plan, and to

1 complete whatever steps are necessary to finalize the permanent  
2 placement of the child.

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

5 (a) A permanency plan of care that shall identify one of the  
6 following outcomes as a primary goal and may identify additional  
7 outcomes as alternative goals: Return of the child to the home of the  
8 child's parent, guardian, or legal custodian; adoption; guardianship;  
9 permanent legal custody; ~~((or))~~ long-term relative or foster care,  
10 until the child is age eighteen, with a written agreement between the  
11 parties and the care provider; a responsible living skills program; and  
12 independent living, if appropriate and if the child is age sixteen or  
13 older. Whenever a permanency plan identifies independent living as a  
14 goal, the plan shall also specifically identify the services that will  
15 be provided to assist the child to make a successful transition from  
16 foster care to independent living. Before the court approves  
17 independent living as a permanency plan of care, the court shall make  
18 a finding that the provision of services to assist the child in making  
19 a transition from foster care to independent living will allow the  
20 child to manage his or her financial affairs and to manage his or her  
21 personal, social, educational, and nonfinancial affairs. The  
22 department shall not discharge a child to an independent living  
23 situation before the child is eighteen years of age unless the child  
24 becomes emancipated pursuant to chapter 13.64 RCW.

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

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

35 (ii) The agency shall be required to encourage the maximum parent-  
36 child contact possible, including regular visitation and participation  
37 by the parents in the care of the child while the child is in  
38 placement. Visitation may be limited or denied only if the court

1 determines that such limitation or denial is necessary to protect the  
2 child's health, safety, or welfare.

3 (iii) A child shall be placed as close to the child's home as  
4 possible, preferably in the child's own neighborhood, unless the court  
5 finds that placement at a greater distance is necessary to promote the  
6 child's or parents' well-being.

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

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

21 (5) If the court determines that the continuation of reasonable  
22 efforts to prevent or eliminate the need to remove the child from his  
23 or her home or to safely return the child home should not be part of  
24 the permanency plan of care for the child, reasonable efforts shall be  
25 made to place the child in a timely manner and to complete whatever  
26 steps are necessary to finalize the permanent placement of the child.

27 (6) If there is insufficient information at the time of the  
28 disposition hearing upon which to base a determination regarding the  
29 suitability of a proposed placement with a relative, the child shall  
30 remain in foster care and the court shall direct the supervising agency  
31 to conduct necessary background investigations as provided in chapter  
32 74.15 RCW and report the results of such investigation to the court  
33 within thirty days. However, if such relative appears otherwise  
34 suitable and competent to provide care and treatment, the criminal  
35 history background check need not be completed before placement, but as  
36 soon as possible after placement. Any placements with relatives,  
37 pursuant to this section, shall be contingent upon cooperation by the  
38 relative with the agency case plan and compliance with court orders  
39 related to the care and supervision of the child including, but not

1 limited to, court orders regarding parent-child contacts and any other  
2 conditions imposed by the court. Noncompliance with the case plan or  
3 court order shall be grounds for removal of the child from the  
4 relative's home, subject to review by the court.

5 (7) Except for children whose cases are reviewed by a citizen  
6 review board under chapter 13.70 RCW, the status of all children found  
7 to be dependent shall be reviewed by the court at least every six  
8 months from the beginning date of the placement episode or the date  
9 dependency is established, whichever is first, at a hearing in which it  
10 shall be determined whether court supervision should continue. The  
11 review shall include findings regarding the agency and parental  
12 completion of disposition plan requirements, and if necessary, revised  
13 permanency time limits. The supervising agency shall provide a foster  
14 parent, preadoptive parent, or relative with notice of, and their right  
15 to an opportunity to be heard in, a review hearing pertaining to the  
16 child, but only if that person is currently providing care to that  
17 child at the time of the hearing. This section shall not be construed  
18 to grant party status to any person who has been provided an  
19 opportunity to be heard.

20 (a) A child shall not be returned home at the review hearing unless  
21 the court finds that a reason for removal as set forth in this section  
22 no longer exists. The parents, guardian, or legal custodian shall  
23 report to the court the efforts they have made to correct the  
24 conditions which led to removal. If a child is returned, casework  
25 supervision shall continue for a period of six months, at which time  
26 there shall be a hearing on the need for continued intervention.

