

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1900

66th Legislature
2019 Regular Session

Passed by the House April 18, 2019
Yeas 94 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 11, 2019
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1900** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1900

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By Representatives Callan, Dent, Senn, Appleton, Doglio, Davis, Pollet, Frame, and Jinkins; by request of Department of Children, Youth, and Families

Read first time 02/05/19. Referred to Committee on Human Services & Early Learning.

1 AN ACT Relating to implementing the family first prevention
2 services act, P.L. 115-123, regarding expansion of services to
3 children and families; amending RCW 13.34.025, 26.44.030, 74.14C.020,
4 74.15.020, 13.34.065, 13.34.130, 13.34.138, and 13.34.145; reenacting
5 and amending RCW 13.34.030, 26.44.020, 74.13.020, and 74.13.031;
6 adding new sections to chapter 13.34 RCW; adding a new section to
7 chapter 26.44 RCW; adding a new section to chapter 74.13 RCW; and
8 providing an effective date.

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

10 **Sec. 1.** RCW 13.34.025 and 2018 c 284 s 1 are each amended to
11 read as follows:

12 (1) The department and agencies shall develop methods for
13 coordination of services to parents and children in child dependency
14 cases. To the maximum extent possible under current funding levels,
15 the department and agencies must:

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

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

4 (c) Access training for department and agency staff to increase
5 skills across disciplines to assess needs for mental health,
6 substance abuse, developmental disabilities, and other areas.

7 (2) The department shall coordinate within the administrations of
8 the department, and with contracted service providers, to ensure that
9 parents in dependency proceedings under this chapter receive priority
10 access to remedial services recommended by the department in its
11 social study or ordered by the court for the purpose of correcting
12 any parental deficiencies identified in the dependency proceeding
13 that are capable of being corrected in the foreseeable future.
14 Services may also be provided to caregivers other than the parents as
15 identified in RCW 13.34.138.

16 (a) For purposes of this chapter, remedial services are those
17 services defined in the federal adoption and safe families act as
18 (~~time-limited~~) family reunification services that facilitate the
19 reunification of the child safely and appropriately within a timely
20 fashion. Remedial services include individual, group, and family
21 counseling; substance abuse treatment services; mental health
22 services; assistance to address domestic violence; services designed
23 to provide temporary child care and therapeutic services for
24 families; and transportation to or from any of the above services and
25 activities.

26 (b) The department shall provide funds for remedial services if
27 the parent is unable to pay to the extent funding is appropriated in
28 the operating budget or otherwise available to the department for
29 such specific services. As a condition for receiving funded remedial
30 services, the court may inquire into the parent's ability to pay for
31 all or part of such services or may require that the parent make
32 appropriate applications for funding to alternative funding sources
33 for such services.

34 (c) If court-ordered remedial services are unavailable for any
35 reason, including lack of funding, lack of services, or language
36 barriers, the department shall promptly notify the court that the
37 parent is unable to engage in the treatment due to the inability to
38 access such services.

39 (d) This section does not create an entitlement to services and
40 does not create judicial authority to order the provision of services

1 except for the specific purpose of making reasonable efforts to
2 remedy parental deficiencies identified in a dependency proceeding
3 under this chapter.

4 **Sec. 2.** RCW 13.34.030 and 2018 c 284 s 3 and 2018 c 58 s 54 are
5 each reenacted and amended to read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

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," "juvenile," and "youth" mean:

18 (a) Any individual under the age of eighteen years; or

19 (b) Any individual age eighteen to twenty-one years who is
20 eligible to receive and who elects to receive the extended foster
21 care services authorized under RCW 74.13.031. A youth who remains
22 dependent and who receives extended foster care services under RCW
23 74.13.031 shall not be considered a "child" under any other statute
24 or for any other purpose.

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

32 (4) "Department" means the department of children, youth, and
33 families.

34 (5) "Dependency guardian" means the person, nonprofit
35 corporation, or Indian tribe appointed by the court pursuant to this
36 chapter for the limited purpose of assisting the court in the
37 supervision of the dependency.

38 (6) "Dependent child" means any child who:

39 (a) Has been abandoned;

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

3 (c) Has no parent, guardian, or custodian capable of adequately
4 caring for the child, such that the child is in circumstances which
5 constitute a danger of substantial damage to the child's
6 psychological or physical development; or

7 (d) Is receiving extended foster care services, as authorized by
8 RCW 74.13.031.

9 (7) "Developmental disability" means a disability attributable to
10 intellectual disability, cerebral palsy, epilepsy, autism, or another
11 neurological or other condition of an individual found by the
12 secretary of the department of social and health services to be
13 closely related to an intellectual disability or to require treatment
14 similar to that required for individuals with intellectual
15 disabilities, which disability originates before the individual
16 attains age eighteen, which has continued or can be expected to
17 continue indefinitely, and which constitutes a substantial limitation
18 to the individual.

19 (8) "Educational liaison" means a person who has been appointed
20 by the court to fulfill responsibilities outlined in RCW 13.34.046.

21 (9) "Extended foster care services" means residential and other
22 support services the department is authorized to provide under RCW
23 74.13.031. These services may include placement in licensed,
24 relative, or otherwise approved care, or supervised independent
25 living settings; assistance in meeting basic needs; independent
26 living services; medical assistance; and counseling or treatment.

27 (10) "Guardian" means the person or agency that: (a) Has been
28 appointed as the guardian of a child in a legal proceeding, including
29 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
30 legal right to custody of the child pursuant to such appointment. The
31 term "guardian" does not include a "dependency guardian" appointed
32 pursuant to a proceeding under this chapter.

33 (11) "Guardian ad litem" means a person, appointed by the court
34 to represent the best interests of a child in a proceeding under this
35 chapter, or in any matter which may be consolidated with a proceeding
36 under this chapter. A "court-appointed special advocate" appointed by
37 the court to be the guardian ad litem for the child, or to perform
38 substantially the same duties and functions as a guardian ad litem,
39 shall be deemed to be guardian ad litem for all purposes and uses of
40 this chapter.

1 (12) "Guardian ad litem program" means a court-authorized
2 volunteer program, which is or may be established by the superior
3 court of the county in which such proceeding is filed, to manage all
4 aspects of volunteer guardian ad litem representation for children
5 alleged or found to be dependent. Such management shall include but
6 is not limited to: Recruitment, screening, training, supervision,
7 assignment, and discharge of volunteers.

8 (13) "Housing assistance" means appropriate referrals by the
9 department or other agencies to federal, state, local, or private
10 agencies or organizations, assistance with forms, applications, or
11 financial subsidies or other monetary assistance for housing. For
12 purposes of this chapter, "housing assistance" is not a remedial
13 service or (~~time-limited~~) family reunification service as described
14 in RCW 13.34.025(2).

15 (14) "Indigent" means a person who, at any stage of a court
16 proceeding, is:

17 (a) Receiving one of the following types of public assistance:
18 Temporary assistance for needy families, aged, blind, or disabled
19 assistance benefits, medical care services under RCW 74.09.035,
20 pregnant women assistance benefits, poverty-related veterans'
21 benefits, food stamps or food stamp benefits transferred
22 electronically, refugee resettlement benefits, medicaid, or
23 supplemental security income; or

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

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

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

32 (15) "Nonminor dependent" means any individual age eighteen to
33 twenty-one years who is participating in extended foster care
34 services authorized under RCW 74.13.031.

35 (16) "Out-of-home care" means placement in a foster family home
36 or group care facility licensed pursuant to chapter 74.15 RCW or
37 placement in a home, other than that of the child's parent, guardian,
38 or legal custodian, not required to be licensed pursuant to chapter
39 74.15 RCW.

1 (17) "Parent" means the biological or adoptive parents of a
2 child, or an individual who has established a parent-child
3 relationship under RCW (~~26.26.101~~) 26.26A.100, unless the legal
4 rights of that person have been terminated by a judicial proceeding
5 pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws
6 of another state or a federally recognized Indian tribe.

7 (18) "Prevention and family services and programs" means specific
8 mental health prevention and treatment services, substance abuse
9 prevention and treatment services, and in-home parent skill-based
10 programs that qualify for federal funding under the federal family
11 first prevention services act, P.L. 115-123. For purposes of this
12 chapter, prevention and family services and programs are not remedial
13 services or family reunification services as described in RCW
14 13.34.025(2).

15 (19) "((Preventive)) Prevention services" means preservation
16 services, as defined in chapter 74.14C RCW, and other reasonably
17 available services, including housing assistance, capable of
18 preventing the need for out-of-home placement while protecting the
19 child. Prevention services include, but are not limited to,
20 prevention and family services and programs as defined in this
21 section.

22 (20) "Qualified residential treatment program" means a program
23 licensed as a group care facility under chapter 74.15 RCW that also
24 qualifies for funding under the federal family first prevention
25 services act under 42 U.S.C. Sec. 672(k) and meets the requirements
26 provided in section 3 of this act.

27 (21) "Relative" includes persons related to a child in the
28 following ways:

29 (a) Any blood relative, including those of half-blood, and
30 including first cousins, second cousins, nephews or nieces, and
31 persons of preceding generations as denoted by prefixes of grand,
32 great, or great-great;

33 (b) Stepfather, stepmother, stepbrother, and stepsister;

34 (c) A person who legally adopts a child or the child's parent as
35 well as the natural and other legally adopted children of such
36 persons, and other relatives of the adoptive parents in accordance
37 with state law;

38 (d) Spouses of any persons named in (a), (b), or (c) of this
39 subsection, even after the marriage is terminated;

1 (e) Relatives, as named in (a), (b), (c), or (d) of this
2 subsection, of any half sibling of the child; or

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

10 ~~((19))~~ (22) "Shelter care" means temporary physical care in a
11 facility licensed pursuant to RCW 74.15.030 or in a home not required
12 to be licensed pursuant to RCW 74.15.030.

13 ~~((20))~~ (23) "Sibling" means a child's birth brother, birth
14 sister, adoptive brother, adoptive sister, half-brother, or half-
15 sister, or as defined by the law or custom of the Indian child's
16 tribe for an Indian child as defined in RCW 13.38.040.

17 ~~((21))~~ (24) "Social study" means a written evaluation of
18 matters relevant to the disposition of the case ~~((and shall contain~~
19 ~~the following information:~~

20 ~~(a) A statement of the specific harm or harms to the child that~~
21 ~~intervention is designed to alleviate;~~

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

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

38 ~~(d) A statement of the likely harms the child will suffer as a~~
39 ~~result of removal;~~

1 ~~(e) A description of the steps that will be taken to minimize the~~
2 ~~harm to the child that may result if separation occurs including an~~
3 ~~assessment of the child's relationship and emotional bond with any~~
4 ~~siblings, and the agency's plan to provide ongoing contact between~~
5 ~~the child and the child's siblings if appropriate; and~~

6 ~~(f) Behavior that will be expected before determination that~~
7 ~~supervision of the family or placement is no longer necessary)) that~~
8 ~~contains the information required by section 4 of this act.~~

9 ((~~22~~)) (25) "Supervised independent living" includes, but is
10 not limited to, apartment living, room and board arrangements,
11 college or university dormitories, and shared roommate settings.
12 Supervised independent living settings must be approved by the
13 department or the court.

14 ((~~23~~)) (26) "Voluntary placement agreement" means, for the
15 purposes of extended foster care services, a written voluntary
16 agreement between a nonminor dependent who agrees to submit to the
17 care and authority of the department for the purposes of
18 participating in the extended foster care program.

19 NEW SECTION. Sec. 3. A new section is added to chapter 13.34
20 RCW to read as follows:

21 A qualified residential treatment program as defined in this
22 chapter must meet the following requirements:

23 (1) Use a trauma-informed treatment model that is designed to
24 address the needs, including clinical needs as appropriate, of
25 children with serious emotional or behavioral disorders or
26 disturbances; and

27 (2) Be able to implement treatment for the child that is
28 identified in an assessment that:

29 (a) Is completed by a trained professional or licensed clinician
30 who is a "qualified individual" as that term is defined under the
31 federal family first prevention services act;

32 (b) Assesses the strengths and needs of the child; and

33 (c) Determines whether the child's needs can be met with family
34 members or through placement in a foster family home or, if not,
35 which available placement setting would provide the most effective
36 and appropriate level of care for the child in the least restrictive
37 environment and be consistent with the child's permanency plan.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.34

2 RCW to read as follows:

3 A social study as defined in this chapter must contain the
4 following information:

5 (1) A statement of the specific harm or harms to the child that
6 intervention is designed to alleviate;

7 (2) A description of the specific services and activities, for
8 both the parents and child, that are needed in order to prevent
9 serious harm to the child; the reasons why such services and
10 activities are likely to be useful; the availability of any proposed
11 services; and the agency's overall plan for ensuring that the
12 services will be delivered. The description shall identify the
13 services chosen and approved by the parent;

14 (3) If removal is recommended, a full description of the reasons
15 why the child cannot be protected adequately in the home, including a
16 description of any previous efforts to work with the parents and the
17 child in the home; the in-home treatment programs that have been
18 considered and rejected; the prevention services, including housing
19 assistance, that have been offered or provided and have failed to
20 prevent the need for out-of-home placement, unless the health,
21 safety, and welfare of the child cannot be protected adequately in
22 the home; and the parents' attitude toward placement of the child;

23 (4)(a) If the child is placed, for at least thirty days, in a
24 qualified residential treatment program as defined in this chapter, a
25 copy of the assessment described in section 3 of this act.

