
SUBSTITUTE HOUSE BILL 1756

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Veloria, Cooke, Cody, Lambert, Thibaudeau, Patterson and Costa)

Read first time 03/01/95.

1 AN ACT Relating to dependent children; and amending RCW 13.34.110
2 and 13.34.145.

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

4 **Sec. 1.** RCW 13.34.110 and 1993 c 412 s 7 are each amended to read
5 as follows:

6 The court shall hold a fact-finding hearing on the petition and,
7 unless the court dismisses the petition, shall make written findings of
8 fact, stating the reasons therefor, and after it has announced its
9 findings of fact shall hold a hearing to consider disposition of the
10 case immediately following the fact-finding hearing or at a continued
11 hearing within fourteen days or longer for good cause shown. The
12 parties need not appear at the fact-finding or dispositional hearing if
13 the parties, their attorneys, the guardian ad litem, and court-
14 appointed special advocates, if any, are all in agreement. The court
15 shall receive and review a social study before entering an order based
16 on agreement. No social file or social study may be considered by the
17 court in connection with the fact-finding hearing or prior to factual
18 determination, except as otherwise admissible under the rules of
19 evidence. Notice of the time and place of the continued hearing may be

1 given in open court. If notice in open court is not given to a party,
2 that party shall be notified by mail of the time and place of any
3 continued hearing.

4 All hearings may be conducted at any time or place within the
5 limits of the county, and such cases may not be heard in conjunction
6 with other business of any other division of the superior court. The
7 general public shall be excluded, and only such persons may be admitted
8 who are found by the judge to have a direct interest in the case or in
9 the work of the court. If a child resides in foster care or in the
10 home of a relative pursuant to a disposition order entered under RCW
11 13.34.130, the court (~~may~~), unless it states reasons on the record to
12 support disallowance of attendance, shall allow the child's foster
13 parent or relative care provider to attend dependency review
14 proceedings pertaining to the child for the sole purpose of providing
15 information about the child to the court.

16 Stenographic notes or any device which accurately records the
17 proceedings may be required as provided in other civil cases pursuant
18 to RCW 2.32.200.

19 **Sec. 2.** RCW 13.34.145 and 1994 c 288 s 5 are each amended to read
20 as follows:

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

28 (a) Whenever a child is placed in out-of-home care pursuant to RCW
29 13.34.130, the agency that has custody of the child shall provide the
30 court with a written permanency plan of care directed towards securing
31 a safe, stable, and permanent home for the child as soon as possible.
32 The plan shall identify one of the following outcomes as the primary
33 goal and may also identify additional outcomes as alternative goals:
34 Return of the child to the home of the child's parent, guardian, or
35 legal custodian; adoption; guardianship; or long-term relative or
36 foster care, until the child is age eighteen, with a written agreement
37 between the parties and the care provider.

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

3 (c) Permanency planning goals should be achieved at the earliest
4 possible date, preferably before the child has been in out-of-home care
5 for fifteen months.

6 (2)(a) For children ten and under, a permanency planning hearing
7 shall be held in all cases where the child has remained in out-of-home
8 care for at least nine months and an adoption decree, permanent custody
9 order, or guardianship order has not previously been entered. The
10 hearing shall take place no later than twelve months following
11 commencement of the current placement episode.

12 (b) For children over ten, a permanency planning hearing shall be
13 held in all cases where the child has remained in out-of-home care for
14 at least fifteen months and an adoption decree, permanent custody
15 order, or guardianship order has not previously been entered. The
16 hearing shall take place no later than eighteen months following
17 commencement of the current placement episode.

18 (3) Whenever a child is removed from the home of a dependency
19 guardian or long-term relative or foster care provider, and the child
20 is not returned to the home of the parent, guardian, or legal custodian
21 but is placed in out-of-home care, a permanency planning hearing shall
22 take place no later than twelve or eighteen months, as provided in
23 subsection (2) of this section, following the date of removal unless,
24 prior to the hearing, the child returns to the home of the dependency
25 guardian or long-term care provider, the child is placed in the home of
26 the parent, guardian, or legal custodian, an adoption decree or
27 guardianship order is entered, or the dependency is dismissed.

28 (4) No later than ten working days prior to the permanency planning
29 hearing, the agency having custody of the child shall submit a written
30 permanency plan to the court and shall mail a copy of the plan to all
31 parties and their legal counsel, if any.

32 (5) At the permanency planning hearing, the court shall enter
33 findings as required by RCW 13.34.130(5) and shall review the
34 permanency plan prepared by the agency. If a goal of long-term foster
35 or relative care has been achieved prior to the permanency planning
36 hearing, the court shall review the child's status to determine whether
37 the placement and the plan for the child's care remain appropriate. In
38 cases where the primary permanency planning goal has not yet been
39 achieved, the court shall inquire regarding the reasons why the primary

1 goal has not been achieved and determine what needs to be done to make
2 it possible to achieve the primary goal. In all cases, the court
3 shall:

4 (a)(i) Order the permanency plan prepared by the agency to be
5 implemented; or

6 (ii) Modify the permanency plan, and order implementation of the
7 modified plan; and

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

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

13 (6) If the court orders the child returned home, casework
14 supervision shall continue for at least six months, at which time a
15 review hearing shall be held pursuant to RCW 13.34.130(5), and the
16 court shall determine the need for continued intervention.

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

22 (8) Except as otherwise provided in RCW 13.34.235, the status of
23 all dependent children shall continue to be reviewed by the court at
24 least once every six months, in accordance with RCW 13.34.130(5), until
25 the dependency is dismissed. Prior to the second permanency planning
26 hearing, the agency that has custody of the child shall consider
27 whether to file a petition for termination of parental rights.

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

38 (10) The approval of a permanency plan that does not contemplate
39 return of the child to the parent does not relieve the supervising

1 agency of its obligation to provide reasonable services, under this
2 chapter, intended to effectuate the return of the child to the parent,
3 including but not limited to, visitation rights.

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

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