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HOUSE BILL 2027

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By Representatives Corry, Frame, Dent, Klippert, Griffey, McCaslin, Graham, Chambers, and Eslick

Read first time 02/13/19. Referred to Committee on Human Services & Early Learning.

1 AN ACT Relating to including foster parents and other caregivers  
2 in the definition of another suitable person; and amending RCW  
3 13.34.130 and 74.13.600.

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

5 **Sec. 1.** RCW 13.34.130 and 2018 c 284 s 10 are each amended to  
6 read as follows:

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

13 (1) The court shall order one of the following dispositions of  
14 the case:

15 (a) Order a disposition that maintains the child in his or her  
16 home, which shall provide a program designed to alleviate the  
17 immediate danger to the child, to mitigate or cure any damage the  
18 child has already suffered, and to aid the parents so that the child  
19 will not be endangered in the future. In determining the disposition,  
20 the court should choose services to assist the parents in maintaining  
21 the child in the home, including housing assistance, if appropriate,

1 that least interfere with family autonomy and are adequate to protect  
2 the child.

3 (b) (i) Order the child to be removed from his or her home and  
4 into the custody, control, and care of a relative or other suitable  
5 person, the department, or agency responsible for supervision of the  
6 child's placement. If the court orders that the child be placed with  
7 a caregiver over the objections of the parent or the department, the  
8 court shall articulate, on the record, his or her reasons for  
9 ordering the placement. The court may not order an Indian child, as  
10 defined in RCW 13.38.040, to be removed from his or her home unless  
11 the court finds, by clear and convincing evidence including testimony  
12 of qualified expert witnesses, that the continued custody of the  
13 child by the parent or Indian custodian is likely to result in  
14 serious emotional or physical damage to the child.

15 (ii) The department has the authority to place the child, subject  
16 to review and approval by the court (A) with a relative as defined in  
17 RCW 74.15.020(2)(a), (B) in the home of another suitable person if  
18 the child or family has a preexisting relationship with that person,  
19 which includes a foster parent or other caregiver who has cared for a  
20 child under three years of age for nine months or more, and the  
21 person has completed all required criminal history background checks  
22 and otherwise appears to the department to be suitable and competent  
23 to provide care for the child, or (C) in a foster family home or  
24 group care facility licensed pursuant to chapter 74.15 RCW.

25 (iii) The department may also consider placing the child, subject  
26 to review and approval by the court, with a person with whom the  
27 child's sibling or half-sibling is residing or a person who has  
28 adopted the sibling or half-sibling of the child being placed as long  
29 as the person has completed all required criminal history background  
30 checks and otherwise appears to the department to be competent to  
31 provide care for the child.

32 (2) Absent good cause, the department shall follow the wishes of  
33 the natural parent regarding the placement of the child in accordance  
34 with RCW 13.34.260.

35 (3) The department may only place a child with a person not  
36 related to the child as defined in RCW 74.15.020(2)(a), including a  
37 placement provided for in subsection (1)(b)(iii) of this section,  
38 when the court finds that such placement is in the best interest of  
39 the child. Unless there is reasonable cause to believe that the  
40 health, safety, or welfare of the child would be jeopardized or that

1 efforts to reunite the parent and child will be hindered, the child  
2 shall be placed with a person who is willing, appropriate, and  
3 available to care for the child, and who is: (I) Related to the child  
4 as defined in RCW 74.15.020(2)(a) with whom the child has a  
5 relationship and is comfortable; or (II) a suitable person as  
6 described in subsection (1)(b) of this section. The court shall  
7 consider the child's existing relationships and attachments when  
8 determining placement.

9 (4) When placing an Indian child in out-of-home care, the  
10 department shall follow the placement preference characteristics in  
11 RCW 13.38.180.

12 (5) Placement of the child with a relative or other suitable  
13 person as described in subsection (1)(b) of this section shall be  
14 given preference by the court. An order for out-of-home placement may  
15 be made only if the court finds that reasonable efforts have been  
16 made to prevent or eliminate the need for removal of the child from  
17 the child's home and to make it possible for the child to return  
18 home, specifying the services, including housing assistance, that  
19 have been provided to the child and the child's parent, guardian, or  
20 legal custodian, and that preventive services have been offered or  
21 provided and have failed to prevent the need for out-of-home  
22 placement, unless the health, safety, and welfare of the child cannot  
23 be protected adequately in the home, and that:

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

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

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

32 (6) If the court has ordered a child removed from his or her home  
33 pursuant to subsection (1)(b) of this section, the court shall  
34 consider whether it is in a child's best interest to be placed with,  
35 have contact with, or have visits with siblings.

