

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5779

Chapter 227, Laws of 2003

58th Legislature
2003 Regular Session

DEPENDENT CHILDREN--SIBLINGS

EFFECTIVE DATE: 7/27/03

Passed by the Senate April 21, 2003
YEAS 43 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 14, 2003
YEAS 93 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 12, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
**ENGROSSED SUBSTITUTE SENATE BILL
5779** as passed by the Senate and
the House of Representatives on
the dates hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

May 12, 2003 - 4:05 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5779

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senate Committee on Children & Family Services & Corrections
(originally sponsored by Senators Stevens, Hargrove, Kohl-Welles,
McAuliffe, Winsley and Oke)

READ FIRST TIME 02/24/03.

1 AN ACT Relating to sibling relationships for dependent children;
2 amending RCW 13.34.030, 13.34.130, 13.34.136, 13.34.138, 13.34.200, and
3 13.34.210; reenacting and amending RCW 13.34.145; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
7 recognize the importance of emotional ties formed by siblings with each
8 other, especially in those circumstances which warrant court
9 intervention into family relationships. It is the intent of the
10 legislature to encourage the courts and public agencies which deal with
11 families to acknowledge and give thoughtful consideration to the
12 quality and nature of sibling relationships when intervening in family
13 relationships. It is not the intent of the legislature to create legal
14 obligations or responsibilities between siblings and other family
15 members whether by blood or marriage, step families, foster families,
16 or adopted families that do not already exist. Neither is it the
17 intent of the legislature to mandate sibling placement, contact, or
18 visitation if there is reasonable cause to believe that the health,
19 safety, or welfare of a child or siblings would be jeopardized.

1 Finally, it is not the intent of the legislature to manufacture or
2 anticipate family relationships which do not exist at the time of the
3 court intervention, or to disrupt already existing positive family
4 relationships.

5 **Sec. 2.** RCW 13.34.030 and 2002 c 52 s 3 are each amended to read
6 as follows:

7 For purposes of this chapter:

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

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

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

26 (4) "Dependency guardian" means the person, nonprofit corporation,
27 or Indian tribe appointed by the court pursuant to this chapter for the
28 limited purpose of assisting the court in the supervision of the
29 dependency.

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

31 (a) Has been abandoned;

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

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

1 (6) "Developmental disability" means a disability attributable to
2 mental retardation, cerebral palsy, epilepsy, autism, or another
3 neurological or other condition of an individual found by the secretary
4 to be closely related to mental retardation or to require treatment
5 similar to that required for individuals with mental retardation, which
6 disability originates before the individual attains age eighteen, which
7 has continued or can be expected to continue indefinitely, and which
8 constitutes a substantial handicap to the individual.

9 (7) "Guardian" means the person or agency that: (a) Has been
10 appointed as the guardian of a child in a legal proceeding other than
11 a proceeding under this chapter; and (b) has the legal right to custody
12 of the child pursuant to such appointment. The term "guardian" shall
13 not include a "dependency guardian" appointed pursuant to a proceeding
14 under this chapter.

15 (8) "Guardian ad litem" means a person, appointed by the court to
16 represent the best interests of a child in a proceeding under this
17 chapter, or in any matter which may be consolidated with a proceeding
18 under this chapter. A "court-appointed special advocate" appointed by
19 the court to be the guardian ad litem for the child, or to perform
20 substantially the same duties and functions as a guardian ad litem,
21 shall be deemed to be guardian ad litem for all purposes and uses of
22 this chapter.

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

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

32 (a) Receiving one of the following types of public assistance:
33 Temporary assistance for needy families, general assistance, poverty-
34 related veterans' benefits, food stamps or food stamp benefits
35 transferred electronically, refugee resettlement benefits, medicaid, or
36 supplemental security income; or

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

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

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

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

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

17 (13) "Shelter care" means temporary physical care in a facility
18 licensed pursuant to RCW 74.15.030 or in a home not required to be
19 licensed pursuant to RCW 74.15.030.