26 (b) As long as the child remains placed in a qualified
27 residential treatment program and the department anticipates that the
28 child will remain in this placement for at least sixty days, or if
29 the child has already been in this placement for at least sixty days,
30 the social study must also include the following information
31 sufficient for the juvenile court to determine at each status hearing
32 concerning the child:

33 (i) Whether ongoing assessment of the child's strengths and needs
34 continues to support the determination that the child's needs cannot
35 be met through placement in a foster family home;

36 (ii) Whether the child's placement provides the most effective
37 and appropriate level of care in the least restrictive environment;

38 (iii) Whether the placement is consistent with the child's
39 permanency plan;

1 (iv) What specific treatment or service needs will be met in the
2 placement, and how long the child is expected to need the treatment
3 or services; and

4 (v) What efforts the department has made to prepare the child to
5 return home or be placed with a fit and willing relative as defined
6 in RCW 13.34.030, a Title 13 RCW legal guardian, an adoptive parent,
7 or in a foster family home;

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

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

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

17 **Sec. 5.** RCW 26.44.020 and 2018 c 284 s 33 and 2018 c 171 s 3 are
18 each reenacted and amended to read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

21 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
22 or injury of a child by any person under circumstances which cause
23 harm to the child's health, welfare, or safety, excluding conduct
24 permitted under RCW 9A.16.100; or the negligent treatment or
25 maltreatment of a child by a person responsible for or providing care
26 to the child. An abused child is a child who has been subjected to
27 child abuse or neglect as defined in this section.

28 (2) "Child" or "children" means any person under the age of
29 eighteen years of age.

30 (3) "Child forensic interview" means a developmentally sensitive
31 and legally sound method of gathering factual information regarding
32 allegations of child abuse, child neglect, or exposure to violence.
33 This interview is conducted by a competently trained, neutral
34 professional utilizing techniques informed by research and best
35 practice as part of a larger investigative process.

36 (4) "Child protective services" means those services provided by
37 the department designed to protect children from child abuse and
38 neglect and safeguard such children from future abuse and neglect,
39 and conduct investigations of child abuse and neglect reports.

1 Investigations may be conducted regardless of the location of the
2 alleged abuse or neglect. Child protective services includes referral
3 to services to ameliorate conditions that endanger the welfare of
4 children, the coordination of necessary programs and services
5 relevant to the prevention, intervention, and treatment of child
6 abuse and neglect, and services to children to ensure that each child
7 has a permanent home. In determining whether protective services
8 should be provided, the department shall not decline to provide such
9 services solely because of the child's unwillingness or developmental
10 inability to describe the nature and severity of the abuse or
11 neglect.

12 (5) "Child protective services section" means the child
13 protective services section of the department.

14 (6) "Child who is a candidate for foster care" means a child who
15 the department identifies as being at imminent risk of entering
16 foster care but who can remain safely in the child's home or in a
17 kinship placement as long as services or programs that are necessary
18 to prevent entry of the child into foster care are provided, and
19 includes but is not limited to a child whose adoption or guardianship
20 arrangement is at risk of a disruption or dissolution that would
21 result in a foster care placement. The term includes a child for whom
22 there is reasonable cause to believe that any of the following
23 circumstances exist:

24 (a) The child has been abandoned by the parent as defined in RCW
25 13.34.030 and the child's health, safety, and welfare is seriously
26 endangered as a result;

27 (b) The child has been abused or neglected as defined in chapter
28 26.44 RCW and the child's health, safety, and welfare is seriously
29 endangered as a result;

30 (c) There is no parent capable of meeting the child's needs such
31 that the child is in circumstances that constitute a serious danger
32 to the child's development;

33 (d) The child is otherwise at imminent risk of harm.

34 (7) "Children's advocacy center" means a child-focused facility
35 in good standing with the state chapter for children's advocacy
36 centers and that coordinates a multidisciplinary process for the
37 investigation, prosecution, and treatment of sexual and other types
38 of child abuse. Children's advocacy centers provide a location for
39 forensic interviews and coordinate access to services such as, but
40 not limited to, medical evaluations, advocacy, therapy, and case

1 review by multidisciplinary teams within the context of county
2 protocols as defined in RCW 26.44.180 and 26.44.185.

3 ~~((7))~~ (8) "Clergy" means any regularly licensed or ordained
4 minister, priest, or rabbi of any church or religious denomination,
5 whether acting in an individual capacity or as an employee or agent
6 of any public or private organization or institution.

7 ~~((8))~~ (9) "Court" means the superior court of the state of
8 Washington, juvenile department.

9 ~~((9))~~ (10) "Department" means the department of children,
10 youth, and families.

11 ~~((10))~~ (11) "Family assessment" means a comprehensive
12 assessment of child safety, risk of subsequent child abuse or
13 neglect, and family strengths and needs that is applied to a child
14 abuse or neglect report. Family assessment does not include a
15 determination as to whether child abuse or neglect occurred, but does
16 determine the need for services to address the safety of the child
17 and the risk of subsequent maltreatment.

18 ~~((11))~~ (12) "Family assessment response" means a way of
19 responding to certain reports of child abuse or neglect made under
20 this chapter using a differential response approach to child
21 protective services. The family assessment response shall focus on
22 the safety of the child, the integrity and preservation of the
23 family, and shall assess the status of the child and the family in
24 terms of risk of abuse and neglect including the parent's or
25 guardian's or other caretaker's capacity and willingness to protect
26 the child and, if necessary, plan and arrange the provision of
27 services to reduce the risk and otherwise support the family. No one
28 is named as a perpetrator, and no investigative finding is entered in
29 the record as a result of a family assessment.

30 ~~((12))~~ (13) "Founded" means the determination following an
31 investigation by the department that, based on available information,
32 it is more likely than not that child abuse or neglect did occur.

33 ~~((13))~~ (14) "Inconclusive" means the determination following an
34 investigation by the department of social and health services, prior
35 to October 1, 2008, that based on available information a decision
36 cannot be made that more likely than not, child abuse or neglect did
37 or did not occur.

38 ~~((14))~~ (15) "Institution" means a private or public hospital or
39 any other facility providing medical diagnosis, treatment, or care.

1 ~~((15))~~ (16) "Law enforcement agency" means the police
2 department, the prosecuting attorney, the state patrol, the director
3 of public safety, or the office of the sheriff.

4 ~~((16))~~ (17) "Malice" or "maliciously" means an intent, wish, or
5 design to intimidate, annoy, or injure another person. Such malice
6 may be inferred from an act done in willful disregard of the rights
7 of another, or an act wrongfully done without just cause or excuse,
8 or an act or omission of duty betraying a willful disregard of social
9 duty.

10 ~~((17))~~ (18) "Negligent treatment or maltreatment" means an act
11 or a failure to act, or the cumulative effects of a pattern of
12 conduct, behavior, or inaction, that evidences a serious disregard of
13 consequences of such magnitude as to constitute a clear and present
14 danger to a child's health, welfare, or safety, including but not
15 limited to conduct prohibited under RCW 9A.42.100. When considering
16 whether a clear and present danger exists, evidence of a parent's
17 substance abuse as a contributing factor to negligent treatment or
18 maltreatment shall be given great weight. The fact that siblings
19 share a bedroom is not, in and of itself, negligent treatment or
20 maltreatment. Poverty, homelessness, or exposure to domestic violence
21 as defined in RCW 26.50.010 that is perpetrated against someone other
22 than the child does not constitute negligent treatment or
23 maltreatment in and of itself.

24 ~~((18))~~ (19) "Pharmacist" means any registered pharmacist under
25 chapter 18.64 RCW, whether acting in an individual capacity or as an
26 employee or agent of any public or private organization or
27 institution.

28 ~~((19))~~ (20) "Practitioner of the healing arts" or
29 "practitioner" means a person licensed by this state to practice
30 podiatric medicine and surgery, optometry, chiropractic, nursing,
31 dentistry, osteopathic medicine and surgery, or medicine and surgery
32 or to provide other health services. The term "practitioner" includes
33 a duly accredited Christian Science practitioner. A person who is
34 being furnished Christian Science treatment by a duly accredited
35 Christian Science practitioner will not be considered, for that
36 reason alone, a neglected person for the purposes of this chapter.

37 ~~((20))~~ (21) "Prevention and family services and programs" means
38 specific mental health prevention and treatment services, substance
39 abuse prevention and treatment services, and in-home parent skill-
40 based programs that qualify for federal funding under the federal

1 family first prevention services act, P.L. 115-123. For purposes of
2 this chapter, prevention and family services and programs are not
3 remedial services or family reunification services as described in
4 RCW 13.34.025(2).

5 (22) "Professional school personnel" include, but are not limited
6 to, teachers, counselors, administrators, child care facility
7 personnel, and school nurses.

8 ~~((21))~~ (23) "Psychologist" means any person licensed to
9 practice psychology under chapter 18.83 RCW, whether acting in an
10 individual capacity or as an employee or agent of any public or
11 private organization or institution.

12 ~~((22))~~ (24) "Screened-out report" means a report of alleged
13 child abuse or neglect that the department has determined does not
14 rise to the level of a credible report of abuse or neglect and is not
15 referred for investigation.

16 ~~((23))~~ (25) "Sexual exploitation" includes: (a) Allowing,
17 permitting, or encouraging a child to engage in prostitution by any
18 person; or (b) allowing, permitting, encouraging, or engaging in the
19 obscene or pornographic photographing, filming, or depicting of a
20 child by any person.

21 ~~((24))~~ (26) "Sexually aggressive youth" means a child who is
22 defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

23 ~~((25))~~ (27) "Social service counselor" means anyone engaged in
24 a professional capacity during the regular course of employment in
25 encouraging or promoting the health, welfare, support, or education
26 of children, or providing social services to adults or families,
27 including mental health, drug and alcohol treatment, and domestic
28 violence programs, whether in an individual capacity, or as an
29 employee or agent of any public or private organization or
30 institution.

31 ~~((26))~~ (28) "Unfounded" means the determination following an
32 investigation by the department that available information indicates
33 that, more likely than not, child abuse or neglect did not occur, or
34 that there is insufficient evidence for the department to determine
35 whether the alleged child abuse did or did not occur.

36 **Sec. 6.** RCW 26.44.030 and 2018 c 77 s 1 are each amended to read
37 as follows:

38 (1)(a) When any practitioner, county coroner or medical examiner,
39 law enforcement officer, professional school personnel, registered or

1 licensed nurse, social service counselor, psychologist, pharmacist,
2 employee of the department of children, youth, and families, licensed
3 or certified child care providers or their employees, employee of the
4 department of social and health services, juvenile probation officer,
5 placement and liaison specialist, responsible living skills program
6 staff, HOPE center staff, state family and children's ombuds or any
7 volunteer in the ombuds's office, or host home program has reasonable
8 cause to believe that a child has suffered abuse or neglect, he or
9 she shall report such incident, or cause a report to be made, to the
10 proper law enforcement agency or to the department as provided in RCW
11 26.44.040.

12 (b) When any person, in his or her official supervisory capacity
13 with a nonprofit or for-profit organization, has reasonable cause to
14 believe that a child has suffered abuse or neglect caused by a person
15 over whom he or she regularly exercises supervisory authority, he or
16 she shall report such incident, or cause a report to be made, to the
17 proper law enforcement agency, provided that the person alleged to
18 have caused the abuse or neglect is employed by, contracted by, or
19 volunteers with the organization and coaches, trains, educates, or
20 counsels a child or children or regularly has unsupervised access to
21 a child or children as part of the employment, contract, or voluntary
22 service. No one shall be required to report under this section when
23 he or she obtains the information solely as a result of a privileged
24 communication as provided in RCW 5.60.060.

25 Nothing in this subsection (1)(b) shall limit a person's duty to
26 report under (a) of this subsection.

27 For the purposes of this subsection, the following definitions
28 apply:

29 (i) "Official supervisory capacity" means a position, status, or
30 role created, recognized, or designated by any nonprofit or for-
31 profit organization, either for financial gain or without financial
32 gain, whose scope includes, but is not limited to, overseeing,
33 directing, or managing another person who is employed by, contracted
34 by, or volunteers with the nonprofit or for-profit organization.

35 (ii) "Organization" includes a sole proprietor, partnership,
36 corporation, limited liability company, trust, association, financial
37 institution, governmental entity, other than the federal government,
38 and any other individual or group engaged in a trade, occupation,
39 enterprise, governmental function, charitable function, or similar

1 activity in this state whether or not the entity is operated as a
2 nonprofit or for-profit entity.

3 (iii) "Reasonable cause" means a person witnesses or receives a
4 credible written or oral report alleging abuse, including sexual
5 contact, or neglect of a child.

