

2 **SSB 6702** - S AMD 516

3 By Senators Stevens, Hargrove and Long

4 ADOPTED 02/14/02

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

7 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 recognize that those sibling relationships a child has are an integral
9 aspect of the family unit, which should be nurtured. The legislature
10 presumes that nurturing the existing sibling relationships is in the
11 best interest of a child, in particular in those situations where a
12 child cannot be with their parents, guardians, or legal custodians as
13 a result of court intervention.

14 **Sec. 2.** RCW 13.34.025 and 2001 c 256 s 2 are each amended to read
15 as follows:

16 The department of social and health services shall develop methods
17 for coordination of services to parents and children in child
18 dependency cases. To the maximum extent possible under current funding
19 levels, the department must:

20 (1) Coordinate and integrate services to children and families,
21 using service plans and activities that address the children's and
22 families' multiple needs, including ensuring that siblings have regular
23 visits with each other, as appropriate. Assessment criteria should
24 screen for multiple needs;

25 (2) Develop treatment plans for the individual needs of the client
26 in a manner that minimizes the number of contacts the client is
27 required to make; and

28 (3) Access training for department staff to increase skills across
29 disciplines to assess needs for mental health, substance abuse,
30 developmental disabilities, and other areas.

31 **Sec. 3.** RCW 13.34.030 and 2000 c 122 s 1 are each amended to read
32 as follows:

33 For purposes of this chapter:

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

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

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

19 (4) "Dependency guardian" means the person, nonprofit corporation,
20 or Indian tribe appointed by the court pursuant to this chapter for the
21 limited purpose of assisting the court in the supervision of the
22 dependency.

23 (5) "Dependent child" means any child who:

24 (a) Has been abandoned;

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

27 (c) Has no parent, guardian, or custodian capable of adequately
28 caring for the child, such that the child is in circumstances which
29 constitute a danger of substantial damage to the child's psychological
30 or physical development.

31 (6) "Developmental disability" means a disability attributable to
32 mental retardation, cerebral palsy, epilepsy, autism, or another
33 neurological or other condition of an individual found by the secretary
34 to be closely related to mental retardation or to require treatment
35 similar to that required for individuals with mental retardation, which
36 disability originates before the individual attains age eighteen, which
37 has continued or can be expected to continue indefinitely, and which
38 constitutes a substantial handicap to the individual.

1 (7) "Guardian" means the person or agency that: (a) Has been
2 appointed as the guardian of a child in a legal proceeding other than
3 a proceeding under this chapter; and (b) has the legal right to custody
4 of the child pursuant to such appointment. The term "guardian" shall
5 not include a "dependency guardian" appointed pursuant to a proceeding
6 under this chapter.

7 (8) "Guardian ad litem" means a person, appointed by the court to
8 represent the best interests of a child in a proceeding under this
9 chapter, or in any matter which may be consolidated with a proceeding
10 under this chapter. A "court-appointed special advocate" appointed by
11 the court to be the guardian ad litem for the child, or to perform
12 substantially the same duties and functions as a guardian ad litem,
13 shall be deemed to be guardian ad litem for all purposes and uses of
14 this chapter.

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

22 (10) "Indigent" means a person who, at any stage of a court
23 proceeding, is:

24 (a) Receiving one of the following types of public assistance:
25 Temporary assistance for needy families, general assistance, poverty-
26 related veterans' benefits, food stamps or food stamp benefits
27 transferred electronically, refugee resettlement benefits, medicaid, or
28 supplemental security income; or

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

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

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

35 (11) "Out-of-home care" means placement in a foster family home or
36 group care facility licensed pursuant to chapter 74.15 RCW or placement
37 in a home, other than that of the child's parent, guardian, or legal
38 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

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

8 (13) "Shelter care" means temporary physical care in a facility
9 licensed pursuant to RCW 74.15.030 or in a home not required to be
10 licensed pursuant to RCW 74.15.030.