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

29 (i) Whether reasonable services have been provided to or offered to  
30 the parties to facilitate reunion, specifying the services provided or  
31 offered;

32 (ii) Whether the child has been placed in the least-restrictive  
33 setting appropriate to the child's needs, including whether  
34 consideration and preference has been given to placement with the  
35 child's relatives;

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

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

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

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

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

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

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

12 **Sec. 17.** RCW 13.34.145 and 1998 c 314 s 3 and 1998 c 130 s 3 are  
13 each reenacted and amended to read as follows:

14 (1) A permanency plan shall be developed no later than sixty days  
15 from the time the supervising agency assumes responsibility for  
16 providing services, including placing the child, or at the time of a  
17 hearing under RCW 13.34.130, whichever occurs first. The permanency  
18 planning process continues until a permanency planning goal is achieved  
19 or dependency is dismissed. The planning process shall include  
20 reasonable efforts to return the child to the parent's home.

21 (a) Whenever a child is placed in out-of-home care pursuant to RCW  
22 13.34.130, the agency that has custody of the child shall provide the  
23 court with a written permanency plan of care directed towards securing  
24 a safe, stable, and permanent home for the child as soon as possible.  
25 The plan shall identify one of the following outcomes as the primary  
26 goal and may also identify additional outcomes as alternative goals:  
27 Return of the child to the home of the child's parent, guardian, or  
28 legal custodian; adoption; guardianship; permanent legal custody;  
29 ~~((or))~~ long-term relative or foster care, until the child is age  
30 eighteen, with a written agreement between the parties and the care  
31 provider; a responsible living skills program; and independent living,  
32 if appropriate and if the child is age sixteen or older and the  
33 provisions of subsection (2) of this section are met.

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

36 (c) Permanency planning goals should be achieved at the earliest  
37 possible date, preferably before the child has been in out-of-home care  
38 for fifteen months. In cases where parental rights have been

1 terminated, the child is legally free for adoption, and adoption has  
2 been identified as the primary permanency planning goal, it shall be a  
3 goal to complete the adoption within six months following entry of the  
4 termination order.

5 (d) For purposes related to permanency planning:

6 (i) "Guardianship" means a dependency guardianship pursuant to this  
7 chapter, a legal guardianship pursuant to chapter 11.88 RCW, or  
8 equivalent laws of another state or a federally recognized Indian  
9 tribe.

10 (ii) "Permanent custody order" means a custody order entered  
11 pursuant to chapter 26.10 RCW.

12 (iii) "Permanent legal custody" means legal custody pursuant to  
13 chapter 26.10 RCW or equivalent laws of another state or of a federally  
14 recognized Indian tribe.

15 (2) Whenever a permanency plan identifies independent living as a  
16 goal, the plan shall also specifically identify the services that will  
17 be provided to assist the child to make a successful transition from  
18 foster care to independent living. Before the court approves  
19 independent living as a permanency plan of care, the court shall make  
20 a finding that the provision of services to assist the child in making  
21 a transition from foster care to independent living will allow the  
22 child to manage his or her financial affairs and to manage his or her  
23 personal, social, educational, and nonfinancial affairs. The  
24 department shall not discharge a child to an independent living  
25 situation before the child is eighteen years of age unless the child  
26 becomes emancipated pursuant to chapter 13.64 RCW.

27 (3) A permanency planning hearing shall be held in all cases where  
28 the child has remained in out-of-home care for at least nine months and  
29 an adoption decree, guardianship order, or permanent custody order has  
30 not previously been entered. The hearing shall take place no later  
31 than twelve months following commencement of the current placement  
32 episode.

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

1 long-term care provider, the child is placed in the home of the parent,  
2 guardian, or legal custodian, an adoption decree, guardianship order,  
3 or permanent custody order is entered, or the dependency is dismissed.

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

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

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

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

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

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

32 (7) If the court orders the child returned home, casework  
33 supervision shall continue for at least six months, at which time a  
34 review hearing shall be held pursuant to RCW 13.34.130(7), and the  
35 court shall determine the need for continued intervention.