6 (iv) "Regularly exercises supervisory authority" means to act in
7 his or her official supervisory capacity on an ongoing or continuing
8 basis with regards to a particular person.

9 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

10 (c) The reporting requirement also applies to department of
11 corrections personnel who, in the course of their employment, observe
12 offenders or the children with whom the offenders are in contact. If,
13 as a result of observations or information received in the course of
14 his or her employment, any department of corrections personnel has
15 reasonable cause to believe that a child has suffered abuse or
16 neglect, he or she shall report the incident, or cause a report to be
17 made, to the proper law enforcement agency or to the department as
18 provided in RCW 26.44.040.

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

30 (e) The reporting requirement also applies to guardians ad litem,
31 including court-appointed special advocates, appointed under Titles
32 11 and 13 RCW and this title, who in the course of their
33 representation of children in these actions have reasonable cause to
34 believe a child has been abused or neglected.

35 (f) The reporting requirement in (a) of this subsection also
36 applies to administrative and academic or athletic department
37 employees, including student employees, of institutions of higher
38 education, as defined in RCW 28B.10.016, and of private institutions
39 of higher education.

1 (g) The report must be made at the first opportunity, but in no
2 case longer than forty-eight hours after there is reasonable cause to
3 believe that the child has suffered abuse or neglect. The report must
4 include the identity of the accused if known.

5 (2) The reporting requirement of subsection (1) of this section
6 does not apply to the discovery of abuse or neglect that occurred
7 during childhood if it is discovered after the child has become an
8 adult. However, if there is reasonable cause to believe other
9 children are or may be at risk of abuse or neglect by the accused,
10 the reporting requirement of subsection (1) of this section does
11 apply.

12 (3) Any other person who has reasonable cause to believe that a
13 child has suffered abuse or neglect may report such incident to the
14 proper law enforcement agency or to the department as provided in RCW
15 26.44.040.

16 (4) The department, upon receiving a report of an incident of
17 alleged abuse or neglect pursuant to this chapter, involving a child
18 who has died or has had physical injury or injuries inflicted upon
19 him or her other than by accidental means or who has been subjected
20 to alleged sexual abuse, shall report such incident to the proper law
21 enforcement agency, including military law enforcement, if
22 appropriate. In emergency cases, where the child's welfare is
23 endangered, the department shall notify the proper law enforcement
24 agency within twenty-four hours after a report is received by the
25 department. In all other cases, the department shall notify the law
26 enforcement agency within seventy-two hours after a report is
27 received by the department. If the department makes an oral report, a
28 written report must also be made to the proper law enforcement agency
29 within five days thereafter.

30 (5) Any law enforcement agency receiving a report of an incident
31 of alleged abuse or neglect pursuant to this chapter, involving a
32 child who has died or has had physical injury or injuries inflicted
33 upon him or her other than by accidental means, or who has been
34 subjected to alleged sexual abuse, shall report such incident in
35 writing as provided in RCW 26.44.040 to the proper county prosecutor
36 or city attorney for appropriate action whenever the law enforcement
37 agency's investigation reveals that a crime may have been committed.
38 The law enforcement agency shall also notify the department of all
39 reports received and the law enforcement agency's disposition of
40 them. In emergency cases, where the child's welfare is endangered,

1 the law enforcement agency shall notify the department within twenty-
2 four hours. In all other cases, the law enforcement agency shall
3 notify the department within seventy-two hours after a report is
4 received by the law enforcement agency.

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

10 (7) The department may conduct ongoing case planning and
11 consultation with those persons or agencies required to report under
12 this section, with consultants designated by the department, and with
13 designated representatives of Washington Indian tribes if the client
14 information exchanged is pertinent to cases currently receiving child
15 protective services. Upon request, the department shall conduct such
16 planning and consultation with those persons required to report under
17 this section if the department determines it is in the best interests
18 of the child. Information considered privileged by statute and not
19 directly related to reports required by this section must not be
20 divulged without a valid written waiver of the privilege.

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

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

39 (10) Upon receiving a report that a child is a candidate for
40 foster care as defined in RCW 26.44.020, the department may provide

1 prevention and family services and programs to the child's parents,
2 guardian, or caregiver. The department may not be held civilly liable
3 for the decision regarding whether to provide prevention and family
4 services and programs, or for the provision of those services and
5 programs, for a child determined to be a candidate for foster care.

6 (11) Upon receiving a report of alleged abuse or neglect, the
7 department shall make reasonable efforts to learn the name, address,
8 and telephone number of each person making a report of abuse or
9 neglect under this section. The department shall provide assurances
10 of appropriate confidentiality of the identification of persons
11 reporting under this section. If the department is unable to learn
12 the information required under this subsection, the department shall
13 only investigate cases in which:

14 (a) The department believes there is a serious threat of
15 substantial harm to the child;

16 (b) The report indicates conduct involving a criminal offense
17 that has, or is about to occur, in which the child is the victim; or

18 (c) The department has a prior founded report of abuse or neglect
19 with regard to a member of the household that is within three years
20 of receipt of the referral.

21 ~~((11))~~ (12)(a) Upon receiving a report of alleged abuse or
22 neglect, the department shall use one of the following discrete
23 responses to reports of child abuse or neglect that are screened in
24 and accepted for departmental response:

25 (i) Investigation; or

26 (ii) Family assessment.

27 (b) In making the response in (a) of this subsection the
28 department shall:

29 (i) Use a method by which to assign cases to investigation or
30 family assessment which are based on an array of factors that may
31 include the presence of: Imminent danger, level of risk, number of
32 previous child abuse or neglect reports, or other presenting case
33 characteristics, such as the type of alleged maltreatment and the age
34 of the alleged victim. Age of the alleged victim shall not be used as
35 the sole criterion for determining case assignment;

36 (ii) Allow for a change in response assignment based on new
37 information that alters risk or safety level;

38 (iii) Allow families assigned to family assessment to choose to
39 receive an investigation rather than a family assessment;

1 (iv) Provide a full investigation if a family refuses the initial
2 family assessment;

3 (v) Provide voluntary services to families based on the results
4 of the initial family assessment. If a family refuses voluntary
5 services, and the department cannot identify specific facts related
6 to risk or safety that warrant assignment to investigation under this
7 chapter, and there is not a history of reports of child abuse or
8 neglect related to the family, then the department must close the
9 family assessment response case. However, if at any time the
10 department identifies risk or safety factors that warrant an
11 investigation under this chapter, then the family assessment response
12 case must be reassigned to investigation;

13 (vi) Conduct an investigation, and not a family assessment, in
14 response to an allegation that, the department determines based on
15 the intake assessment:

16 (A) (~~Poses a risk of "imminent harm" consistent with the~~
17 ~~definition provided in RCW 13.34.050, which includes,~~) Indicates a
18 child's health, safety, and welfare will be seriously endangered if
19 not taken into custody for reasons including, but ((is)) not limited
20 to, sexual abuse and sexual exploitation of the child as defined in
21 this chapter;

22 (B) Poses a serious threat of substantial harm to a child;

23 (C) Constitutes conduct involving a criminal offense that has, or
24 is about to occur, in which the child is the victim;

25 (D) The child is an abandoned child as defined in RCW 13.34.030;

26 (E) The child is an adjudicated dependent child as defined in RCW
27 13.34.030, or the child is in a facility that is licensed, operated,
28 or certified for care of children by the department under chapter
29 74.15 RCW.

30 (c) In addition, the department may use a family assessment
31 response to assess for and provide prevention and family services and
32 programs, as defined in RCW 26.44.020, for the following children and
33 their families, consistent with requirements under the federal family
34 first prevention services act and this section:

35 (i) A child who is a candidate for foster care, as defined in RCW
36 26.44.020; and

37 (ii) A child who is in foster care and who is pregnant,
38 parenting, or both.

39 (d) The department may not be held civilly liable for the
40 decision to respond to an allegation of child abuse or neglect by

1 using the family assessment response under this section unless the
2 state or its officers, agents, or employees acted with reckless
3 disregard.

4 ~~((12))~~ (13) (a) For reports of alleged abuse or neglect that are
5 accepted for investigation by the department, the investigation shall
6 be conducted within time frames established by the department in
7 rule. In no case shall the investigation extend longer than ninety
8 days from the date the report is received, unless the investigation
9 is being conducted under a written protocol pursuant to RCW 26.44.180
10 and a law enforcement agency or prosecuting attorney has determined
11 that a longer investigation period is necessary. At the completion of
12 the investigation, the department shall make a finding that the
13 report of child abuse or neglect is founded or unfounded.

14 (b) If a court in a civil or criminal proceeding, considering the
15 same facts or circumstances as are contained in the report being
16 investigated by the department, makes a judicial finding by a
17 preponderance of the evidence or higher that the subject of the
18 pending investigation has abused or neglected the child, the
19 department shall adopt the finding in its investigation.

20 ~~((13))~~ (14) For reports of alleged abuse or neglect that are
21 responded to through family assessment response, the department
22 shall:

23 (a) Provide the family with a written explanation of the
24 procedure for assessment of the child and the family and its
25 purposes;

26 (b) Collaborate with the family to identify family strengths,
27 resources, and service needs, and develop a service plan with the
28 goal of reducing risk of harm to the child and improving or restoring
29 family well-being;

30 (c) Complete the family assessment response within forty-five
31 days of receiving the report ~~(; however,)~~ except as follows:

32 (I) Upon parental agreement, the family assessment response
33 period may be extended up to one hundred twenty days. The
34 department's extension of the family assessment response period must
35 be operated within the department's appropriations;

36 (II) For cases in which the department elects to use a family
37 assessment response as authorized under subsection (12)(c) of this
38 section, and upon agreement of the child's parent, legal guardian,
39 legal custodian, or relative placement, the family assessment
40 response period may be extended up to one year. The department's

1 extension of the family assessment response must be operated within
2 the department's appropriations.

3 (d) Offer services to the family in a manner that makes it clear
4 that acceptance of the services is voluntary;

5 (e) Implement the family assessment response in a consistent and
6 cooperative manner;

7 (f) Have the parent or guardian agree to participate in services
8 before services are initiated. The department shall inform the
9 parents of their rights under family assessment response, all of
10 their options, and the options the department has if the parents do
11 not agree to participate in services.

12 (~~(14)~~) (15)(a) In conducting an investigation or family
13 assessment of alleged abuse or neglect, the department or law
14 enforcement agency:

15 (i) May interview children. If the department determines that the
16 response to the allegation will be family assessment response, the
17 preferred practice is to request a parent's, guardian's, or
18 custodian's permission to interview the child before conducting the
19 child interview unless doing so would compromise the safety of the
20 child or the integrity of the assessment. The interviews may be
21 conducted on school premises, at day-care facilities, at the child's
22 home, or at other suitable locations outside of the presence of
23 parents. If the allegation is investigated, parental notification of
24 the interview must occur at the earliest possible point in the
25 investigation that will not jeopardize the safety or protection of
26 the child or the course of the investigation. Prior to commencing the
27 interview the department or law enforcement agency shall determine
28 whether the child wishes a third party to be present for the
29 interview and, if so, shall make reasonable efforts to accommodate
30 the child's wishes. Unless the child objects, the department or law
31 enforcement agency shall make reasonable efforts to include a third
32 party in any interview so long as the presence of the third party
33 will not jeopardize the course of the investigation; and

34 (ii) Shall have access to all relevant records of the child in
35 the possession of mandated reporters and their employees.

36 (b) The Washington state school directors' association shall
37 adopt a model policy addressing protocols when an interview, as
38 authorized by this subsection, is conducted on school premises. In
39 formulating its policy, the association shall consult with the

1 department and the Washington association of sheriffs and police
2 chiefs.

3 ~~((15))~~ (16) If a report of alleged abuse or neglect is founded
4 and constitutes the third founded report received by the department
5 within the last twelve months involving the same child or family, the
6 department shall promptly notify the office of the family and
7 children's ombuds of the contents of the report. The department shall
8 also notify the ombuds of the disposition of the report.

9 ~~((16))~~ (17) In investigating and responding to allegations of
10 child abuse and neglect, the department may conduct background checks
11 as authorized by state and federal law.

12 ~~((17))~~ (18) (a) The department shall maintain investigation
13 records and conduct timely and periodic reviews of all founded cases
14 of abuse and neglect. The department shall maintain a log of
15 screened-out nonabusive cases.

16 (b) In the family assessment response, the department shall not
17 make a finding as to whether child abuse or neglect occurred. No one
18 shall be named as a perpetrator and no investigative finding shall be
19 entered in the department's child abuse or neglect database.

20 ~~((18))~~ (19) The department shall use a risk assessment process
21 when investigating alleged child abuse and neglect referrals. The
22 department shall present the risk factors at all hearings in which
23 the placement of a dependent child is an issue. Substance abuse must
24 be a risk factor.

25 ~~((19))~~ (20) Upon receipt of a report of alleged abuse or
26 neglect the law enforcement agency may arrange to interview the
27 person making the report and any collateral sources to determine if
28 any malice is involved in the reporting.

