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**SENATE BILL 5373**

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**State of Washington****54th Legislature****1995 Regular Session****By** Senators Hochstatter, Roach, Oke and Morton

Read first time 01/20/95. Referred to Committee on Human Services &amp; Corrections.

1       AN ACT Relating to the best interest of a minor child; and amending  
2   RCW 13.32A.010, 13.32A.120, 13.34.020, 26.33.010, 26.33.140, 74.13.010,  
3   74.14A.010, 74.14C.005, and 74.15.010.

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

5       **Sec. 1.** RCW 13.32A.010 and 1979 c 155 s 15 are each amended to  
6 read as follows:

7       The legislature finds that within any group of people there exists  
8 a need for guidelines for acceptable behavior and that, presumptively,  
9 experience and maturity are better qualifications for establishing  
10 guidelines beneficial to and protective of individual members and the  
11 group as a whole than are youth and inexperience. The legislature  
12 further finds that it is the right and responsibility of adults to  
13 establish laws for the benefit and protection of the society; and that,  
14 in the same manner, the right and responsibility for establishing  
15 reasonable guidelines for the family unit belongs to the adults within  
16 that unit. The legislature reaffirms its position stated in RCW  
17 13.34.020 that the family unit is the fundamental resource of American  
18 life which should be nurtured and that it should remain intact in the  
19 absence of compelling evidence to the contrary.

1       The legislature further finds that it is in the best interest of a  
2       minor child for the child to reside, if possible, in a household with  
3       a mother and a father.

4       **Sec. 2.** RCW 13.32A.120 and 1990 c 276 s 7 are each amended to read  
5       as follows:

6           (1) Where either a child or the child's parent or the person or  
7       facility currently providing shelter to the child notifies the center  
8       that such individual or individuals cannot agree to the continuation of  
9       an alternative residential placement arrived at pursuant to RCW  
10      13.32A.090(2)(e), the center shall immediately contact the remaining  
11      party or parties to the agreement and shall attempt to bring about the  
12      child's return home or to an alternative living arrangement agreeable  
13      to the child and the parent as soon as practicable.

14          (2) If a child and his or her parent cannot agree to an alternative  
15       residential placement under RCW 13.32A.090(2)(e), either the child or  
16       parent may file with the juvenile court a petition to approve an  
17       alternative residential placement or the parent may file with the  
18       juvenile court a petition in the interest of a child alleged to be an  
19       at-risk youth under this chapter.

20          (3) If a child and his or her parent cannot agree to the  
21       continuation of an alternative residential placement arrived at under  
22       RCW 13.32A.090(2)(e), either the child or parent may file with the  
23       juvenile court a petition to approve an alternative residential  
24       placement or the parent may file with the juvenile court a petition in  
25       the interest of a child alleged to be an at-risk youth under this  
26       chapter.

27          (4) It is in the best interest of a minor child for the child to  
28       reside, if possible, in a household with a mother and a father.

29       **Sec. 3.** RCW 13.34.020 and 1990 c 284 s 31 are each amended to read  
30       as follows:

31           The legislature declares that the family unit is a fundamental  
32       resource of American life which should be nurtured. Toward the  
33       continuance of this principle, the legislature declares that the family  
34       unit should remain intact unless a child's right to conditions of basic  
35       nurture, health, or safety is jeopardized. When the rights of basic  
36       nurture, physical and mental health, and safety of the child and the  
37       legal rights of the parents are in conflict, the rights and safety of

1 the child should prevail. The right of a child to basic nurturing  
2 includes the right to a safe, stable, and permanent home and a speedy  
3 resolution of any proceeding under this chapter.

4 The legislature finds that it is in the best interest of a minor  
5 child for the child to reside, if possible, in a household with a  
6 mother and a father.

7 **Sec. 4.** RCW 26.33.010 and 1984 c 155 s 1 are each amended to read  
8 as follows:

9 The legislature finds that the purpose of adoption is to provide  
10 stable homes for children. Adoptions should be handled efficiently,  
11 but the rights of all parties must be protected. The guiding principle  
12 must be determining what is in the best interest of the child. It is  
13 the intent of the legislature that this chapter be used only as a means  
14 for placing children in adoptive homes and not as a means for parents  
15 to avoid responsibility for their children unless the department, an  
16 agency, or a prospective adoptive parent is willing to assume the  
17 responsibility for the child.

18 The legislature further finds that it is in the best interest of a  
19 minor child for the child to reside, if possible, in a household with  
20 a mother and a father.

21 **Sec. 5.** RCW 26.33.140 and 1984 c 155 s 14 are each amended to read  
22 as follows:

23 (1) Any person may be adopted, regardless of his or her age or  
24 residence.