36 (8) Continued juvenile court jurisdiction under this chapter shall  
37 not be a barrier to the entry of an order establishing a legal  
38 guardianship or permanent legal custody when, (a) the court has ordered  
39 implementation of a permanency plan that includes legal guardianship or



1 permanent legal custody, and (b) the party pursuing the legal  
2 guardianship or permanent legal custody is the party identified in the  
3 permanency plan as the prospective legal guardian or custodian. During  
4 the pendency of such proceeding, juvenile court shall conduct review  
5 hearings and further permanency planning hearings as provided in this  
6 chapter. At the conclusion of the legal guardianship or permanent  
7 legal custody proceeding, a juvenile court hearing shall be held for  
8 the purpose of determining whether dependency should be dismissed. If  
9 a guardianship or permanent custody order has been entered, the  
10 dependency shall be dismissed.

11 (9) Following the first permanency planning hearing, the court  
12 shall hold a further permanency planning hearing in accordance with  
13 this section at least once every twelve months until a permanency  
14 planning goal is achieved or the dependency is dismissed, whichever  
15 occurs first.

16 (10) Except as otherwise provided in RCW 13.34.235, the status of  
17 all dependent children shall continue to be reviewed by the court at  
18 least once every six months, in accordance with RCW 13.34.130(7), until  
19 the dependency is dismissed. Prior to the second permanency planning  
20 hearing, the agency that has custody of the child shall consider  
21 whether to file a petition for termination of parental rights.

22 (11) Nothing in this chapter may be construed to limit the ability  
23 of the agency that has custody of the child to file a petition for  
24 termination of parental rights or a guardianship petition at any time  
25 following the establishment of dependency. Upon the filing of such a  
26 petition, a fact-finding hearing shall be scheduled and held in  
27 accordance with this chapter unless the agency requests dismissal of  
28 the petition prior to the hearing or unless the parties enter an agreed  
29 order terminating parental rights, establishing guardianship, or  
30 otherwise resolving the matter.

31 (12) The approval of a permanency plan that does not contemplate  
32 return of the child to the parent does not relieve the supervising  
33 agency of its obligation to provide reasonable services, under this  
34 chapter, intended to effectuate the return of the child to the parent,  
35 including but not limited to, visitation rights.

36 (13) Nothing in this chapter may be construed to limit the  
37 procedural due process rights of any party in a termination or  
38 guardianship proceeding filed under this chapter.

1        NEW SECTION.    **Sec. 18.**    A new section is added to chapter 13.60 RCW  
2 to read as follows:

3        The department of social and health services shall develop a  
4 procedure for reporting missing children information to the missing  
5 children clearinghouse on children who are receiving departmental  
6 services in each of its administrative regions.    The purpose of this  
7 procedure is to link parents to missing children.    When the department  
8 has obtained information that a minor child has been located at a  
9 facility funded by the department, the department shall notify the  
10 clearinghouse and the child's legal custodian, advising the custodian  
11 of the child's whereabouts or that the child is subject to a dependency  
12 action.        The department shall inform the clearinghouse when  
13 reunification occurs.

14        NEW SECTION.    **Sec. 19.**    The Washington institute for public policy  
15 shall review the effectiveness of the procedures established in section  
16 18 of this act.    The study shall include:    (1) The number of legal  
17 custodians who utilize the clearinghouse; (2) the number of children  
18 who are located after the department's procedures are operational; (3)  
19 the impediments to effective utilization of the procedures and what  
20 steps may be taken to reduce or eliminate the impediments; (4) the  
21 methods of public education regarding the availability of the program  
22 and how to increase public awareness of the program.

23        The review shall be submitted to the legislature and the governor  
24 not later than December 1, 2001.

25        **Sec. 20.**    RCW 26.44.030 and 1998 c 328 s 5 are each amended to read  
26 as follows:

27        (1)(a) When any practitioner, county coroner or medical examiner,  
28 law enforcement officer, professional school personnel, registered or  
29 licensed nurse, social service counselor, psychologist, pharmacist,  
30 licensed or certified child care providers or their employees, employee  
31 of the department, juvenile probation officer, placement and liaison  
32 specialist, responsible living skills program staff, HOPE center staff,  
33 or state family and children's ombudsman or any volunteer in the  
34 ombudsman's office has reasonable cause to believe that a child or  
35 adult dependent or developmentally disabled person, has suffered abuse  
36 or neglect, he or she shall report such incident, or cause a report to

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

3 (b) The reporting requirement shall also apply to department of  
4 corrections personnel who, in the course of their employment, observe  
5 offenders or the children with whom the offenders are in contact. If,  
6 as a result of observations or information received in the course of  
7 his or her employment, any department of corrections personnel has  
8 reasonable cause to believe that a child or adult dependent or  
9 developmentally disabled person has suffered abuse or neglect, he or  
10 she shall report the incident, or cause a report to be made, to the  
11 proper law enforcement agency or to the department as provided in RCW  
12 26.44.040.