29 ~~((20))~~ (21) Upon receiving a report of alleged abuse or neglect
30 involving a child under the court's jurisdiction under chapter 13.34
31 RCW, the department shall promptly notify the child's guardian ad
32 litem of the report's contents. The department shall also notify the
33 guardian ad litem of the disposition of the report. For purposes of
34 this subsection, "guardian ad litem" has the meaning provided in RCW
35 13.34.030.

36 ~~((21))~~ (22) The department shall make efforts as soon as
37 practicable to determine the military status of parents whose
38 children are subject to abuse or neglect allegations. If the
39 department determines that a parent or guardian is in the military,
40 the department shall notify a department of defense family advocacy

1 program that there is an allegation of abuse and neglect that is
2 screened in and open for investigation that relates to that military
3 parent or guardian.

4 ~~((22))~~ (23) The department shall make available on its public
5 web site a downloadable and printable poster that includes the
6 reporting requirements included in this section. The poster must be
7 no smaller than eight and one-half by eleven inches with all
8 information on one side. The poster must be made available in both
9 the English and Spanish languages. Organizations that include
10 employees or volunteers subject to the reporting requirements of this
11 section must clearly display this poster in a common area. At a
12 minimum, this poster must include the following:

- 13 (a) Who is required to report child abuse and neglect;
- 14 (b) The standard of knowledge to justify a report;
- 15 (c) The definition of reportable crimes;
- 16 (d) Where to report suspected child abuse and neglect; and
- 17 (e) What should be included in a report and the appropriate
18 timing.

19 **Sec. 7.** RCW 74.13.020 and 2018 c 284 s 36, 2018 c 58 s 51, and
20 2018 c 34 s 3 are each reenacted and amended to read as follows:

21 The definitions in this section apply throughout this chapter
22 unless the context clearly requires otherwise.

23 (1) "Case management" means convening family meetings,
24 developing, revising, and monitoring implementation of any case plan
25 or individual service and safety plan, coordinating and monitoring
26 services needed by the child and family, caseworker-child visits,
27 family visits, and the assumption of court-related duties, excluding
28 legal representation, including preparing court reports, attending
29 judicial hearings and permanency hearings, and ensuring that the
30 child is progressing toward permanency within state and federal
31 mandates, including the Indian child welfare act.

32 (2) "Child" means:

33 (a) A person less than eighteen years of age; or

34 (b) A person age eighteen to twenty-one years who is eligible to
35 receive the extended foster care services authorized under RCW
36 74.13.031.

37 (3) "Child protective services" has the same meaning as in RCW
38 26.44.020.

1 (4) "Child welfare services" means social services including
2 voluntary and in-home services, out-of-home care, case management,
3 and adoption services which strengthen, supplement, or substitute
4 for, parental care and supervision for the purpose of:

5 (a) Preventing or remedying, or assisting in the solution of
6 problems which may result in families in conflict, or the neglect,
7 abuse, exploitation, or criminal behavior of children;

8 (b) Protecting and caring for dependent, abused, or neglected
9 children;

10 (c) Assisting children who are in conflict with their parents,
11 and assisting parents who are in conflict with their children, with
12 services designed to resolve such conflicts;

13 (d) Protecting and promoting the welfare of children, including
14 the strengthening of their own homes where possible, or, where
15 needed;

16 (e) Providing adequate care of children away from their homes in
17 foster family homes or day care or other child care agencies or
18 facilities.

19 "Child welfare services" does not include child protection
20 services.

21 (5) "Child who is a candidate for foster care" means a child who
22 the department identifies as being at imminent risk of entering
23 foster care but who can remain safely in the child's home or in a
24 kinship placement as long as services or programs that are necessary
25 to prevent entry of the child into foster care are provided, and
26 includes but is not limited to a child whose adoption or guardianship
27 arrangement is at risk of a disruption or dissolution that would
28 result in a foster care placement. The term includes a child for whom
29 there is reasonable cause to believe that any of the following
30 circumstances exist:

31 (a) The child has been abandoned by the parent as defined in RCW
32 13.34.030 and the child's health, safety, and welfare is seriously
33 endangered as a result;

34 (b) The child has been abused or neglected as defined in chapter
35 26.44 RCW and the child's health, safety, and welfare is seriously
36 endangered as a result;

37 (c) There is no parent capable of meeting the child's needs such
38 that the child is in circumstances that constitute a serious danger
39 to the child's development;

40 (d) The child is otherwise at imminent risk of harm.

1 (6) "Department" means the department of children, youth, and
2 families.

3 ~~((+6))~~ (7) "Extended foster care services" means residential and
4 other support services the department is authorized to provide to
5 dependent children. These services include, but are not limited to,
6 placement in licensed, relative, or otherwise approved care, or
7 supervised independent living settings; assistance in meeting basic
8 needs; independent living services; medical assistance; and
9 counseling or treatment.

10 ~~((+7))~~ (8) "Family assessment" means a comprehensive assessment
11 of child safety, risk of subsequent child abuse or neglect, and
12 family strengths and needs that is applied to a child abuse or
13 neglect report. Family assessment does not include a determination as
14 to whether child abuse or neglect occurred, but does determine the
15 need for services to address the safety of the child and the risk of
16 subsequent maltreatment.

17 ~~((+8))~~ (9) "Medical condition" means, for the purposes of
18 qualifying for extended foster care services, a physical or mental
19 health condition as documented by any licensed health care provider
20 regulated by a disciplining authority under RCW 18.130.040.

21 ~~((+9))~~ (10) "Nonminor dependent" means any individual age
22 eighteen to twenty-one years who is participating in extended foster
23 care services authorized under RCW 74.13.031.

24 ~~((+10))~~ (11) "Out-of-home care services" means services provided
25 after the shelter care hearing to or for children in out-of-home
26 care, as that term is defined in RCW 13.34.030, and their families,
27 including the recruitment, training, and management of foster
28 parents, the recruitment of adoptive families, and the facilitation
29 of the adoption process, family reunification, independent living,
30 emergency shelter, residential group care, and foster care, including
31 relative placement.

32 ~~((+11))~~ (12) "Performance-based contracting" means the
33 structuring of all aspects of the procurement of services around the
34 purpose of the work to be performed and the desired results with the
35 contract requirements set forth in clear, specific, and objective
36 terms with measurable outcomes. Contracts shall also include
37 provisions that link the performance of the contractor to the level
38 and timing of reimbursement.

39 ~~((+12))~~ (13) "Permanency services" means long-term services
40 provided to secure a child's safety, permanency, and well-being,

1 including foster care services, family reunification services,
2 adoption services, and preparation for independent living services.

3 ~~((13))~~ (14) "Prevention and family services and programs" means
4 specific mental health prevention and treatment services, substance
5 abuse prevention and treatment services, and in-home parent skill-
6 based programs that qualify for federal funding under the federal
7 family first prevention services act, P.L. 115-123. For purposes of
8 this chapter, prevention and family services and programs are not
9 remedial services or family reunification services as described in
10 RCW 13.34.025(2).

11 (15) "Primary prevention services" means services which are
12 designed and delivered for the primary purpose of enhancing child and
13 family well-being and are shown, by analysis of outcomes, to reduce
14 the risk to the likelihood of the initial need for child welfare
15 services.

16 ~~((14))~~ (16) "Secretary" means the secretary of the department.

17 ~~((15))~~ (17) "Supervised independent living" includes, but is
18 not limited to, apartment living, room and board arrangements,
19 college or university dormitories, and shared roommate settings.
20 Supervised independent living settings must be approved by the
21 department or the court.

22 ~~((16))~~ (18) "Unsupervised" has the same meaning as in RCW
23 43.43.830.

24 ~~((17))~~ (19) "Voluntary placement agreement" means, for the
25 purposes of extended foster care services, a written voluntary
26 agreement between a nonminor dependent who agrees to submit to the
27 care and authority of the department for the purposes of
28 participating in the extended foster care program.

29 **Sec. 8.** RCW 74.13.031 and 2018 c 284 s 37, 2018 c 80 s 1, and
30 2018 c 34 s 5 are each reenacted and amended to read as follows:

31 (1) The department shall develop, administer, supervise, and
32 monitor a coordinated and comprehensive plan that establishes, aids,
33 and strengthens services for the protection and care of runaway,
34 dependent, or neglected children.

35 (2) Within available resources, the department shall recruit an
36 adequate number of prospective adoptive and foster homes, both
37 regular and specialized, i.e. homes for children of ethnic minority,
38 including Indian homes for Indian children, sibling groups,
39 handicapped and emotionally disturbed, teens, pregnant and parenting

1 teens, and the department shall annually report to the governor and
2 the legislature concerning the department's success in: (a) Meeting
3 the need for adoptive and foster home placements; (b) reducing the
4 foster parent turnover rate; (c) completing home studies for legally
5 free children; and (d) implementing and operating the passport
6 program required by RCW 74.13.285. The report shall include a section
7 entitled "Foster Home Turn-Over, Causes and Recommendations."

8 (3) The department shall investigate complaints of any recent act
9 or failure to act on the part of a parent or caretaker that results
10 in death, serious physical or emotional harm, or sexual abuse or
11 exploitation, or that presents an imminent risk of serious harm, and
12 on the basis of the findings of such investigation, offer child
13 welfare services in relation to the problem to such parents, legal
14 custodians, or persons serving in loco parentis, and/or bring the
15 situation to the attention of an appropriate court, or another
16 community agency. An investigation is not required of nonaccidental
17 injuries which are clearly not the result of a lack of care or
18 supervision by the child's parents, legal custodians, or persons
19 serving in loco parentis. If the investigation reveals that a crime
20 against a child may have been committed, the department shall notify
21 the appropriate law enforcement agency.

22 (4) As provided in RCW 26.44.030(11), the department may respond
23 to a report of child abuse or neglect by using the family assessment
24 response.

25 (5) The department shall offer, on a voluntary basis, family
26 reconciliation services to families who are in conflict.

27 (6) The department shall monitor placements of children in out-
28 of-home care and in-home dependencies to assure the safety, well-
29 being, and quality of care being provided is within the scope of the
30 intent of the legislature as defined in RCW 74.13.010 and 74.15.010.
31 Under this section children in out-of-home care and in-home
32 dependencies and their caregivers shall receive a private and
33 individual face-to-face visit each month. The department shall
34 randomly select no less than ten percent of the caregivers currently
35 providing care to receive one unannounced face-to-face visit in the
36 caregiver's home per year. No caregiver will receive an unannounced
37 visit through the random selection process for two consecutive years.
38 If the caseworker makes a good faith effort to conduct the
39 unannounced visit to a caregiver and is unable to do so, that month's
40 visit to that caregiver need not be unannounced. The department is

1 encouraged to group monthly visits to caregivers by geographic area
2 so that in the event an unannounced visit cannot be completed, the
3 caseworker may complete other required monthly visits. The department
4 shall use a method of random selection that does not cause a fiscal
5 impact to the department.

6 The department shall conduct the monthly visits with children and
7 caregivers to whom it is providing child welfare services.

8 (7) The department shall have authority to accept custody of
9 children from parents and to accept custody of children from juvenile
10 courts, where authorized to do so under law, to provide child welfare
11 services including placement for adoption, to provide for the routine
12 and necessary medical, dental, and mental health care, or necessary
13 emergency care of the children, and to provide for the physical care
14 of such children and make payment of maintenance costs if needed.
15 Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no
16 private adoption agency which receives children for adoption from the
17 department shall discriminate on the basis of race, creed, or color
18 when considering applications in their placement for adoption.

19 (8) The department shall have authority to provide temporary
20 shelter to children who have run away from home and who are admitted
21 to crisis residential centers.

22 (9) The department shall have authority to purchase care for
23 children.

24 (10) The department shall establish a children's services
25 advisory committee which shall assist the secretary in the
26 development of a partnership plan for utilizing resources of the
27 public and private sectors, and advise on all matters pertaining to
28 child welfare, licensing of child care agencies, adoption, and
29 services related thereto. At least one member shall represent the
30 adoption community.

31 (11)(a) The department shall provide continued extended foster
32 care services to nonminor dependents who are:

33 (i) Enrolled in a secondary education program or a secondary
34 education equivalency program;

35 (ii) Enrolled and participating in a postsecondary academic or
36 postsecondary vocational education program;

37 (iii) Participating in a program or activity designed to promote
38 employment or remove barriers to employment;

39 (iv) Engaged in employment for eighty hours or more per month; or

1 (v) Not able to engage in any of the activities described in
2 (a)(i) through (iv) of this subsection due to a documented medical
3 condition.

4 (b) To be eligible for extended foster care services, the
5 nonminor dependent must have been dependent at the time that he or
6 she reached age eighteen years. If the dependency case of the
7 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she
8 may receive extended foster care services pursuant to a voluntary
9 placement agreement under RCW 74.13.336 or pursuant to an order of
10 dependency issued by the court under RCW 13.34.268. A nonminor
11 dependent whose dependency case was dismissed by the court may
12 request extended foster care services before reaching age twenty-one
13 years. Eligible nonminor dependents may unenroll and reenroll in
14 extended foster care through a voluntary placement agreement an
15 unlimited number of times between ages eighteen and twenty-one.

