
SENATE BILL 5381

State of Washington

60th Legislature

2007 Regular Session

By Senators Hargrove, Stevens, Regala, McAuliffe and Shin

Read first time 01/18/2007. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to dependent children; amending RCW 13.34.138 and
2 13.34.025; adding a new section to chapter 26.44 RCW; adding a new
3 section to chapter 43.101 RCW; adding a new section to chapter 13.34
4 RCW; and creating a new section.

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

6 **Sec. 1.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read
7 as follows:

8 (1) Except for children whose cases are reviewed by a citizen
9 review board under chapter 13.70 RCW, the status of all children found
10 to be dependent shall be reviewed by the court at least every six
11 months from the beginning date of the placement episode or the date
12 dependency is established, whichever is first, at a hearing in which it
13 shall be determined whether court supervision should continue. The
14 initial review hearing shall be an in-court review and shall be set six
15 months from the beginning date of the placement episode or no more than
16 ninety days from the entry of the disposition order, whichever comes
17 first. The initial review hearing may be a permanency planning hearing
18 when necessary to meet the time frames set forth in RCW 13.34.145(3) or
19 13.34.134. The review shall include findings regarding the agency and

1 parental completion of disposition plan requirements, and if necessary,
2 revised permanency time limits. This review shall consider both the
3 agency's and parent's efforts that demonstrate consistent measurable
4 progress over time in meeting the disposition plan requirements. The
5 requirements for the initial review hearing, including the in-court
6 requirement, shall be accomplished within existing resources. The
7 supervising agency shall provide a foster parent, preadoptive parent,
8 or relative with notice of, and their right to an opportunity to be
9 heard in, a review hearing pertaining to the child, but only if that
10 person is currently providing care to that child at the time of the
11 hearing. This section shall not be construed to grant party status to
12 any person who has been provided an opportunity to be heard.

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

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

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

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

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

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

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

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

37 (vii) Whether additional services, including housing assistance,

1 are needed to facilitate the return of the child to the child's
2 parents; if so, the court shall order that reasonable services be
3 offered specifying such services; and

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

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

8 (2)(a) In any case in which the court orders that a dependent child
9 may be returned to or remain in the child's home, the in-home placement
10 shall be contingent upon the following:

11 (i) The compliance of the parents with court orders related to the
12 care and supervision of the child, including compliance with an agency
13 case plan; and

14 (ii) The continued participation of the parents, if applicable, in
15 available substance abuse or mental health treatment if substance abuse
16 or mental illness was a contributing factor to the removal of the
17 child.

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

20 (i) Noncompliance by the parents with the agency case plan or court
21 order;

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

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

30 (c) In any case in which the court orders that a dependent child
31 may be returned home and that child is later removed from the home, the
32 court shall hold a review hearing within thirty days from the date of
33 removal to determine whether the permanency plan should be changed, a
34 termination petition should be filed, or other action is warranted.
35 The best interests of the child shall be the court's primary
36 consideration in the review hearing.

37 (3) The court's ability to order housing assistance under RCW
38 13.34.130 and this section is: (a) Limited to cases in which

1 homelessness or the lack of adequate and safe housing is the primary
2 reason for an out-of-home placement; and (b) subject to the
3 availability of funds appropriated for this specific purpose.

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

6 **Sec. 2.** RCW 13.34.025 and 2002 c 52 s 2 are each amended to read
7 as follows:

8 (1) The department of social and health services shall develop
9 methods for coordination of services to parents and children in child
10 dependency cases. To the maximum extent possible under current funding
11 levels, the department must:

12 ((+1)) (a) Coordinate and integrate services to children and
13 families, using service plans and activities that address the
14 children's and families' multiple needs, including ensuring that
15 siblings have regular visits with each other, as appropriate.
16 Assessment criteria should screen for multiple needs;

17 ((+2)) (b) Grant priority access to court-ordered services, such
18 as mental health services, domestic violence treatment, parent-child
19 therapy, and parenting classes to parents who are defendants in
20 dependency proceedings, providing funds for such services if the parent
21 is unable to pay;

22 (c) Develop treatment plans for the individual needs of the client
23 in a manner that minimizes the number of contacts the client is
24 required to make; and

25 ((+3)) (d) Access training for department staff to increase skills
26 across disciplines to assess needs for mental health, substance abuse,
27 developmental disabilities, and other areas.

28 (2) If the department determines that a child's primary caregiver
29 must engage in services necessary to ensure the safety of the child,
30 and the primary caregiver fails to engage in those services, then the
31 department must notify the court that the primary caregiver has failed
32 to engage in the necessary services.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 26.44 RCW
34 to read as follows:

35 (1) Each agency involved in investigating child abuse and neglect
36 shall document its role in handling cases and how it will coordinate

1 with other local agencies or systems, and shall adopt a local protocol
2 based on the state guidelines. The department of social and health
3 services and local law enforcement agencies may include other agencies
4 and systems that are involved with child abuse and neglect victims in
5 the multidisciplinary coordination.

6 (2) Each county shall develop a written protocol for handling
7 criminal child abuse and neglect investigations. The protocol shall
8 address the coordination of child abuse and neglect investigations
9 between the prosecutor's office, law enforcement, the department, local
10 advocacy groups, and any other local agency involved in the criminal
11 investigation of child abuse and neglect, including those
12 investigations involving multiple victims and multiple offenders. The
13 protocol shall be developed by the prosecuting attorney with the
14 assistance of the agencies referenced in this subsection.

15 (3) Local protocols under this section shall be adopted and in
16 place by July 1, 2008, and shall be submitted to the legislature prior
17 to that date.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101 RCW
19 to read as follows:

20 (1) The commission, in consultation with the department of social
21 and health services, the Washington association of sheriffs and police
22 chiefs, and the Washington association of prosecuting attorneys, shall
23 develop a curriculum related to child abuse and neglect to be included
24 in the basic law enforcement training that must be successfully
25 completed within the first fifteen months of employment of all law
26 enforcement personnel.

27 (2) The curriculum must be incorporated into the basic law
28 enforcement training program by July 1, 2008.

29 NEW SECTION. **Sec. 5.** (1) The department of social and health
30 services shall convene a work group, including representatives of the
31 children's administration and the mental health division, to analyze
32 gaps throughout the state in the availability and accessibility of
33 services identified in the federal adoption and safe families act as it
34 existed on the effective date of this section.

35 (2) The department of social and health services shall submit to

1 appropriate committees of the legislature a final report and
2 recommendations by December 1, 2007.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.34 RCW
4 to read as follows:

5 (1) The administrative office of the courts, in consultation with
6 the attorney general's office and the department of social and health
7 services, shall compile an annual report, providing information about
8 cases that fail to meet statutory guidelines to achieve permanency for
9 dependent children.

10 (2) The administrative office of the courts shall submit the annual
11 report required by this section to appropriate committees of the
12 legislature by December 1st of each year, beginning on December 1,
13 2007.

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