20 (14) "Sibling" means a child's birth brother, birth sister,
21 adoptive brother, adoptive sister, half-brother, or half-sister, or as
22 defined by the law or custom of the Indian child's tribe for an Indian
23 child as defined in 25 U.S.C. Sec. 1903(4).

24 (15) "Social study" means a written evaluation of matters relevant
25 to the disposition of the case and shall contain the following
26 information:

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

29 (b) A description of the specific services and activities, for both
30 the parents and child, that are needed in order to prevent serious harm
31 to the child; the reasons why such services and activities are likely
32 to be useful; the availability of any proposed services; and the
33 agency's overall plan for ensuring that the services will be delivered.
34 The description shall identify the services chosen and approved by the
35 parent;

36 (c) If removal is recommended, a full description of the reasons
37 why the child cannot be protected adequately in the home, including a
38 description of any previous efforts to work with the parents and the

1 child in the home; the in-home treatment programs that have been
2 considered and rejected; the preventive services that have been offered
3 or provided and have failed to prevent the need for out-of-home
4 placement, unless the health, safety, and welfare of the child cannot
5 be protected adequately in the home; and the parents' attitude toward
6 placement of the child;

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

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

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

16 **Sec. 3.** RCW 13.34.130 and 2002 c 52 s 5 are each amended to read
17 as follows:

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

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

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

33 (b) Order the child to be removed from his or her home and into the
34 custody, control, and care of a relative or the department or a
35 licensed child placing agency for placement in a foster family home or
36 group care facility licensed pursuant to chapter 74.15 RCW or in a home
37 not required to be licensed pursuant to chapter 74.15 RCW. Unless

1 there is reasonable cause to believe that the health, safety, or
2 welfare of the child would be jeopardized or that efforts to reunite
3 the parent and child will be hindered, such child shall be placed with
4 a person who is: (i) Related to the child as defined in RCW
5 74.15.020(2)(a) with whom the child has a relationship and is
6 comfortable; and (ii) willing and available to care for the child.

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

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

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

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

26 (3) If the court has ordered a child removed from his or her home
27 pursuant to subsection (1)(b) of this section, the court shall consider
28 whether it is in ~~((the))~~ a child's best interest to be placed with,
29 have contact with, or have visits with siblings. ~~((The court must
30 consider ordering that such contact or visits take place))~~

31 (a) There shall be a presumption that such placement, contact, or
32 visits are in the best interests of the child provided that:

33 ~~((+a))~~ (i) The court has jurisdiction over all siblings subject to
34 the order of placement, contact, or visitation pursuant to petitions
35 filed under this chapter or the parents of a child for whom there is no
36 jurisdiction are willing to agree; and

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

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

7 (b) The court may also order placement, contact, or visitation of
8 a child with a step-brother or step-sister provided that in addition to
9 the factors in (a) of this subsection, the child has a relationship and
10 is comfortable with the step-sibling.

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

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

32 **Sec. 4.** RCW 13.34.136 and 2002 c 52 s 6 are each amended to read
33 as follows:

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

36 (a) A permanency plan of care that shall identify one of the
37 following outcomes as a primary goal and may identify additional

1 outcomes as alternative goals: Return of the child to the home of the
2 child's parent, guardian, or legal custodian; adoption; guardianship;
3 permanent legal custody; long-term relative or foster care, until the
4 child is age eighteen, with a written agreement between the parties and
5 the care provider; successful completion of a responsible living skills
6 program; or independent living, if appropriate and if the child is age
7 sixteen or older. The department shall not discharge a child to an
8 independent living situation before the child is eighteen years of age
9 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

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

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

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

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

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

37 (c) If the court has ordered, pursuant to RCW 13.34.130(~~(+3)~~) (4),
38 that a termination petition be filed, a specific plan as to where the

1 child will be placed, what steps will be taken to achieve permanency
2 for the child, services to be offered or provided to the child, and, if
3 visitation would be in the best interests of the child, a
4 recommendation to the court regarding visitation between parent and
5 child pending a fact-finding hearing on the termination petition. The
6 agency shall not be required to develop a plan of services for the
7 parents or provide services to the parents if the court orders a
8 termination petition be filed. However, reasonable efforts to ensure
9 visitation and contact between siblings shall be made unless there is
10 reasonable cause to believe the best interests of the child or siblings
11 would be jeopardized.