16 (c) The department shall develop and implement rules regarding
17 youth eligibility requirements.

18 (d) The department shall make efforts to ensure that extended
19 foster care services maximize medicaid reimbursements. This must
20 include the department ensuring that health and mental health
21 extended foster care providers participate in medicaid, unless the
22 condition of the extended foster care youth requires specialty care
23 that is not available among participating medicaid providers or there
24 are no participating medicaid providers in the area. The department
25 shall coordinate other services to maximize federal resources and the
26 most cost-efficient delivery of services to extended foster care
27 youth.

28 (e) The department shall allow a youth who has received extended
29 foster care services, but lost his or her eligibility, to reenter the
30 extended foster care program an unlimited number of times through a
31 voluntary placement agreement when he or she meets the eligibility
32 criteria again.

33 (12) The department shall have authority to provide adoption
34 support benefits, or relative guardianship subsidies on behalf of
35 youth ages eighteen to twenty-one years who achieved permanency
36 through adoption or a relative guardianship at age sixteen or older
37 and who meet the criteria described in subsection (11) of this
38 section.

39 (13) The department shall refer cases to the division of child
40 support whenever state or federal funds are expended for the care and

1 maintenance of a child, including a child with a developmental
2 disability who is placed as a result of an action under chapter 13.34
3 RCW, unless the department finds that there is good cause not to
4 pursue collection of child support against the parent or parents of
5 the child. Cases involving individuals age eighteen through twenty
6 shall not be referred to the division of child support unless
7 required by federal law.

8 (14) The department shall have authority within funds
9 appropriated for foster care services to purchase care for Indian
10 children who are in the custody of a federally recognized Indian
11 tribe or tribally licensed child-placing agency pursuant to parental
12 consent, tribal court order, or state juvenile court order. The
13 purchase of such care is exempt from the requirements of chapter
14 74.13B RCW and may be purchased from the federally recognized Indian
15 tribe or tribally licensed child-placing agency, and shall be subject
16 to the same eligibility standards and rates of support applicable to
17 other children for whom the department purchases care.

18 Notwithstanding any other provision of RCW 13.32A.170 through
19 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section
20 all services to be provided by the department under subsections (4),
21 (7), and (8) of this section, subject to the limitations of these
22 subsections, may be provided by any program offering such services
23 funded pursuant to Titles II and III of the federal juvenile justice
24 and delinquency prevention act of 1974.

25 (15) Within amounts appropriated for this specific purpose, the
26 department shall provide preventive services to families with
27 children that prevent or shorten the duration of an out-of-home
28 placement.

29 (16) The department shall have authority to provide independent
30 living services to youths, including individuals who have attained
31 eighteen years of age, and have not attained (~~twenty-one~~) twenty-
32 three years of age, who are or have been in (~~foster~~) the
33 department's care and custody, or who are or were nonminor
34 dependents.

35 (17) The department shall consult at least quarterly with foster
36 parents, including members of the foster parent association of
37 Washington state, for the purpose of receiving information and
38 comment regarding how the department is performing the duties and
39 meeting the obligations specified in this section and RCW 74.13.250
40 regarding the recruitment of foster homes, reducing foster parent

1 turnover rates, providing effective training for foster parents, and
2 administering a coordinated and comprehensive plan that strengthens
3 services for the protection of children. Consultation shall occur at
4 the regional and statewide levels.

5 (18)(a) The department shall, within current funding levels,
6 place on its public web site a document listing the duties and
7 responsibilities the department has to a child subject to a
8 dependency petition including, but not limited to, the following:

9 (i) Reasonable efforts, including the provision of services,
10 toward reunification of the child with his or her family;

11 (ii) Sibling visits subject to the restrictions in RCW
12 13.34.136(2)(b)(ii);

13 (iii) Parent-child visits;

14 (iv) Statutory preference for placement with a relative or other
15 suitable person, if appropriate; and

16 (v) Statutory preference for an out-of-home placement that allows
17 the child to remain in the same school or school district, if
18 practical and in the child's best interests.

19 (b) The document must be prepared in conjunction with a
20 community-based organization and must be updated as needed.

21 (19)(a) The department shall have the authority to purchase legal
22 representation for parents or kinship caregivers, or both, of
23 children who are at risk of being dependent, or who are dependent, to
24 establish or modify a parenting plan under RCW 13.34.155 or chapter
25 26.09 or 26.26 RCW or secure orders establishing other relevant civil
26 legal relationships authorized by law, when it is necessary for the
27 child's safety, permanence, or well-being. The department's purchase
28 of legal representation for kinship caregivers must be within the
29 department's appropriations. This subsection does not create an
30 entitlement to legal representation purchased by the department and
31 does not create judicial authority to order the department to
32 purchase legal representation for a parent or kinship caregiver. Such
33 determinations are solely within the department's discretion. The
34 term "kinship caregiver" as used in this section means a caregiver
35 who meets the definition of "kin" in RCW 74.13.600(1), unless the
36 child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C.
37 Sec. 1903. For an Indian child as defined in RCW 13.38.040 and 25
38 U.S.C. Sec. 1903, the term "kinship caregiver" as used in this
39 section means a caregiver who is an "extended family member" as
40 defined in RCW 13.38.040(8).

1 (b) The department is encouraged to work with the office of
2 public defense parent representation program and the office of civil
3 legal aid to develop a cost-effective system for providing effective
4 civil legal representation for parents and kinship caregivers if it
5 exercises its authority under this subsection.

6 **Sec. 9.** RCW 74.14C.020 and 1996 c 240 s 3 are each amended to
7 read as follows:

8 (1) Intensive family preservation services shall have all of the
9 following characteristics:

10 (a) Services are provided by specially trained service providers
11 who have received at least forty hours of training from recognized
12 intensive in-home services experts. Service providers deliver the
13 services in the family's home, and other environments of the family,
14 such as their neighborhood or schools;

15 (b) Caseload size averages two families per service provider
16 unless paraprofessional services are utilized, in which case a
17 provider may, but is not required to, handle an average caseload of
18 five families;

19 (c) The services to the family are provided by a single service
20 provider who may be assisted by paraprofessional workers, with backup
21 providers identified to provide assistance as necessary;

22 (d) Services are available to the family within twenty-four hours
23 following receipt of a referral to the program; and

24 (e) Except as provided in subsection (4) of this section,
25 duration of service is limited to a maximum of forty days, unless
26 paraprofessional workers are used, in which case the duration of
27 services is limited to a maximum of ninety days. The department may
28 authorize an additional provision of service through an exception to
29 policy when the department and provider agree that additional
30 services are needed.

31 (2) Family preservation services shall have all of the following
32 characteristics:

33 (a) Services are delivered primarily in the family home or
34 community;

35 (b) Services are committed to reinforcing the strengths of the
36 family and its members and empowering the family to solve problems
37 and become self-sufficient;

1 (c) Services are committed to providing support to families
2 through community organizations including but not limited to school,
3 church, cultural, ethnic, neighborhood, and business;

4 (d) Services are available to the family within forty-eight hours
5 of referral unless an exception is noted in the file;

6 (e) Except as provided in subsection (4) of this section,
7 duration of service is limited to a maximum of six months, unless the
8 department requires additional follow-up on an individual case basis;
9 ((and))

10 (f) Caseload size no more than ten families per service provider,
11 which can be adjusted when paraprofessional workers are used or
12 required by the department; and

13 (g) Support and retain foster families so they can provide
14 quality family based settings for children in foster care.

15 (3) Preservation services shall include the following
16 characteristics:

17 (a) Services protect the child and strengthen the family;

18 (b) Service providers have the authority and discretion to spend
19 funds, up to a maximum amount specified by the department, to help
20 families obtain necessary food, shelter, or clothing, or to purchase
21 other goods or services that will enhance the effectiveness of
22 intervention;

23 (c) Services are available to the family twenty-four hours a day
24 and seven days a week;

25 (d) Services enhance parenting skills, family and personal self-
26 sufficiency, functioning of the family, and reduce stress on
27 families; and

28 (e) Services help families locate and use additional assistance
29 including, but not limited to, the development and maintenance of
30 community support systems, counseling and treatment services,
31 housing, child care, education, job training, emergency cash grants,
32 state and federally funded public assistance, and other basic support
33 services.

34 (4) The department may offer or provide family preservation
35 services or preservation services to families as remedial services
36 pursuant to proceedings brought under chapter 13.34 RCW. If the
37 department elects to do so, these services are not considered
38 remedial services as defined in chapter 13.34 RCW, and the department
39 may extend the duration of such services for a period of up to
40 fifteen months following the return home of a child under chapter

1 13.34 RCW. The purpose for extending the duration of these services
2 is to, whenever possible, facilitate safe and timely reunification of
3 the family and to ensure the strength and stability of the
4 reunification.

5 **Sec. 10.** RCW 74.15.020 and 2018 c 284 s 67 are each amended to
6 read as follows:

7 The definitions in this section apply throughout this chapter and
8 RCW 74.13.031 unless the context clearly requires otherwise.

9 (1) "Agency" means any person, firm, partnership, association,
10 corporation, or facility which receives children, expectant mothers,
11 or persons with developmental disabilities for control, care, or
12 maintenance outside their own homes, or which places, arranges the
13 placement of, or assists in the placement of children, expectant
14 mothers, or persons with developmental disabilities for foster care
15 or placement of children for adoption, and shall include the
16 following irrespective of whether there is compensation to the agency
17 or to the children, expectant mothers, or persons with developmental
18 disabilities for services rendered:

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

21 (b) "Community facility" means a group care facility operated for
22 the care of juveniles committed to the department under RCW
23 13.40.185. A county detention facility that houses juveniles
24 committed to the department under RCW 13.40.185 pursuant to a
25 contract with the department is not a community facility;

26 (c) "Crisis residential center" means an agency which is a
27 temporary protective residential facility operated to perform the
28 duties specified in chapter 13.32A RCW, in the manner provided in RCW
29 43.185C.295 through 43.185C.310;

30 (d) "Emergency respite center" is an agency that may be commonly
31 known as a crisis nursery, that provides emergency and crisis care
32 for up to seventy-two hours to children who have been admitted by
33 their parents or guardians to prevent abuse or neglect. Emergency
34 respite centers may operate for up to twenty-four hours a day, and
35 for up to seven days a week. Emergency respite centers may provide
36 care for children ages birth through seventeen, and for persons
37 eighteen through twenty with developmental disabilities who are
38 admitted with a sibling or siblings through age seventeen. Emergency
39 respite centers may not substitute for crisis residential centers or

1 HOPE centers, or any other services defined under this section, and
2 may not substitute for services which are required under chapter
3 13.32A or 13.34 RCW;

4 (e) "Foster-family home" means an agency which regularly provides
5 care on a twenty-four hour basis to one or more children, expectant
6 mothers, or persons with developmental disabilities in the family
7 abode of the person or persons under whose direct care and
8 supervision the child, expectant mother, or person with a
9 developmental disability is placed;

10 (f) "Group-care facility" means an agency, other than a foster-
11 family home, which is maintained and operated for the care of a group
12 of children on a twenty-four hour basis. "Group care facility"
13 includes but is not limited to:

14 (i) Qualified residential treatment programs as defined in RCW
15 13.34.030;

16 (ii) Facilities specializing in providing prenatal, post-partum,
17 or parenting supports for youth; and

18 (iii) Facilities providing high-quality residential care and
19 supportive services to children who are, or who are at risk of
20 becoming, victims of sex trafficking;

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

33 (h) "Maternity service" means an agency which provides or
34 arranges for care or services to expectant mothers, before or during
35 confinement, or which provides care as needed to mothers and their
36 infants after confinement;

37 (i) "Resource and assessment center" means an agency that
38 provides short-term emergency and crisis care for a period up to
39 seventy-two hours, excluding Saturdays, Sundays, and holidays to

1 children who have been removed from their parent's or guardian's care
2 by child protective services or law enforcement;

3 (j) "Responsible living skills program" means an agency licensed
4 by the secretary that provides residential and transitional living
5 services to persons ages sixteen to eighteen who are dependent under
6 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
8 outdoors or in another unsafe location not intended for occupancy by
9 the minor. Dependent minors ages fourteen and fifteen may be eligible
10 if no other placement alternative is available and the department
11 approves the 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
16 with developmental disability in the following ways:

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

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

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

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

28 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
29 subsection (2), of any half sibling of the child; or

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

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

39 (c) Persons who care for a neighbor's or friend's child or
40 children, with or without compensation, where the parent and person

1 providing care on a twenty-four-hour basis have agreed to the
2 placement in writing and the state is not providing any payment for
3 the care;

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

8 (e) A person, partnership, corporation, or other entity that
9 provides placement or similar services to international children who
10 have entered the country by obtaining visas that meet the criteria
11 for medical care as established by the United States citizenship and
12 immigration services, or persons who have the care of such an
13 international child in their home;

14 (f) 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 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
19 performing functions defined in chapter 70.41 RCW, nursing homes
20 licensed under chapter 18.51 RCW and assisted living facilities
21 licensed under chapter 18.20 RCW;

22 (h) Licensed physicians or lawyers;