25 (2) Any person who is legally competent and who is ((eighteen))  
26 twenty-one years of age or older may be an adoptive parent.

27 (3) It is in the best interest of a minor child for the child to  
28 reside, if possible, in a household with a mother and a father.

29 **Sec. 6.** RCW 74.13.010 and 1965 c 30 s 2 are each amended to read  
30 as follows:

31 The purpose of this chapter is to safeguard, protect and contribute  
32 to the welfare of the children of the state, through a comprehensive  
33 and coordinated program of public child welfare services providing for:  
34 Social services and facilities for children who require guidance, care,  
35 control, protection, treatment or rehabilitation; setting of standards  
36 for social services and facilities for children; cooperation with

1 public and voluntary agencies, organizations, and citizen groups in the  
2 development and coordination of programs and activities in behalf of  
3 children; ((and)) promotion of community conditions and resources that  
4 help parents to discharge their responsibilities for the care,  
5 development and well-being of their children; and the best interest of  
6 children.

7 The legislature finds that it is in the best interest of a minor  
8 child for the child to reside, if possible, in a household with a  
9 mother and a father.

10       **Sec. 7.** RCW 74.14A.010 and 1983 c 192 s 1 are each amended to read  
11 as follows:

12       The legislature reaffirms its declarations under RCW 13.34.020 that  
13 the family unit is the fundamental resource of American life which  
14 should be nurtured and that the family unit should remain intact in the  
15 absence of compelling evidence to the contrary. The legislature  
16 declares that the goal of serving emotionally disturbed and mentally  
17 ill children, potentially dependent children, and families-in-conflict  
18 in their own homes to avoid out-of-home placement of the child, when  
19 that form of care is premature, unnecessary, or inappropriate, is a  
20 high priority of this state.

21       The legislature finds that it is in the best interest of a minor  
22 child for the child to reside, if possible, in a household with a  
23 mother and a father.

24       **Sec. 8.** RCW 74.14C.005 and 1992 c 214 s 1 are each amended to read  
25 as follows:

26       (1) It is the intent of the legislature to make available, within  
27 available funds, intensive services to children and families that are  
28 designed to prevent the unnecessary imminent placement of children in  
29 foster care, and designed to facilitate the reunification of the  
30 children with their families. These services are known as family  
31 preservation services and are characterized by the following values,  
32 beliefs, and goals:

- 33       (a) Safety of the child is always the first concern;
- 34       (b) Children need their families and should be raised by their own  
35 families whenever possible;
- 36       (c) Interventions should focus on family strengths and be  
37 responsive to individual family needs; ((and))

1       (d) Improvement of family functioning is essential in order to  
2 promote the child's health, safety, and welfare and thereby allow the  
3 family to remain intact and allow children to remain at home; and

4       (e) It is in the best interest of a minor child for the child to  
5 reside, if possible, in a household with a mother and a father.

6       (2) Subject to the availability of funds for such purposes, the  
7 legislature intends for family preservation services to be made  
8 available to all eligible families on a state-wide basis through a  
9 phased-in process. Except as otherwise specified by statute, the  
10 department of social and health services shall have the authority and  
11 discretion to implement and expand family preservation services  
12 according to a plan and time frame determined by the department.

13      (3) Nothing in this chapter shall be construed to create an  
14 entitlement to services nor to create judicial authority to order the  
15 provision of family preservation services to any person or family where  
16 the department has determined that such services are unavailable or  
17 unsuitable or that the child or family are not eligible for such  
18 services.

19      **Sec. 9.** RCW 74.15.010 and 1983 c 3 s 192 are each amended to read  
20 as follows:

21      The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

22      (1) To safeguard the well-being of children, expectant mothers and  
23 developmentally disabled persons receiving care away from their own  
24 homes;

25      (2) To strengthen and encourage family unity and to sustain  
26 parental rights and responsibilities to the end that foster care is  
27 provided only when a child's family, through the use of all available  
28 resources, is unable to provide necessary care;

29      (3) To promote the development of a sufficient number and variety  
30 of adequate child-care and maternity-care facilities, both public and  
31 private, through the cooperative efforts of public and voluntary  
32 agencies and related groups((.-));

33      (4) To provide consultation to agencies caring for children,  
34 expectant mothers or developmentally disabled persons in order to help  
35 them to improve their methods of and facilities for care;

36      (5) To license agencies as defined in RCW 74.15.020 and to assure  
37 the users of such agencies, their parents, the community at large and  
38 the agencies themselves that adequate minimum standards are maintained

1 by all agencies caring for children, expectant mothers and  
2 developmentally disabled persons;

3 (6) To provide for the best interest of a minor child by providing  
4 for the child to reside, if possible, in a household with a mother and  
5 a father.

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