
SUBSTITUTE SENATE BILL 5885

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Owen, Kohl, Haugen, Rasmussen, Franklin, Bauer and Winsley)

Read first time 03/01/95.

1 AN ACT Relating to services to families; amending RCW 74.14C.005,
2 74.14C.010, 74.14C.020, 74.14C.030, 74.14C.040, 74.14C.050, 74.14C.060,
3 74.14C.070, 13.04.030, 13.50.010, 13.50.100, 74.15.020, 13.34.130,
4 13.34.145, 74.13.280, 13.04.033, 74.15.120, 13.34.030, 13.34.233, and
5 28A.225.330; reenacting and amending RCW 26.44.030; adding new sections
6 to chapter 74.14C RCW; adding new sections to chapter 74.13 RCW; adding
7 a new section to chapter 13.50 RCW; adding a new section to chapter
8 74.15 RCW; creating new sections; repealing RCW 74.14C.035; and
9 prescribing penalties.

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

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

13 ~~(1) ((It is the intent of the legislature to make available, within~~
14 ~~available funds, intensive services to children and families that are~~
15 ~~designed to prevent the unnecessary imminent placement of children in~~
16 ~~foster care, and designed to facilitate the reunification of the~~
17 ~~children with their families.))~~ The legislature believes that
18 protecting the health and safety of children is paramount. The
19 legislature recognizes that the number of children entering out-of-home

1 care is increasing and that a number of children receive long-term
2 foster care protection. Reasonable efforts by the department to
3 shorten out-of-home placement or avoid it altogether should be a major
4 focus of the child welfare system. It is intended that providing up-
5 front services decrease the number of children entering out-of-home
6 care and have the effect of eventually lowering foster care
7 expenditures and strengthening the family unit.

8 Within available funds, the legislature directs the department to
9 focus child welfare services on protecting the child, strengthening
10 families and, to the extent possible, providing necessary services in
11 the family setting, while drawing upon the strengths of the family.
12 The legislature intends services be locally based and offered as early
13 as possible to avoid disruption to the family, out-of-home placement of
14 the child, and entry into the dependency system. The legislature also
15 intends that these services be used for those families whose children
16 are returning to the home from out-of-home care. These services are
17 known as family preservation services and intensive family preservation
18 services and are characterized by the following values, beliefs, and
19 goals:

20 (a) Safety of the child is always the first concern;

21 (b) Children need their families and should be raised by their own
22 families whenever possible;

23 (c) Interventions should focus on family strengths and be
24 responsive to the individual ((family)) family's cultural values and
25 needs; ((and))

26 (d) Participation should be voluntary; and

27 (e) Improvement of family functioning is essential in order to
28 promote the child's health, safety, and welfare and thereby allow the
29 family to remain intact and allow children to remain at home.

30 (2) Subject to the availability of funds for such purposes, the
31 legislature intends for ~~((family preservation))~~ these services to be
32 made available to all eligible families on a state-wide basis through
33 a phased-in process. Except as otherwise specified by statute, the
34 department of social and health services shall have the authority and
35 discretion to implement and expand ((family preservation)) these
36 services ((according to a plan and time frame determined by the
37 department)) as provided in this chapter. The department shall consult
38 with the community public health and safety networks when assessing a
39 community's resources and need for services.

1 (3) It is the legislature's intent that, within available funds,
2 the department develop services in accordance with this chapter.

3 (4) Nothing in this chapter shall be construed to create an
4 entitlement to services nor to create judicial authority to order the
5 provision of ((family)) preservation services to any person or family
6 ((where)) if the ((department has determined that such)) services are
7 unavailable or unsuitable or that the child or family are not eligible
8 for such services.

9 **Sec. 2.** RCW 74.14C.010 and 1992 c 214 s 2 are each amended to read
10 as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Department" means the department of social and health
14 services.