23 (i) Facilities approved and certified under chapter 71A.22 RCW;

24 (j) Any agency having been in operation in this state ten years
25 prior to June 8, 1967, and not seeking or accepting moneys or
26 assistance from any state or federal agency, and is supported in part
27 by an endowment or trust fund;

28 (k) Persons who have a child in their home for purposes of
29 adoption, if the child was placed in such home by a licensed child-
30 placing agency, an authorized public or tribal agency or court or if
31 a replacement report has been filed under chapter 26.33 RCW and the
32 placement has been approved by the court;

33 (l) An agency operated by any unit of local, state, or federal
34 government or an agency licensed by an Indian tribe pursuant to RCW
35 74.15.190;

36 (m) A maximum or medium security program for juvenile offenders
37 operated by or under contract with the department;

38 (n) An agency located on a federal military reservation, except
39 where the military authorities request that such agency be subject to
40 the licensing requirements of this chapter;

1 (o) A host home program, and host home, operated by a tax exempt
2 organization for youth not in the care of or receiving services from
3 the department, if that program: (i) Recruits and screens potential
4 homes in the program, including performing background checks on
5 individuals over the age of eighteen residing in the home through the
6 Washington state patrol or equivalent law enforcement agency and
7 performing physical inspections of the home; (ii) screens and
8 provides case management services to youth in the program; (iii)
9 obtains a notarized permission slip or limited power of attorney from
10 the parent or legal guardian of the youth authorizing the youth to
11 participate in the program and the authorization is updated every six
12 months when a youth remains in a host home longer than six months;
13 (iv) obtains insurance for the program through an insurance provider
14 authorized under Title 48 RCW; (v) provides mandatory reporter and
15 confidentiality training; and (vi) registers with the secretary of
16 state as provided in RCW 24.03.550. A host home is a private home
17 that volunteers to host youth in need of temporary placement that is
18 associated with a host home program. Any host home program that
19 receives local, state, or government funding shall report the
20 following information to the office of homeless youth prevention and
21 protection programs annually by December 1st of each year: The number
22 of children the program served, why the child was placed with a host
23 home, and where the child went after leaving the host home, including
24 but not limited to returning to the parents, running away, reaching
25 the age of majority, or becoming a dependent of the state. A host
26 home program shall not receive more than one hundred thousand dollars
27 per year of public funding, including local, state, and federal
28 funding. A host home shall not receive any local, state, or
29 government funding.

30 (3) "Department" means the department of children, youth, and
31 families.

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

35 (5) "Performance-based contracts" or "contracting" means the
36 structuring of all aspects of the procurement of services around the
37 purpose of the work to be performed and the desired results with the
38 contract requirements set forth in clear, specific, and objective
39 terms with measurable outcomes. Contracts may also include provisions

1 that link the performance of the contractor to the level and timing
2 of the reimbursement.

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

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

8 (8) "Secretary" means the secretary of the department.

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

13 (10) "Transitional living services" means at a minimum, to the
14 extent funds are available, the following:

15 (a) Educational services, including basic literacy and
16 computational skills training, either in local alternative or public
17 high schools or in a high school equivalency program that leads to
18 obtaining a high school equivalency degree;

19 (b) Assistance and counseling related to obtaining vocational
20 training or higher education, job readiness, job search assistance,
21 and placement programs;

22 (c) Counseling and instruction in life skills such as money
23 management, home management, consumer skills, parenting, health care,
24 access to community resources, and transportation and housing
25 options;

26 (d) Individual and group counseling; and

27 (e) Establishing networks with federal agencies and state and
28 local organizations such as the United States department of labor,
29 employment and training administration programs including the
30 workforce innovation and opportunity act which administers private
31 industry councils and the job corps; vocational rehabilitation; and
32 volunteer programs.

33 **Sec. 11.** RCW 13.34.065 and 2018 c 284 s 4 are each amended to
34 read as follows:

35 (1)(a) When a child is taken into custody, the court shall hold a
36 shelter care hearing within seventy-two hours, excluding Saturdays,
37 Sundays, and holidays. The primary purpose of the shelter care
38 hearing is to determine whether the child can be immediately and

1 safely returned home while the adjudication of the dependency is
2 pending.

3 (b) Any parent, guardian, or legal custodian who for good cause
4 is unable to attend the shelter care hearing may request that a
5 subsequent shelter care hearing be scheduled. The request shall be
6 made to the clerk of the court where the petition is filed prior to
7 the initial shelter care hearing. Upon the request of the parent, the
8 court shall schedule the hearing within seventy-two hours of the
9 request, excluding Saturdays, Sundays, and holidays. The clerk shall
10 notify all other parties of the hearing by any reasonable means.

11 (2)(a) If it is likely that the child will remain in shelter care
12 longer than seventy-two hours, the department shall submit a
13 recommendation to the court as to the further need for shelter care
14 in all cases in which the child will remain in shelter care longer
15 than the seventy-two hour period. In all other cases, the
16 recommendation shall be submitted by the juvenile court probation
17 counselor.

18 (b) All parties have the right to present testimony to the court
19 regarding the need or lack of need for shelter care.

20 (c) Hearsay evidence before the court regarding the need or lack
21 of need for shelter care must be supported by sworn testimony,
22 affidavit, or declaration of the person offering such evidence.

23 (3)(a) At the commencement of the hearing, the court shall notify
24 the parent, guardian, or custodian of the following:

25 (i) The parent, guardian, or custodian has the right to a shelter
26 care hearing;

27 (ii) The nature of the shelter care hearing, the rights of the
28 parents, and the proceedings that will follow; and

29 (iii) If the parent, guardian, or custodian is not represented by
30 counsel, the right to be represented. If the parent, guardian, or
31 custodian is indigent, the court shall appoint counsel as provided in
32 RCW 13.34.090; and

33 (b) If a parent, guardian, or legal custodian desires to waive
34 the shelter care hearing, the court shall determine, on the record
35 and with the parties present, whether such waiver is knowing and
36 voluntary. A parent may not waive his or her right to the shelter
37 care hearing unless he or she appears in court and the court
38 determines that the waiver is knowing and voluntary. Regardless of
39 whether the court accepts the parental waiver of the shelter care
40 hearing, the court must provide notice to the parents of their rights

1 required under (a) of this subsection and make the finding required
2 under subsection (4) of this section.

3 (4) At the shelter care hearing the court shall examine the need
4 for shelter care and inquire into the status of the case. The
5 paramount consideration for the court shall be the health, welfare,
6 and safety of the child. At a minimum, the court shall inquire into
7 the following:

8 (a) Whether the notice required under RCW 13.34.062 was given to
9 all known parents, guardians, or legal custodians of the child. The
10 court shall make an express finding as to whether the notice required
11 under RCW 13.34.062 was given to the parent, guardian, or legal
12 custodian. If actual notice was not given to the parent, guardian, or
13 legal custodian and the whereabouts of such person is known or can be
14 ascertained, the court shall order the department to make reasonable
15 efforts to advise the parent, guardian, or legal custodian of the
16 status of the case, including the date and time of any subsequent
17 hearings, and their rights under RCW 13.34.090;

18 (b) Whether the child can be safely returned home while the
19 adjudication of the dependency is pending;

20 (c) What efforts have been made to place the child with a
21 relative. The court shall ask the parents whether the department
22 discussed with them the placement of the child with a relative or
23 other suitable person described in RCW 13.34.130(1)(b) and shall
24 determine what efforts have been made toward such a placement;

25 (d) What services were provided to the family to prevent or
26 eliminate the need for removal of the child from the child's home. If
27 the dependency petition or other information before the court alleges
28 that homelessness or the lack of suitable housing was a significant
29 factor contributing to the removal of the child, the court shall
30 inquire as to whether housing assistance was provided to the family
31 to prevent or eliminate the need for removal of the child or
32 children;

33 (e) Is the placement proposed by the department the least
34 disruptive and most family-like setting that meets the needs of the
35 child;

36 (f) Whether it is in the best interest of the child to remain
37 enrolled in the school, developmental program, or child care the
38 child was in prior to placement and what efforts have been made to
39 maintain the child in the school, program, or child care if it would

1 be in the best interest of the child to remain in the same school,
2 program, or child care;

3 (g) Appointment of a guardian ad litem or attorney;

4 (h) Whether the child is or may be an Indian child as defined in
5 RCW 13.38.040, whether the provisions of the federal Indian child
6 welfare act or chapter 13.38 RCW apply, and whether there is
7 compliance with the federal Indian child welfare act and chapter
8 13.38 RCW, including notice to the child's tribe;

9 (i) Whether, as provided in RCW 26.44.063, restraining orders, or
10 orders expelling an allegedly abusive household member from the home
11 of a nonabusive parent, guardian, or legal custodian, will allow the
12 child to safely remain in the home;

13 (j) Whether any orders for examinations, evaluations, or
14 immediate services are needed. The court may not order a parent to
15 undergo examinations, evaluation, or services at the shelter care
16 hearing unless the parent agrees to the examination, evaluation, or
17 service;

18 (k) The terms and conditions for parental, sibling, and family
19 visitation.

20 (5) (a) The court shall release a child alleged to be dependent to
21 the care, custody, and control of the child's parent, guardian, or
22 legal custodian unless the court finds there is reasonable cause to
23 believe that:

24 (i) After consideration of the specific services that have been
25 provided, reasonable efforts have been made to prevent or eliminate
26 the need for removal of the child from the child's home and to make
27 it possible for the child to return home; and

28 (ii) (A) The child has no parent, guardian, or legal custodian to
29 provide supervision and care for such child; or

30 (B) The release of such child would present a serious threat of
31 substantial harm to such child, notwithstanding an order entered
32 pursuant to RCW 26.44.063; or

33 (C) The parent, guardian, or custodian to whom the child could be
34 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

35 (b) If the court does not release the child to his or her parent,
36 guardian, or legal custodian, the court shall order placement with a
37 relative or other suitable person as described in RCW
38 13.34.130(1)(b), unless there is reasonable cause to believe the
39 health, safety, or welfare of the child would be jeopardized or that
40 the efforts to reunite the parent and child will be hindered. If such

1 relative or other suitable person appears otherwise suitable and
2 competent to provide care and treatment, the fingerprint-based
3 background check need not be completed before placement, but as soon
4 as possible after placement. The court must also determine whether
5 placement with the relative or other suitable person is in the
6 child's best interests. The relative or other suitable person must be
7 willing and available to:

8 (i) Care for the child and be able to meet any special needs of
9 the child;

10 (ii) Facilitate the child's visitation with siblings, if such
11 visitation is part of the department's plan or is ordered by the
12 court; and

13 (iii) Cooperate with the department in providing necessary
14 background checks and home studies.

15 (c) If the child was not initially placed with a relative or
16 other suitable person, and the court does not release the child to
17 his or her parent, guardian, or legal custodian, the department shall
18 make reasonable efforts to locate a relative or other suitable person
19 pursuant to RCW 13.34.060(1). In determining placement, the court
20 shall weigh the child's length of stay and attachment to the current
21 provider in determining what is in the best interest of the child.

22 (d) If a relative or other suitable person is not available, the
23 court shall order continued shelter care and shall set forth its
24 reasons for the order. If the court orders placement of the child
25 with a person not related to the child and not licensed to provide
26 foster care, the placement is subject to all terms and conditions of
27 this section that apply to relative placements.

28 (e) Any placement with a relative, or other suitable person
29 approved by the court pursuant to this section, shall be contingent
30 upon cooperation with the department's or agency's case plan and
31 compliance with court orders related to the care and supervision of
32 the child including, but not limited to, court orders regarding
33 parent-child contacts, sibling contacts, and any other conditions
34 imposed by the court. Noncompliance with the case plan or court order
35 is grounds for removal of the child from the home of the relative or
36 other suitable person, subject to review by the court.

37 (f) If the child is placed in a qualified residential treatment
38 program as defined in this chapter, the court shall, within sixty
39 days of placement, hold a hearing to:

1 (i) Consider the assessment required under section 3 of this act
2 and submitted as part of the department's social study, and any
3 related documentation;

4 (ii) Determine whether placement in foster care can meet the
5 child's needs or if placement in another available placement setting
6 best meets the child's needs in the least restrictive environment;
7 and

8 (iii) Approve or disapprove the child's placement in the
9 qualified residential treatment program.

10 (g) Uncertainty by a parent, guardian, legal custodian, relative,
11 or other suitable person that the alleged abuser has in fact abused
12 the child shall not, alone, be the basis upon which a child is
13 removed from the care of a parent, guardian, or legal custodian under
14 (a) of this subsection, nor shall it be a basis, alone, to preclude
15 placement with a relative or other suitable person under (b) of this
16 subsection.

17 (6) (a) A shelter care order issued pursuant to this section shall
18 include the requirement for a case conference as provided in RCW
19 13.34.067. However, if the parent is not present at the shelter care
20 hearing, or does not agree to the case conference, the court shall
21 not include the requirement for the case conference in the shelter
22 care order.

23 (b) If the court orders a case conference, the shelter care order
24 shall include notice to all parties and establish the date, time, and
25 location of the case conference which shall be no later than thirty
26 days before the fact-finding hearing.