13 (c) The reporting requirement shall also apply to any adult who has  
14 reasonable cause to believe that a child or adult dependent or  
15 developmentally disabled person, who resides with them, has suffered  
16 severe abuse, and is able or capable of making a report. For the  
17 purposes of this subsection, "severe abuse" means any of the following:  
18 Any single act of abuse that causes physical trauma of sufficient  
19 severity that, if left untreated, could cause death; any single act of  
20 sexual abuse that causes significant bleeding, deep bruising, or  
21 significant external or internal swelling; or more than one act of  
22 physical abuse, each of which causes bleeding, deep bruising,  
23 significant external or internal swelling, bone fracture, or  
24 unconsciousness.

25 (d) The report shall be made at the first opportunity, but in no  
26 case longer than forty-eight hours after there is reasonable cause to  
27 believe that the child or adult has suffered abuse or neglect. The  
28 report shall include the identity of the accused if known.

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

36 (3) Any other person who has reasonable cause to believe that a  
37 child or adult dependent or developmentally disabled person has  
38 suffered abuse or neglect may report such incident to the proper law

1 enforcement agency or to the department of social and health services  
2 as provided in RCW 26.44.040.

3 (4) The department, upon receiving a report of an incident of  
4 alleged abuse or neglect pursuant to this chapter, involving a child or  
5 adult dependent or developmentally disabled person who has died or has  
6 had physical injury or injuries inflicted upon him or her other than by  
7 accidental means or who has been subjected to alleged sexual abuse,  
8 shall report such incident to the proper law enforcement agency. In  
9 emergency cases, where the child, adult dependent, or developmentally  
10 disabled person's welfare is endangered, the department shall notify  
11 the proper law enforcement agency within twenty-four hours after a  
12 report is received by the department. In all other cases, the  
13 department shall notify the law enforcement agency within seventy-two  
14 hours after a report is received by the department. If the department  
15 makes an oral report, a written report shall also be made to the proper  
16 law enforcement agency within five days thereafter.

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

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

38 (7) The department may conduct ongoing case planning and  
39 consultation with those persons or agencies required to report under

1 this section, with consultants designated by the department, and with  
2 designated representatives of Washington Indian tribes if the client  
3 information exchanged is pertinent to cases currently receiving child  
4 protective services or department case services for the developmentally  
5 disabled. Upon request, the department shall conduct such planning and  
6 consultation with those persons required to report under this section  
7 if the department determines it is in the best interests of the child  
8 or developmentally disabled person. Information considered privileged  
9 by statute and not directly related to reports required by this section  
10 shall not be divulged without a valid written waiver of the privilege.

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

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

29 (10) Upon receiving reports of alleged abuse or neglect, the  
30 department or law enforcement agency may interview children. The  
31 interviews may be conducted on school premises, at day-care facilities,  
32 at the child's home, or at other suitable locations outside of the  
33 presence of parents. Parental notification of the interview shall  
34 occur at the earliest possible point in the investigation that will not  
35 jeopardize the safety or protection of the child or the course of the  
36 investigation. Prior to commencing the interview the department or law  
37 enforcement agency shall determine whether the child wishes a third  
38 party to be present for the interview and, if so, shall make reasonable  
39 efforts to accommodate the child's wishes. Unless the child objects,

1 the department or law enforcement agency shall make reasonable efforts  
2 to include a third party in any interview so long as the presence of  
3 the third party will not jeopardize the course of the investigation.

4 (11) Upon receiving a report of alleged child abuse and neglect,  
5 the department or investigating law enforcement agency shall have  
6 access to all relevant records of the child in the possession of  
7 mandated reporters and their employees.