11 (14) "Social study" means a written evaluation of matters relevant
12 to the disposition of the case and shall contain the following
13 information:

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

16 (b) A description of the specific services and activities, for both
17 the parents and child, that are needed in order to prevent serious harm
18 to the child; the reasons why such services and activities are likely
19 to be useful; the availability of any proposed services; and the
20 agency's overall plan for ensuring that the services will be delivered.
21 The description shall identify the services chosen and approved by the
22 parent;

23 (c) If removal is recommended, a full description of the reasons
24 why the child cannot be protected adequately in the home, including a
25 description of any previous efforts to work with the parents and the
26 child in the home; the in-home treatment programs that have been
27 considered and rejected; the preventive services that have been offered
28 or provided and have failed to prevent the need for out-of-home
29 placement, unless the health, safety, and welfare of the child cannot
30 be protected adequately in the home; and the parents' attitude toward
31 placement of the child;

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

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

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

3 **Sec. 4.** RCW 13.34.060 and 2000 c 122 s 4 are each amended to read
4 as follows:

5 (1) A child taken into custody pursuant to RCW 13.34.050 or
6 26.44.050 shall be immediately placed in shelter care. A child taken
7 by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070
8 shall be placed in shelter care only when permitted under RCW
9 13.34.055.

10 (a) Unless there is reasonable cause to believe that the health,
11 safety, or welfare of the child would be jeopardized or that the
12 efforts to reunite the parent and child will be hindered, priority
13 placement for a child in shelter care shall be with any person
14 described in RCW 74.15.020(2)(a). The person must be willing and
15 available to care for the child and be able to meet any special needs
16 of the child. The person must be willing to facilitate the child's
17 visitation with siblings, if such visitation is part of the supervising
18 agency's plan or is ordered by the court. If a child is not initially
19 placed with a relative pursuant to this section, the supervising agency
20 shall make an effort within available resources to place the child with
21 a relative on the next business day after the child is taken into
22 custody. The supervising agency shall document its effort to place the
23 child with a relative pursuant to this section. Nothing within this
24 subsection (1)(a) establishes an entitlement to services or a right to
25 a particular placement.

26 (b) Whenever a child is taken into custody pursuant to this
27 section, the supervising agency may authorize evaluations of the
28 child's physical or emotional condition, routine medical and dental
29 examination and care, and all necessary emergency care. In no case may
30 a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050,
31 or 26.44.050 be detained in a secure detention facility. No child may
32 be held longer than seventy-two hours, excluding Saturdays, Sundays and
33 holidays, after such child is taken into custody unless a court order
34 has been entered for continued shelter care. The child and his or her
35 parent, guardian, or custodian shall be informed that they have a right
36 to a shelter care hearing. The court shall hold a shelter care hearing
37 within seventy-two hours after the child is taken into custody,
38 excluding Saturdays, Sundays, and holidays. If a parent, guardian, or

1 legal custodian desires to waive the shelter care hearing, the court
2 shall determine, on the record and with the parties present, whether
3 such waiver is knowing and voluntary.

4 (2) Whenever a child is taken into custody by child protective
5 services pursuant to a court order issued under RCW 13.34.050 or when
6 child protective services is notified that a child has been taken into
7 custody pursuant to RCW 26.44.050 or 26.44.056, child protective
8 services shall make reasonable efforts to inform the parents, guardian,
9 or legal custodian of the fact that the child has been taken into
10 custody, the reasons why the child was taken into custody, and their
11 legal rights under this title as soon as possible and in no event shall
12 notice be provided more than twenty-four hours after the child has been
13 taken into custody or twenty-four hours after child protective services
14 has been notified that the child has been taken into custody. The
15 notice of custody and rights may be given by any means reasonably
16 certain of notifying the parents including, but not limited to,
17 written, telephone, or in person oral notification. If the initial
18 notification is provided by a means other than writing, child
19 protective services shall make reasonable efforts to also provide
20 written notification.

21 **Sec. 5.** RCW 13.34.130 and 2000 c 122 s 15 are each amended to read
22 as follows:

23 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
24 been proven by a preponderance of the evidence that the child is
25 dependent within the meaning of RCW 13.34.030 after consideration of
26 the social study prepared pursuant to RCW 13.34.110 and after a
27 disposition hearing has been held pursuant to RCW 13.34.110, the court
28 shall enter an order of disposition pursuant to this section.