15 (2) ~~(("Family preservation services" means services that are
16 delivered primarily in the home, that follow intensive service models
17 with demonstrated effectiveness in reducing or avoiding the need for
18 unnecessary imminent foster care placement, and that have all of the
19 characteristics delineated in RCW 74.14C.020.~~

20 (3) ~~"Foster care" means placement of a child by the department or
21 a licensed child placing agency in a home or facility licensed pursuant
22 to chapter 74.15 RCW, or in a home or facility that is not required to
23 be licensed pursuant to chapter 74.15 RCW.~~

24 (4)) "Family preservation services" means in-home or community-
25 based services drawing on the strengths of the family and its
26 individual members while addressing family needs to strengthen and keep
27 the family together where possible and may include:

28 (a) Respite care of children to provide temporary relief for
29 parents and other caregivers;

30 (b) Services designed to improve parenting skills with respect to
31 such matters as child development, family budgeting, coping with
32 stress, health, safety, and nutrition; and

33 (c) Services designed to promote the well-being of children and
34 families, increase the strength and stability of families, increase
35 parents' confidence and competence in their parenting abilities,
36 promote a safe, stable, and supportive family environment for children,
37 and otherwise enhance children's development.

1 Family preservation services shall have the characteristics
2 delineated in RCW 74.14C.020 (2) and (3).

3 (3) "Imminent" means a decision has been made by the department
4 that, without intensive family preservation services, a petition
5 requesting the removal of a child from the family home will be
6 immediately filed under chapter 13.32A or 13.34 RCW, or that a
7 voluntary placement agreement will be immediately initiated.

8 (4) "Intensive family preservation services" means community-based
9 services that are delivered primarily in the home, that follow
10 intensive service models with demonstrated effectiveness in reducing or
11 avoiding the need for unnecessary imminent out-of-home placement, and
12 that have all of the characteristics delineated in RCW 74.14C.020 (1)
13 and (3).

14 (5) "Out-of-home placement" means a placement in a foster family
15 home or group care facility licensed pursuant to chapter 74.15 RCW or
16 placement in a home, other than that of the child's parent, guardian,
17 or legal custodian, not required to be licensed pursuant to chapter
18 74.15 RCW.

19 (6) "Preservation services" means family preservation services and
20 intensive family preservation services that consider the individual
21 family's cultural values and needs.

22 **Sec. 3.** RCW 74.14C.020 and 1992 c 214 s 3 are each amended to read
23 as follows:

24 (1) Intensive family preservation services shall have all of the
25 following characteristics:

26 ~~((+1))~~ (a) Services are provided by specially trained
27 ~~((caseworkers))~~ service providers who have received at least forty
28 hours of training from recognized ~~((family preservation))~~ intensive in-
29 home services experts. ~~((Caseworkers provide))~~ Service providers
30 deliver the services in the family's home, and ~~((may provide some of~~
31 ~~the services in))~~ other ~~((natural))~~ environments of the family, such as
32 their neighborhood or schools;

33 ~~((+2))~~ (b) Caseload size averages two families per ~~((caseworker))~~
34 service provider;

35 ~~((+3))~~ (c) The services to the family are provided by a single
36 ~~((caseworker))~~ service provider, with backup ~~((caseworkers))~~ providers
37 identified to provide assistance as necessary;

1 ~~((4) Caseworkers have the authority and discretion to spend funds,~~
2 ~~up to a maximum amount specified by the department, to help families~~
3 ~~obtain necessary food, shelter, or clothing, or to purchase other goods~~
4 ~~or services that will enhance the effectiveness of intervention;~~

5 ~~(5))~~ (d) Services are available to the family within twenty-four
6 hours following receipt of a referral to the program;

7 ~~((6) Services are available to the family twenty-four hours a day~~
8 ~~and seven days a week;~~

9 ~~(7))~~ (e) Duration of service is limited to a maximum of forty
10 days, unless the department authorizes an additional provision of
11 service through an exception to policy((+

12 ~~(8) Services assist the family to improve parental and household~~
13 ~~management competence and to solve practical problems that contribute~~
14 ~~to family stress so as to effect improved parental performance and~~
15 ~~enhanced functioning of the family unit; and~~

16 ~~(9) Services help families locate and utilize additional~~
17 ~~assistance, including, but not limited to, counseling and treatment~~
18 ~~services, housing, child care, education, job training, emergency cash~~
19 ~~grants, state and federally funded public assistance, and other basic~~
20 ~~support services)).~~

21 (2) Family preservation services shall have all of the following
22 characteristics:

23 (a) Services are delivered primarily in the family home or
24 community;

25 (b) Services are committed to reinforcing the strengths of the
26 family and its members and empowering the family to solve problems and
27 become self-sufficient;

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

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

33 (e) Duration of service is limited to a maximum of ninety days,
34 unless the department authorizes an additional provision of service
35 through an exception to policy; and

36 (f) Caseload size no more than ten families per service provider,
37 which can be adjusted according to exceptions defined by the
38 department.