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

18 (3) The court shall consider the child's relationships with the
19 child's siblings in accordance with RCW 13.34.130(3).

20 **Sec. 5.** RCW 13.34.138 and 2001 c 332 s 5 are each amended to read
21 as follows:

22 (1) Except for children whose cases are reviewed by a citizen
23 review board under chapter 13.70 RCW, the status of all children found
24 to be dependent shall be reviewed by the court at least every six
25 months from the beginning date of the placement episode or the date
26 dependency is established, whichever is first, at a hearing in which it
27 shall be determined whether court supervision should continue. The
28 initial review hearing shall be an in-court review and shall be set six
29 months from the beginning date of the placement episode or no more than
30 ninety days from the entry of the disposition order, whichever comes
31 first. The initial review hearing may be a permanency planning hearing
32 when necessary to meet the time frames set forth in RCW 13.34.145(3) or
33 13.34.134. The review shall include findings regarding the agency and
34 parental completion of disposition plan requirements, and if necessary,
35 revised permanency time limits. This review shall consider both the
36 agency's and parent's efforts that demonstrate consistent measurable
37 progress over time in meeting the disposition plan requirements. The

1 requirements for the initial review hearing, including the in-court
2 requirement, shall be accomplished within existing resources. The
3 supervising agency shall provide a foster parent, preadoptive parent,
4 or relative with notice of, and their right to an opportunity to be
5 heard in, a review hearing pertaining to the child, but only if that
6 person is currently providing care to that child at the time of the
7 hearing. This section shall not be construed to grant party status to
8 any person who has been provided an opportunity to be heard.

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

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

18 (i) Whether reasonable services have been provided to or offered to
19 the parties to facilitate reunion, specifying the services provided or
20 offered;

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

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

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

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

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

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

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

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

3 (2) The court's ability to order housing assistance under RCW
4 13.34.130 and this section is: (a) Limited to cases in which
5 homelessness or the lack of adequate and safe housing is the primary
6 reason for an out-of-home placement; and (b) subject to the
7 availability of funds appropriated for this specific purpose.

8 (3) The court shall consider the child's relationship with siblings
9 in accordance with RCW 13.34.130(3).

10 **Sec. 6.** RCW 13.34.145 and 2000 c 135 s 4 and 2000 c 122 s 20 are
11 each reenacted and amended to read as follows:

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

19 (a) Whenever a child is placed in out-of-home care pursuant to RCW
20 13.34.130, the agency that has custody of the child shall provide the
21 court with a written permanency plan of care directed towards securing
22 a safe, stable, and permanent home for the child as soon as possible.
23 The plan shall identify one of the following outcomes as the primary
24 goal and may also identify additional outcomes as alternative goals:
25 Return of the child to the home of the child's parent, guardian, or
26 legal custodian; adoption; guardianship; permanent legal custody; long-
27 term relative or foster care, until the child is age eighteen, with a
28 written agreement between the parties and the care provider; a
29 responsible living skills program; and independent living, if
30 appropriate and if the child is age sixteen or older and the provisions
31 of subsection (2) of this section are met.

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

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

1 been identified as the primary permanency planning goal, it shall be a
2 goal to complete the adoption within six months following entry of the
3 termination order.

4 (d) For purposes related to permanency planning:

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

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

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

13 (2) 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, personal, social, educational,
21 and nonfinancial affairs. The department shall not discharge a child
22 to an independent living situation before the child is eighteen years
23 of age unless the child becomes emancipated pursuant to chapter 13.64
24 RCW.

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

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

1 guardian, or legal custodian, an adoption decree, guardianship order,
2 or a permanent custody order is entered, or the dependency is
3 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 13.34.138 and shall review the permanency
10 plan prepared by the agency. If the child has resided in the home of
11 a foster parent or relative for more than six months prior to the
12 permanency planning hearing, the court shall also enter a finding
13 regarding whether the foster parent or relative was informed of the
14 hearing as required in RCW 74.13.280 and 13.34.138. If a goal of long-
15 term foster or relative care has been achieved prior to the permanency
16 planning hearing, the court shall review the child's status to
17 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 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 13.34.138, and the court
35 shall determine the need for continued intervention.