29 (1) The court shall order one of the following dispositions of the
30 case:

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

1 (b) Order the child to be removed from his or her home and into the
2 custody, control, and care of a relative or the department or a
3 licensed child placing agency for placement in a foster family home or
4 group care facility licensed pursuant to chapter 74.15 RCW or in a home
5 not required to be licensed pursuant to chapter 74.15 RCW. Unless
6 there is reasonable cause to believe that the health, safety, or
7 welfare of the child would be jeopardized or that efforts to reunite
8 the parent and child will be hindered, such child shall be placed with
9 a person who is: (i) Related to the child as defined in RCW
10 74.15.020(2)(a) with whom the child has a relationship and is
11 comfortable; and (ii) willing and available to care for the child.

12 (2) Placement of the child with a relative under this subsection
13 shall be given preference by the court. An order for out-of-home
14 placement may be made only if the court finds that reasonable efforts
15 have been made to prevent or eliminate the need for removal of the
16 child from the child's home and to make it possible for the child to
17 return home, specifying the services that have been provided to the
18 child and the child's parent, guardian, or legal custodian, and that
19 preventive services have been offered or provided and have failed to
20 prevent the need for out-of-home placement, unless the health, safety,
21 and welfare of the child cannot be protected adequately in the home,
22 and that:

23 (a) There is no parent or guardian available to care for such
24 child;

25 (b) The parent, guardian, or legal custodian is not willing to take
26 custody of the child; or

27 (c) The court finds, by clear, cogent, and convincing evidence, a
28 manifest danger exists that the child will suffer serious abuse or
29 neglect if the child is not removed from the home and an order under
30 RCW 26.44.063 would not protect the child from danger.

31 (3) If the court has ordered a child removed from his or her home
32 pursuant to subsection (1)(b) of this section, the court shall consider
33 whether it is in the child's best interest to have contact or visits
34 with siblings. The court must consider ordering that such contact or
35 visits take place provided that:

36 (a) The court has jurisdiction over all siblings subject to the
37 order of contact or visitation pursuant to petitions filed under this
38 chapter;

1 (b) Contact or visitation is in the best interests of each child
2 covered by the court's order; and

3 (c) There is no reasonable cause to believe that the health,
4 safety, or welfare of any child subject to the order of visitation
5 would be jeopardized or that efforts to reunite the parent and child
6 would be hindered by such visitation. In no event shall parental
7 visitation time be reduced in order to provide sibling visitation.

8 (4) If the court has ordered a child removed from his or her home
9 pursuant to subsection (1)(b) of this section, the court may order that
10 a petition seeking termination of the parent and child relationship be
11 filed if the requirements of RCW 13.34.132 are met.

12 (~~(4)~~) (5) If there is insufficient information at the time of the
13 disposition hearing upon which to base a determination regarding the
14 suitability of a proposed placement with a relative, the child shall
15 remain in foster care and the court shall direct the supervising agency
16 to conduct necessary background investigations as provided in chapter
17 74.15 RCW and report the results of such investigation to the court
18 within thirty days. However, if such relative appears otherwise
19 suitable and competent to provide care and treatment, the criminal
20 history background check need not be completed before placement, but as
21 soon as possible after placement. Any placements with relatives,
22 pursuant to this section, shall be contingent upon cooperation by the
23 relative with the agency case plan and compliance with court orders
24 related to the care and supervision of the child including, but not
25 limited to, court orders regarding parent-child contacts, sibling
26 contacts, and any other conditions imposed by the court. Noncompliance
27 with the case plan or court order shall be grounds for removal of the
28 child from the relative's home, subject to review by the court.

29 **Sec. 6.** RCW 13.34.136 and 2000 c 122 s 18 are each amended to read
30 as follows:

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

33 (a) A permanency plan of care that shall identify one of the
34 following outcomes as a primary goal and may identify additional
35 outcomes as alternative goals: Return of the child to the home of the
36 child's parent, guardian, or legal custodian; adoption; guardianship;
37 permanent legal custody; long-term relative or foster care, until the
38 child is age eighteen, with a written agreement between the parties and

1 the care provider; successful completion of a responsible living skills
2 program; or independent living, if appropriate and if the child is age
3 sixteen or older. The department shall not discharge a child to an
4 independent living situation before the child is eighteen years of age
5 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

6 (b) Unless the court has ordered, pursuant to RCW 13.34.130(3),
7 that a termination petition be filed, a specific plan as to where the
8 child will be placed, what steps will be taken to return the child
9 home, what steps the agency will take to promote existing appropriate
10 sibling relationships and/or facilitate contact in accordance with the
11 best interests of each child, and what actions the agency will take to
12 maintain parent-child ties. All aspects of the plan shall include the
13 goal of achieving permanence for the child.