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

38 (i) The court has jurisdiction over all siblings subject to the  
39 order of placement, contact, or visitation pursuant to petitions

1 filed under this chapter or the parents of a child for whom there is  
2 no jurisdiction are willing to agree; and

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

9 (b) The court may also order placement, contact, or visitation of  
10 a child with a stepbrother or stepsister provided that in addition to  
11 the factors in (a) of this subsection, the child has a relationship  
12 and is comfortable with the stepsibling.

13 (7) If the court has ordered a child removed from his or her home  
14 pursuant to subsection (1)(b) of this section and placed into  
15 nonparental or nonrelative care, the court shall order a placement  
16 that allows the child to remain in the same school he or she attended  
17 prior to the initiation of the dependency proceeding when such a  
18 placement is practical and in the child's best interest.

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

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

1 shall be grounds for removal of the child from the relative's or  
2 other suitable person's home, subject to review by the court.

3 **Sec. 2.** RCW 74.13.600 and 2018 c 284 s 61 are each amended to  
4 read as follows:

5 (1) For the purposes of this section, "kin" means ~~((persons))~~  
6 any:

7 (a) Person eighteen years of age or older to whom the child is  
8 related by blood, adoption, or marriage, including marriages that  
9 have been dissolved ~~((, and means: (a) Any))~~;

10 (b) Person denoted by the prefix "grand" or "great"; ~~((b))~~

11 (c) Sibling, whether full, half, or step; ~~((e))~~

12 (d) Uncle or aunt; ~~((d))~~

13 (e) Nephew or niece; ~~((e))~~

14 (f) First cousin; or

15 (g) Foster parent or other caregiver who has cared for a child  
16 under three years of age for nine months or more.

17 (2) The department shall plan, design, and implement strategies  
18 to prioritize the placement of children with willing and able kin  
19 when out-of-home placement is required.

20 These strategies must include at least the following:

21 (a) Development of standardized, statewide procedures to be used  
22 when searching for kin of children prior to out-of-home placement.  
23 The procedures must include a requirement that documentation be  
24 maintained in the child's case record that identifies kin, and  
25 documentation that identifies the assessment criteria and procedures  
26 that were followed during all kin searches. The procedures must be  
27 used when a child is placed in out-of-home care under authority of  
28 chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or  
29 when a child is placed under a voluntary placement agreement. To  
30 assist with implementation of the procedures, the department shall  
31 request that the juvenile court require parents to disclose to the  
32 department all contact information for available and appropriate kin  
33 within two weeks of an entered order. For placements under signed  
34 voluntary agreements, the department shall encourage the parents to  
35 disclose to the department all contact information for available and  
36 appropriate kin within two weeks of the date the parent signs the  
37 voluntary placement agreement.

1 (b) Development of procedures for conducting active outreach  
2 efforts to identify and locate kin during all searches. The  
3 procedures must include at least the following elements:

4 (i) Reasonable efforts to interview known kin, friends, teachers,  
5 and other identified community members who may have knowledge of the  
6 child's kin, within sixty days of the child entering out-of-home  
7 care;

8 (ii) Increased use of those procedures determined by research to  
9 be the most effective methods of promoting reunification efforts,  
10 permanency planning, and placement decisions;

11 (iii) Contacts with kin identified through outreach efforts and  
12 interviews under this subsection as part of permanency planning  
13 activities and change of placement discussions;

14 (iv) Establishment of a process for ongoing contact with kin who  
15 express interest in being considered as a placement resource for the  
16 child; and

17 (v) A requirement that when the decision is made to not place the  
18 child with any kin, the department provides documentation as part of  
19 the child's individual service and safety plan that clearly  
20 identifies the rationale for the decision and corrective action or  
21 actions the kin must take to be considered as a viable placement  
22 option.

23 (3) Nothing in this section shall be construed to create an  
24 entitlement to services or to create judicial authority to order the  
25 provision of services to any person or family if the services are  
26 unavailable or unsuitable or the child or family is not eligible for  
27 such services.

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