36 (8) The juvenile court may hear a petition for permanent legal
37 custody when: (a) The court has ordered implementation of a permanency
38 plan that includes permanent legal custody; and (b) the party pursuing

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

10 (9) Continued juvenile court jurisdiction under this chapter shall
11 not be a barrier to the entry of an order establishing a legal
12 guardianship or permanent legal custody when the requirements of
13 subsection (8) of this section are met.

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

19 (11) Except as provided in RCW 13.34.235, the status of all
20 dependent children shall continue to be reviewed by the court at least
21 once every six months, in accordance with RCW 13.34.138, until the
22 dependency is dismissed. Prior to the second permanency planning
23 hearing, the agency that has custody of the child shall consider
24 whether to file a petition for termination of parental rights.

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

34 (13) The approval of a permanency plan that does not contemplate
35 return of the child to the parent does not relieve the supervising
36 agency of its obligation to provide reasonable services, under this
37 chapter, intended to effectuate the return of the child to the parent,

1 including but not limited to, visitation rights. The court shall
2 consider the child's relationships with siblings in accordance with RCW
3 13.34.130.

4 (14) Nothing in this chapter may be construed to limit the
5 procedural due process rights of any party in a termination or
6 guardianship proceeding filed under this chapter.

7 **Sec. 7.** RCW 13.34.200 and 2000 c 122 s 27 are each amended to read
8 as follows:

9 (1) Upon the termination of parental rights pursuant to RCW
10 13.34.180, all rights, powers, privileges, immunities, duties, and
11 obligations, including any rights to custody, control, visitation, or
12 support existing between the child and parent shall be severed and
13 terminated and the parent shall have no standing to appear at any
14 further legal proceedings concerning the child: PROVIDED, That any
15 support obligation existing prior to the effective date of the order
16 terminating parental rights shall not be severed or terminated. The
17 rights of one parent may be terminated without affecting the rights of
18 the other parent and the order shall so state.

19 (2) An order terminating the parent and child relationship shall
20 not disentitle a child to any benefit due the child from any third
21 person, agency, state, or the United States, nor shall any action under
22 this chapter be deemed to affect any rights and benefits that an Indian
23 child derives from the child's descent from a member of a federally
24 recognized Indian tribe.

25 (3) An order terminating the parent-child relationship shall
26 include a statement addressing the status of the child's sibling
27 relationships and the nature and extent of sibling placement, contact,
28 or visits.

29 **Sec. 8.** RCW 13.34.210 and 2000 c 122 s 28 are each amended to read
30 as follows:

31 If, upon entering an order terminating the parental rights of a
32 parent, there remains no parent having parental rights, the court shall
33 commit the child to the custody of the department or to a licensed
34 child-placing agency willing to accept custody for the purpose of
35 placing the child for adoption. If an adoptive home has not been
36 identified, the department or agency shall place the child in a

1 licensed foster home, or take other suitable measures for the care and
2 welfare of the child. The custodian shall have authority to consent to
3 the adoption of the child consistent with chapter 26.33 RCW, the
4 marriage of the child, the enlistment of the child in the armed forces
5 of the United States, necessary surgical and other medical treatment
6 for the child, and to consent to such other matters as might normally
7 be required of the parent of the child.

8 If a child has not been adopted within six months after the date of
9 the order and a guardianship of the child under RCW 13.34.231 or
10 chapter 11.88 RCW, or a permanent custody order under chapter 26.10
11 RCW, has not been entered by the court, the court shall review the case
12 every six months until a decree of adoption is entered except for those
13 cases which are reviewed by a citizen review board under chapter 13.70
14 RCW. The supervising agency shall take reasonable steps to ensure that
15 the child maintains relationships with siblings as provided in RCW
16 13.34.130(3) and shall report to the court the status and extent of
17 such relationships.

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