14 (i) The agency plan shall specify what services the parents will be
15 offered to enable them to resume custody, what requirements the parents
16 must meet to resume custody, and a time limit for each service plan and
17 parental requirement.

18 (ii) The agency shall encourage the maximum parent-child contact
19 possible, including regular visitation and participation by the parents
20 in the care of the child while the child is in placement. Visitation
21 may be limited or denied only if the court determines that such
22 limitation or denial is necessary to protect the child's health,
23 safety, or welfare.

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

28 (iv) The agency charged with supervising a child in placement shall
29 provide all reasonable services that are available within the agency,
30 or within the community, or those services which the department has
31 existing contracts to purchase. It shall report to the court if it is
32 unable to provide such services; and

33 (c) If the court has ordered, pursuant to RCW 13.34.130(3), that a
34 termination petition be filed, a specific plan as to where the child
35 will be placed, what steps will be taken to achieve permanency for the
36 child, services to be offered or provided to the child, and, if
37 visitation would be in the best interests of the child, a
38 recommendation to the court regarding visitation between parent and
39 child pending a fact-finding hearing on the termination petition. The

1 agency shall not be required to develop a plan of services for the
2 parents or provide services to the parents if the court orders a
3 termination petition be filed.

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

10 **Sec. 7.** RCW 13.34.260 and 2000 c 122 s 32 are each amended to read
11 as follows:

12 In an attempt to minimize the inherent intrusion in the lives of
13 families involved in the foster care system and to maintain parental
14 authority where appropriate, the department, absent good cause, shall
15 follow the wishes of the natural parent regarding the placement of the
16 child. Preferences such as family constellation, sibling
17 relationships, ethnicity, and religion shall be considered when
18 matching children to foster homes. Parental authority is appropriate
19 in areas that are not connected with the abuse or neglect that resulted
20 in the dependency and shall be integrated through the foster care team.
21 For purposes of this section, "foster care team" means the foster
22 parent currently providing care, the currently assigned social worker,
23 and the parent or parents.

24 **Sec. 8.** RCW 74.13.065 and 1995 c 311 s 26 are each amended to read
25 as follows:

26 (1) The department, or agency responsible for supervising a child
27 in out-of-home care, shall conduct a social study whenever a child is
28 placed in out-of-home care under the supervision of the department or
29 other agency. The study shall be conducted prior to placement, or, if
30 it is not feasible to conduct the study prior to placement due to the
31 circumstances of the case, the study shall be conducted as soon as
32 possible following placement.

33 (2) The social study shall include, but not be limited to, an
34 assessment of the following factors:

- 35 (a) The physical and emotional strengths and needs of the child;
36 (b) Emotional bonds with siblings and the need to maintain regular
37 sibling contacts;

1 ~~(c)~~ (c) The proximity of the child's placement to the child's family to
2 aid reunification;
3 ~~((e))~~ (d) The possibility of placement with the child's relatives
4 or extended family;
5 ~~((d))~~ (e) The racial, ethnic, cultural, and religious background
6 of the child;
7 ~~((e))~~ (f) The least-restrictive, most family-like placement
8 reasonably available and capable of meeting the child's needs; and
9 ~~((f))~~ (g) Compliance with RCW 13.34.260 regarding parental
10 preferences for placement of their children."

11 **SSB 6702** - S AMD 516
12 By Senators Stevens, Hargrove and Long

13 ADOPTED 02/14/02

14 On page 1, line 1 of the title, after "relationships;" strike the
15 remainder of the title and insert "amending RCW 13.34.025, 13.34.030,
16 13.34.060, 13.34.130, 13.34.136, 13.34.260, and 74.13.065; and creating
17 a new section."

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