27 (c) The court may order another conference, case staffing, or
28 hearing as an alternative to the case conference required under RCW
29 13.34.067 so long as the conference, case staffing, or hearing
30 ordered by the court meets all requirements under RCW 13.34.067,
31 including the requirement of a written agreement specifying the
32 services to be provided to the parent.

33 (7) (a) A shelter care order issued pursuant to this section may
34 be amended at any time with notice and hearing thereon. The shelter
35 care decision of placement shall be modified only upon a showing of
36 change in circumstances. No child may be placed in shelter care for
37 longer than thirty days without an order, signed by the judge,
38 authorizing continued shelter care.

39 (b) (i) An order releasing the child on any conditions specified
40 in this section may at any time be amended, with notice and hearing

1 thereon, so as to return the child to shelter care for failure of the
2 parties to conform to the conditions originally imposed.

3 (ii) The court shall consider whether nonconformance with any
4 conditions resulted from circumstances beyond the control of the
5 parent, guardian, or legal custodian and give weight to that fact
6 before ordering return of the child to shelter care.

7 (8)(a) If a child is returned home from shelter care a second
8 time in the case, or if the supervisor of the caseworker deems it
9 necessary, the multidisciplinary team may be reconvened.

10 (b) If a child is returned home from shelter care a second time
11 in the case a law enforcement officer must be present and file a
12 report to the department.

13 **Sec. 12.** RCW 13.34.130 and 2018 c 284 s 10 are each amended to
14 read as follows:

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

21 (1) The court shall order one of the following dispositions of
22 the case:

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

32 (b)(i) Order the child to be removed from his or her home and
33 into the custody, control, and care of a relative or other suitable
34 person, the department, or agency responsible for supervision of the
35 child's placement. If the court orders that the child be placed with
36 a caregiver over the objections of the parent or the department, the
37 court shall articulate, on the record, his or her reasons for
38 ordering the placement. The court may not order an Indian child, as
39 defined in RCW 13.38.040, to be removed from his or her home unless

1 the court finds, by clear and convincing evidence including testimony
2 of qualified expert witnesses, that the continued custody of the
3 child by the parent or Indian custodian is likely to result in
4 serious emotional or physical damage to the child.

5 (ii) The department has the authority to place the child, subject
6 to review and approval by the court (A) with a relative as defined in
7 RCW 74.15.020(2)(a), (B) in the home of another suitable person if
8 the child or family has a preexisting relationship with that person,
9 and the person has completed all required criminal history background
10 checks and otherwise appears to the department to be suitable and
11 competent to provide care for the child, or (C) in a foster family
12 home or group care facility licensed pursuant to chapter 74.15 RCW.

13 (iii) The department may also consider placing the child, subject
14 to review and approval by the court, with a person with whom the
15 child's sibling or half-sibling is residing or a person who has
16 adopted the sibling or half-sibling of the child being placed as long
17 as the person has completed all required criminal history background
18 checks and otherwise appears to the department to be competent to
19 provide care for the child.

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

23 (3) The department may only place a child with a person not
24 related to the child as defined in RCW 74.15.020(2)(a), including a
25 placement provided for in subsection (1)(b)(iii) of this section,
26 when the court finds that such placement is in the best interest of
27 the child. Unless there is reasonable cause to believe that the
28 health, safety, or welfare of the child would be jeopardized or that
29 efforts to reunite the parent and child will be hindered, the child
30 shall be placed with a person who is willing, appropriate, and
31 available to care for the child, and who is: (I) Related to the child
32 as defined in RCW 74.15.020(2)(a) with whom the child has a
33 relationship and is comfortable; or (II) a suitable person as
34 described in subsection (1)(b) of this section. The court shall
35 consider the child's existing relationships and attachments when
36 determining placement.

37 (4) If the child is placed in a qualified residential treatment
38 program as defined in this chapter, the court shall, within sixty
39 days of placement, hold a hearing to:

1 (i) Consider the assessment required under section 3 of this act
2 and submitted as part of the department's social study, and any
3 related documentation;

4 (ii) Determine whether placement in foster care can meet the
5 child's needs or if placement in another available placement setting
6 best meets the child's needs in the least restrictive environment;
7 and

8 (iii) Approve or disapprove the child's placement in the
9 qualified residential treatment program.

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

13 ~~((+5))~~ (6) Placement of the child with a relative or other
14 suitable person as described in subsection (1)(b) of this section
15 shall be given preference by the court. An order for out-of-home
16 placement may be made only if the court finds that reasonable efforts
17 have been made to prevent or eliminate the need for removal of the
18 child from the child's home and to make it possible for the child to
19 return home, specifying the services, including housing assistance,
20 that have been provided to the child and the child's parent,
21 guardian, or legal custodian, and that ~~((preventive))~~ prevention
22 services have been offered or provided and have failed to prevent the
23 need for out-of-home placement, unless the health, safety, and
24 welfare of the child cannot be protected adequately in the home, and
25 that:

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

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

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

34 ~~((+6))~~ (7) If the court has ordered a child removed from his or
35 her home pursuant to subsection (1)(b) of this section, the court
36 shall consider whether it is in a child's best interest to be placed
37 with, have contact with, or have visits with siblings.

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

1 (i) The court has jurisdiction over all siblings subject to the
2 order of placement, contact, or visitation pursuant to petitions
3 filed under this chapter or the parents of a child for whom there is
4 no jurisdiction are willing to agree; and

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

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

15 ~~((7))~~ (8) If the court has ordered a child removed from his or
16 her home pursuant to subsection (1)(b) of this section and placed
17 into nonparental or nonrelative care, the court shall order a
18 placement that allows the child to remain in the same school he or
19 she attended prior to the initiation of the dependency proceeding
20 when such a placement is practical and in the child's best interest.

21 ~~((8))~~ (9) If the court has ordered a child removed from his or
22 her home pursuant to subsection (1)(b) of this section, the court may
23 order that a petition seeking termination of the parent and child
24 relationship be filed if the requirements of RCW 13.34.132 are met.

25 ~~((9))~~ (10) If there is insufficient information at the time of
26 the disposition hearing upon which to base a determination regarding
27 the suitability of a proposed placement with a relative or other
28 suitable person, the child shall remain in foster care and the court
29 shall direct the department to conduct necessary background
30 investigations as provided in chapter 74.15 RCW and report the
31 results of such investigation to the court within thirty days.
32 However, if such relative or other person appears otherwise suitable
33 and competent to provide care and treatment, the criminal history
34 background check need not be completed before placement, but as soon
35 as possible after placement. Any placements with relatives or other
36 suitable persons, pursuant to this section, shall be contingent upon
37 cooperation by the relative or other suitable person with the agency
38 case plan and compliance with court orders related to the care and
39 supervision of the child including, but not limited to, court orders
40 regarding parent-child contacts, sibling contacts, and any other

1 conditions imposed by the court. Noncompliance with the case plan or
2 court order shall be grounds for removal of the child from the
3 relative's or other suitable person's home, subject to review by the
4 court.

5 **Sec. 13.** RCW 13.34.138 and 2018 c 284 s 14 are each amended to
6 read as follows:

7 (1) The status of all children found to be dependent shall be
8 reviewed by the court at least every six months from the beginning
9 date of the placement episode or the date dependency is established,
10 whichever is first. The purpose of the hearing shall be to review the
11 progress of the parties and determine whether court supervision
12 should continue.

13 (a) The initial review hearing shall be an in-court review and
14 shall be set six months from the beginning date of the placement
15 episode or no more than ninety days from the entry of the disposition
16 order, whichever comes first. The requirements for the initial review
17 hearing, including the in-court review requirement, shall be
18 accomplished within existing resources.

19 (b) The initial review hearing may be a permanency planning
20 hearing when necessary to meet the time frames set forth in RCW
21 13.34.145(1)(a) or 13.34.134.

22 (2)(a) A child shall not be returned home at the review hearing
23 unless the court finds that a reason for removal as set forth in RCW
24 13.34.130 no longer exists. The parents, guardian, or legal custodian
25 shall report to the court the efforts they have made to correct the
26 conditions which led to removal. If a child is returned, casework
27 supervision by the department shall continue for a period of six
28 months, at which time there shall be a hearing on the need for
29 continued intervention.

30 (b) Prior to the child returning home, the department must
31 complete the following:

32 (i) Identify all adults residing in the home and conduct
33 background checks on those persons;

34 (ii) Identify any persons who may act as a caregiver for the
35 child in addition to the parent with whom the child is being placed
36 and determine whether such persons are in need of any services in
37 order to ensure the safety of the child, regardless of whether such
38 persons are a party to the dependency. The department may recommend
39 to the court and the court may order that placement of the child in

1 the parent's home be contingent on or delayed based on the need for
2 such persons to engage in or complete services to ensure the safety
3 of the child prior to placement. If services are recommended for the
4 caregiver, and the caregiver fails to engage in or follow through
5 with the recommended services, the department must promptly notify
6 the court; and

7 (iii) Notify the parent with whom the child is being placed that
8 he or she has an ongoing duty to notify the department of all persons
9 who reside in the home or who may act as a caregiver for the child
10 both prior to the placement of the child in the home and subsequent
11 to the placement of the child in the home as long as the court
12 retains jurisdiction of the dependency proceeding or the department
13 is providing or monitoring either remedial services to the parent or
14 services to ensure the safety of the child to any caregivers.

15 Caregivers may be required to engage in services under this
16 subsection solely for the purpose of ensuring the present and future
17 safety of a child who is a ward of the court. This subsection does
18 not grant party status to any individual not already a party to the
19 dependency proceeding, create an entitlement to services or a duty on
20 the part of the department to provide services, or create judicial
21 authority to order the provision of services to any person other than
22 for the express purposes of this section or RCW 13.34.025 or if the
23 services are unavailable or unsuitable or the person is not eligible
24 for such services.

25 (c) If the child is not returned home, the court shall establish
26 in writing:

27 (i) Whether the department is making reasonable efforts to
28 provide services to the family and eliminate the need for placement
29 of the child. If additional services, including housing assistance,
30 are needed to facilitate the return of the child to the child's
31 parents, the court shall order that reasonable services be offered
32 specifying such services;

33 (ii) Whether there has been compliance with the case plan by the
34 child, the child's parents, and the agency supervising the placement;

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

37 (iv) Whether the services set forth in the case plan and the
38 responsibilities of the parties need to be clarified or modified due
39 to the availability of additional information or changed
40 circumstances;

1 (v) Whether there is a continuing need for placement;

2 (vi) Within sixty days of the placement of a child in a qualified
3 residential treatment program as defined in this chapter, and at each
4 review hearing thereafter if the child remains in such a program, the
5 following:

6 (A) Whether ongoing assessment of the child's strengths and needs
7 continues to support the determination that the child's needs cannot
8 be met through placement in a foster family home;

9 (B) Whether the child's placement provides the most effective and
10 appropriate level of care in the least restrictive environment;

11 (C) Whether the placement is consistent with the child's
12 permanency plan;

13 (D) What specific treatment or service needs will be met in the
14 placement, and how long the child is expected to need the treatment
15 or services; and

16 (E) What efforts the department has made to prepare the child to
17 return home or be placed with a fit and willing relative as defined
18 in RCW 13.34.030, a Title 13 RCW legal guardian, an adoptive parent,
19 or in a foster family home.

20 (vii) Whether a parent's homelessness or lack of suitable housing
21 is a significant factor delaying permanency for the child by
22 preventing the return of the child to the home of the child's parent
23 and whether housing assistance should be provided by the department;

24 ~~((vii))~~ (viii) Whether the child is in an appropriate placement
25 which adequately meets all physical, emotional, and educational
26 needs;

27 ~~((viii))~~ (ix) Whether preference has been given to placement
28 with the child's relatives if such placement is in the child's best
29 interests;

30 ~~((ix))~~ (x) Whether both in-state and, where appropriate, out-
31 of-state placements have been considered;

32 ~~((x))~~ (xi) Whether the parents have visited the child and any
33 reasons why visitation has not occurred or has been infrequent;

34 ~~((xi))~~ (xii) Whether terms of visitation need to be modified;

35 ~~((xii))~~ (xiii) Whether the court-approved long-term permanent
36 plan for the child remains the best plan for the child;

37 ~~((xiii))~~ (xiv) Whether any additional court orders need to be
38 made to move the case toward permanency; and

39 ~~((xiv))~~ (xv) The projected date by which the child will be
40 returned home or other permanent plan of care will be implemented.

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

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

6 (i) The compliance of the parents with court orders related to
7 the care and supervision of the child, including compliance with the
8 department's case plan; and

9 (ii) The continued participation of the parents, if applicable,
10 in available substance abuse or mental health treatment if substance
11 abuse or mental illness was a contributing factor to the removal of
12 the child.