8 (12) The department shall maintain investigation records and  
9 conduct timely and periodic reviews of all cases constituting abuse and  
10 neglect. The department shall maintain a log of screened-out  
11 nonabusive cases.

12 (13) The department shall use a risk assessment process when  
13 investigating alleged child abuse and neglect referrals. The  
14 department shall present the risk factors at all hearings in which the  
15 placement of a dependent child is an issue. Substance abuse must be a  
16 risk factor. The department shall, within funds appropriated for this  
17 purpose, offer enhanced community-based services to persons who are  
18 determined not to require further state intervention.

19 The department shall provide annual reports to the legislature on  
20 the effectiveness of the risk assessment process.

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

25 (15) The department shall make reasonable efforts to learn the  
26 name, address, and telephone number of each person making a report of  
27 abuse or neglect under this section. The department shall provide  
28 assurances of appropriate confidentiality of the identification of  
29 persons reporting under this section. If the department is unable to  
30 learn the information required under this subsection, the department  
31 shall only investigate cases in which: (a) The department believes  
32 there is a serious threat of substantial harm to the child; (b) the  
33 report indicates conduct involving a criminal offense that has, or is  
34 about to occur, in which the child is the victim; or (c) the department  
35 has, after investigation, a report of abuse or neglect that has been  
36 founded with regard to a member of the household within three years of  
37 receipt of the referral.

1        NEW SECTION.    **Sec. 21.**    A new section is added to chapter 74.15 RCW  
2 to read as follows:

3        The department shall provide technical assistance in preparation of  
4 grant proposals for HOPE centers and responsible living skills programs  
5 to nonprofit organizations unfamiliar with and inexperienced in  
6 submission of requests for proposals to the department.

7        NEW SECTION.    **Sec. 22.**    A new section is added to chapter 74.15 RCW  
8 to read as follows:

9        The department shall consider prioritizing, on an ongoing basis,  
10 the awarding of contracts for HOPE centers and responsible living  
11 skills programs to providers who have not traditionally been awarded  
12 contracts with the department.

13        NEW SECTION.    **Sec. 23.**    The department of social and health  
14 services shall seek any necessary federal waivers for federal funding  
15 of the programs created under sections 10 through 26 of this act. The  
16 department shall pursue federal funding sources for the programs  
17 created under sections 10 through 26 of this act, and report to the  
18 legislature any statutory barriers to federal funding.

19        NEW SECTION.    **Sec. 24.**    The Washington state institute for public  
20 policy shall review the effectiveness of the HOPE centers and the  
21 responsible living skills programs. The study shall include the  
22 characteristics of the youth being served, the services offered to  
23 participating youth, the success of permanent placement of youth, the  
24 number of youth participating in each program, the number of youth who  
25 successfully complete the responsible living skills program,  
26 educational achievement of participants, employment history of  
27 participants, the outcomes for youth who have progressed through the  
28 programs, and other measures that the institute deems helpful in  
29 determining the measurable outcomes of sections 10 through 26 of this  
30 act.

31        The review shall be submitted to the legislature and the governor  
32 not later than December 1, 2001.

33        NEW SECTION.    **Sec. 25.**    If any provision of this act or its  
34 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 26.** Within funds specifically appropriated by  
4 the legislature, HOPE center beds referenced in section 12 of this act  
5 and responsible living skills program beds referenced in section 13 of  
6 this act shall be phased in at the rate of twenty-five percent each  
7 year beginning January 1, 2000, until the maximum is attained.

8 NEW SECTION. **Sec. 27.** Sections 12 and 13 of this act take effect  
9 January 1, 2000."

10 **E2SHB 1493** - S AMD - 491

11 By Senators Hargrove, Long, Costa, Zarelli and Brown

12 ADOPTED 4/24/99

13 On page 1, line 1 of the title, after "families;" strike the  
14 remainder of the title and insert "amending RCW 43.63A.650, 13.34.030,  
15 74.13.020, 74.13.031, 74.15.020, and 26.44.030; reenacting and amending  
16 RCW 13.34.130, 13.34.130, and 13.34.145; adding a new section to  
17 chapter 43.20A RCW; adding new sections to chapter 43.63A RCW; adding  
18 new sections to chapter 74.15 RCW; adding a new section to chapter  
19 13.60 RCW; creating new sections; and providing an effective date."

--- END ---