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

15 (i) Noncompliance by the parents with the department's case plan
16 or court order;

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

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

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

32 (4) The court's authority to order housing assistance under this
33 chapter is: (a) Limited to cases in which a parent's homelessness or
34 lack of suitable housing is a significant factor delaying permanency
35 for the child and housing assistance would aid the parent in
36 providing an appropriate home for the child; and (b) subject to the
37 availability of funds appropriated for this specific purpose. Nothing
38 in this chapter shall be construed to create an entitlement to
39 housing assistance nor to create judicial authority to order the
40 provision of such assistance to any person or family if the

1 assistance or funding are unavailable or the child or family are not
2 eligible for such assistance.

3 (5) The court shall consider the child's relationship with
4 siblings in accordance with RCW 13.34.130(6).

5 NEW SECTION. **Sec. 14.** A new section is added to chapter 13.34
6 RCW to read as follows:

7 If a child is placed in a qualified residential treatment program
8 as defined in this chapter, the court shall, within sixty days of
9 placement, hold a hearing to:

10 (1) Consider the assessment required under section 3 of this act
11 and submitted as part of the department's social study, and any
12 related documentation;

13 (2) Determine whether placement in foster care can meet the
14 child's needs or if placement in another available placement setting
15 best meets the child's needs in the least restrictive environment;
16 and

17 (3) Approve or disapprove the child's placement in the qualified
18 residential treatment program.

19 **Sec. 15.** RCW 13.34.145 and 2018 c 284 s 15 are each amended to
20 read as follows:

21 (1) The purpose of a permanency planning hearing is to review the
22 permanency plan for the child, inquire into the welfare of the child
23 and progress of the case, and reach decisions regarding the permanent
24 placement of the child.

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

31 (b) 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
34 custodian but is placed in out-of-home care, a permanency planning
35 hearing shall take place no later than twelve months, as provided in
36 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

1 parent, guardian, or legal custodian, an adoption decree,
2 guardianship order, or a permanent custody order is entered, or the
3 dependency is dismissed. Every effort shall be made to provide
4 stability in long-term placement, and to avoid disruption of
5 placement, unless the child is being returned home or it is in the
6 best interest of the child.

7 (c) Permanency planning goals should be achieved at the earliest
8 possible date, preferably before the child has been in out-of-home
9 care for fifteen months. In cases where parental rights have been
10 terminated, the child is legally free for adoption, and adoption has
11 been identified as the primary permanency planning goal, it shall be
12 a goal to complete the adoption within six months following entry of
13 the termination order.

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

18 (3) When the youth is at least age seventeen years but not older
19 than seventeen years and six months, the department shall provide the
20 youth with written documentation which explains the availability of
21 extended foster care services and detailed instructions regarding how
22 the youth may access such services after he or she reaches age
23 eighteen years.

24 (4) At the permanency planning hearing, the court shall conduct
25 the following inquiry:

26 (a) If a goal of long-term foster or relative care has been
27 achieved prior to the permanency planning hearing, the court shall
28 review the child's status to determine whether the placement and the
29 plan for the child's care remain appropriate. The court shall find,
30 as of the date of the hearing, that the child's placement and plan of
31 care is the best permanency plan for the child and provide compelling
32 reasons why it continues to not be in the child's best interest to
33 (i) return home; (ii) be placed for adoption; (iii) be placed with a
34 legal guardian; or (iv) be placed with a fit and willing relative. If
35 the child is present at the hearing, the court should ask the child
36 about his or her desired permanency outcome.

37 (b) In cases where the primary permanency planning goal has not
38 been achieved, the court shall inquire regarding the reasons why the
39 primary goal has not been achieved and determine what needs to be
40 done to make it possible to achieve the primary goal. The court shall

1 review the permanency plan prepared by the agency and make explicit
2 findings regarding each of the following:

3 (i) The continuing necessity for, and the safety and
4 appropriateness of, the placement;

5 (ii) The extent of compliance with the permanency plan by the
6 department and any other service providers, the child's parents, the
7 child, and the child's guardian, if any;

8 (iii) The extent of any efforts to involve appropriate service
9 providers in addition to department staff in planning to meet the
10 special needs of the child and the child's parents;

11 (iv) The progress toward eliminating the causes for the child's
12 placement outside of his or her home and toward returning the child
13 safely to his or her home or obtaining a permanent placement for the
14 child;

15 (v) The date by which it is likely that the child will be
16 returned to his or her home or placed for adoption, with a guardian
17 or in some other alternative permanent placement; and

18 (vi) If the child has been placed outside of his or her home for
19 fifteen of the most recent twenty-two months, not including any
20 period during which the child was a runaway from the out-of-home
21 placement or the first six months of any period during which the
22 child was returned to his or her home for a trial home visit, the
23 appropriateness of the permanency plan, whether reasonable efforts
24 were made by the department to achieve the goal of the permanency
25 plan, and the circumstances which prevent the child from any of the
26 following:

27 (A) Being returned safely to his or her home;

28 (B) Having a petition for the involuntary termination of parental
29 rights filed on behalf of the child;

30 (C) Being placed for adoption;

31 (D) Being placed with a guardian;

32 (E) Being placed in the home of a fit and willing relative of the
33 child; or

34 (F) Being placed in some other alternative permanent placement,
35 including independent living or long-term foster care.

36 (c) Regardless of whether the primary permanency planning goal
37 has been achieved, for a child who remains placed in a qualified
38 residential treatment program as defined in this chapter for at least
39 sixty days, and remains placed there at subsequent permanency
40 planning hearings, the court shall establish in writing:

1 (i) Whether ongoing assessment of the child's strengths and needs
2 continues to support the determination that the child's needs cannot
3 be met through placement in a foster family home;

4 (ii) Whether the child's placement provides the most effective
5 and appropriate level of care in the least restrictive environment;

6 (iii) Whether the placement is consistent with the child's short
7 and long-term goals as stated in the child's permanency plan;

8 (iv) What specific treatment or service needs will be met in the
9 placement, and how long the child is expected to need the treatment
10 or services; and

11 (v) What efforts the department has made to prepare the child to
12 return home or be placed with a fit and willing relative as defined
13 in RCW 13.34.030, a Title 13 RCW legal guardian, an adoptive parent,
14 or in a foster family home.

15 (5) Following this inquiry, at the permanency planning hearing,
16 the court shall order the department to file a petition seeking
17 termination of parental rights if the child has been in out-of-home
18 care for fifteen of the last twenty-two months since the date the
19 dependency petition was filed unless the court makes a good cause
20 exception as to why the filing of a termination of parental rights
21 petition is not appropriate. Any good cause finding shall be reviewed
22 at all subsequent hearings pertaining to the child.

23 (a) For purposes of this subsection, "good cause exception"
24 includes but is not limited to the following:

25 (i) The child is being cared for by a relative;

26 (ii) The department has not provided to the child's family such
27 services as the court and the department have deemed necessary for
28 the child's safe return home;

29 (iii) The department has documented in the case plan a compelling
30 reason for determining that filing a petition to terminate parental
31 rights would not be in the child's best interests;

32 (iv) The parent is incarcerated, or the parent's prior
33 incarceration is a significant factor in why the child has been in
34 foster care for fifteen of the last twenty-two months, the parent
35 maintains a meaningful role in the child's life, and the department
36 has not documented another reason why it would be otherwise
37 appropriate to file a petition pursuant to this section;

38 (v) Where a parent has been accepted into a dependency treatment
39 court program or long-term substance abuse or dual diagnoses

1 treatment program and is demonstrating compliance with treatment
2 goals; or

3 (vi) Where a parent who has been court ordered to complete
4 services necessary for the child's safe return home files a
5 declaration under penalty of perjury stating the parent's financial
6 inability to pay for the same court-ordered services, and also
7 declares the department was unwilling or unable to pay for the same
8 services necessary for the child's safe return home.

9 (b) The court's assessment of whether a parent who is
10 incarcerated maintains a meaningful role in the child's life may
11 include consideration of the following:

12 (i) The parent's expressions or acts of manifesting concern for
13 the child, such as letters, telephone calls, visits, and other forms
14 of communication with the child;

15 (ii) The parent's efforts to communicate and work with the
16 department or other individuals for the purpose of complying with the
17 service plan and repairing, maintaining, or building the parent-child
18 relationship;

19 (iii) A positive response by the parent to the reasonable efforts
20 of the department;

21 (iv) Information provided by individuals or agencies in a
22 reasonable position to assist the court in making this assessment,
23 including but not limited to the parent's attorney, correctional and
24 mental health personnel, or other individuals providing services to
25 the parent;

26 (v) Limitations in the parent's access to family support
27 programs, therapeutic services, and visiting opportunities,
28 restrictions to telephone and mail services, inability to participate
29 in foster care planning meetings, and difficulty accessing lawyers
30 and participating meaningfully in court proceedings; and

31 (vi) Whether the continued involvement of the parent in the
32 child's life is in the child's best interest.

33 (c) The constraints of a parent's current or prior incarceration
34 and associated delays or barriers to accessing court-mandated
35 services may be considered in rebuttal to a claim of aggravated
36 circumstances under RCW 13.34.132(4)(h) for a parent's failure to
37 complete available treatment.

38 (6)(a) If the permanency plan identifies independent living as a
39 goal, the court at the permanency planning hearing shall make a
40 finding that the provision of services to assist the child in making

1 a transition from foster care to independent living will allow the
2 child to manage his or her financial, personal, social, educational,
3 and nonfinancial affairs prior to approving independent living as a
4 permanency plan of care. The court will inquire whether the child has
5 been provided information about extended foster care services.

6 (b) The permanency plan shall also specifically identify the
7 services, including extended foster care services, where appropriate,
8 that will be provided to assist the child to make a successful
9 transition from foster care to independent living.

10 (c) The department shall not discharge a child to an independent
11 living situation before the child is eighteen years of age unless the
12 child becomes emancipated pursuant to chapter 13.64 RCW.

13 (7) If the child has resided in the home of a foster parent or
14 relative for more than six months prior to the permanency planning
15 hearing, the court shall:

16 (a) Enter a finding regarding whether the foster parent or
17 relative was informed of the hearing as required in RCW 74.13.280,
18 13.34.215(6), and 13.34.096; and

19 (b) If the department is recommending a placement other than the
20 child's current placement with a foster parent, relative, or other
21 suitable person, enter a finding as to the reasons for the
22 recommendation for a change in placement.

23 (8) In all cases, at the permanency planning hearing, the court
24 shall:

25 (a)(i) Order the permanency plan prepared by the department to be
26 implemented; or

27 (ii) Modify the permanency plan, and order implementation of the
28 modified plan; and

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

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

35 (9) Following the first permanency planning hearing, the court
36 shall hold a further permanency planning hearing in accordance with
37 this section at least once every twelve months until a permanency
38 planning goal is achieved or the dependency is dismissed, whichever
39 occurs first.

1 (10) Prior to the second permanency planning hearing, the agency
2 that has custody of the child shall consider whether to file a
3 petition for termination of parental rights.

4 (11) If the court orders the child returned home, casework
5 supervision by the department shall continue for at least six months,
6 at which time a review hearing shall be held pursuant to RCW
7 13.34.138, and the court shall determine the need for continued
8 intervention.

9 (12) The juvenile court may hear a petition for permanent legal
10 custody when: (a) The court has ordered implementation of a
11 permanency plan that includes permanent legal custody; and (b) the
12 party pursuing the permanent legal custody is the party identified in
13 the permanency plan as the prospective legal custodian. During the
14 pendency of such proceeding, the court shall conduct review hearings
15 and further permanency planning hearings as provided in this chapter.
16 At the conclusion of the legal guardianship or permanent legal
17 custody proceeding, a juvenile court hearing shall be held for the
18 purpose of determining whether dependency should be dismissed. If a
19 guardianship or permanent custody order has been entered, the
20 dependency shall be dismissed.

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

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

34 (15) The approval of a permanency plan that does not contemplate
35 return of the child to the parent does not relieve the department of
36 its obligation to provide reasonable services, under this chapter,
37 intended to effectuate the return of the child to the parent,
38 including but not limited to, visitation rights. The court shall
39 consider the child's relationships with siblings in accordance with
40 RCW 13.34.130.

1 (16) Nothing in this chapter may be construed to limit the
2 procedural due process rights of any party in a termination or
3 guardianship proceeding filed under this chapter.

4 NEW SECTION. **Sec. 16.** A new section is added to chapter 26.44
5 RCW to read as follows:

6 Nothing in this chapter may be construed to limit the
7 department's authority to offer or provide prevention services or
8 primary prevention services as defined in chapters 13.34 and 74.13
9 RCW, respectively.

10 NEW SECTION. **Sec. 17.** A new section is added to chapter 13.34
11 RCW to read as follows:

12 Nothing in this chapter may be construed to limit the
13 department's authority to offer or provide prevention services or
14 primary prevention services as defined in this chapter and chapter
15 74.13 RCW, respectively.

16 NEW SECTION. **Sec. 18.** A new section is added to chapter 74.13
17 RCW to read as follows:

18 Nothing in this chapter may be construed to limit the
19 department's authority to offer or provide prevention services or
20 primary prevention services as defined in chapter 13.34 RCW and this
21 chapter, respectively.

22 NEW SECTION. **Sec. 19.** Sections 3, 4, and 10 through 15 of this
23 act take effect October 1, 2019.

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