1 (3) Preservation services shall include the following
2 characteristics:

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

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

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

11 (d) Services enhance parenting skills, family and personal self-
12 sufficiency, functioning of the family, and reduce stress on families;
13 and

14 (e) Services help families locate and use additional assistance
15 including, but not limited to, counseling and treatment services,
16 housing, child care, education, job training, emergency cash grants,
17 state and federally funded public assistance, and other basic support
18 services.

19 **Sec. 4.** RCW 74.14C.030 and 1992 c 214 s 4 are each amended to read
20 as follows:

21 (1) The department shall be the lead administrative agency for
22 ~~((family))~~ preservation services and may receive funding from any
23 source for the implementation or expansion of such services. The
24 department shall:

25 (a) Provide coordination and planning with the advice of the
26 community public health and safety networks for the implementation and
27 expansion of ~~((family))~~ preservation services; and

28 (b) Monitor and evaluate such services to determine whether the
29 programs meet measurable standards specified by this chapter and the
30 department.

31 (2) In carrying out the requirements ~~((of subsection (1)(a)))~~ of
32 this section, the department shall consult ~~((and coordinate with at~~
33 ~~least one))~~ with qualified ~~((private, nonprofit agency))~~ agencies that
34 ~~((has))~~ have demonstrated expertise and experience in ~~((family))~~
35 preservation services.

36 (3) The department may provide ~~((family))~~ preservation services
37 directly and shall, within available funds, enter into outcome-based,
38 competitive contracts with ~~((private, nonprofit))~~ social service

1 agencies to provide preservation services, provided that such agencies
2 meet measurable standards specified by this chapter and by the
3 department. The standards shall include, but not be limited to,
4 satisfactory performance in the following areas:

5 (a) The number of families appropriately connected to community
6 resources;

7 (b) Avoidance of new referrals accepted by the department for child
8 protective services or family reconciliation services within one year
9 of the most recent case closure by the department;

10 (c) Consumer satisfaction;

11 (d) For reunification cases, reduction in the length of stay in
12 out-of-home placement; and

13 (e) Reduction in the level of risk factors specified by the
14 department.

15 (4) The department shall not ~~((continue direct provision of))~~
16 provide intensive family preservation services unless it is
17 demonstrated that provision of such services prevent~~((s foster care))~~
18 out-of-home placement in at least seventy percent of the cases served
19 for a period of at least ~~((six))~~ twelve months following termination of
20 services.

21 ~~((The department shall not renew a))~~ The department's caseworkers
22 may only provide preservation services if there is no other qualified
23 entity willing or able to do so.

24 No contract ~~((with a service provider))~~ may be renewed unless the
25 ~~((provider))~~ contractor can demonstrate that provision of intensive
26 family preservation services prevent~~((s foster care))~~ out-of-home
27 placement in at least seventy percent of the cases served for a period
28 of at least ~~((six months))~~ one year following termination of services.
29 The department shall cooperate with any person who has a contract under
30 this section in providing data necessary to determine the amount of
31 reduction in foster care. For the purposes of this subsection "prevent
32 out-of-home placement" means that a child who has been a recipient of
33 intensive family preservation services has not been placed outside of
34 the home, other than for a single, temporary period of time not
35 exceeding fourteen days.

36 **Sec. 5.** RCW 74.14C.040 and 1992 c 214 s 5 are each amended to read
37 as follows:

1 (1) Intensive family preservation services may be provided to
2 children and their families only when the department has determined
3 that:

4 (a) The child has been placed (~~(in foster care)~~) out-of-home or is
5 at (~~(actual,)~~) imminent risk of (~~(foster care)~~) an out-of-home
6 placement due to:

7 (i) Child abuse or neglect;

8 (ii) A serious threat of substantial harm to the child's health,
9 safety, or welfare; or

10 (iii) Family conflict; and

11 (b) There are no other reasonably available services including
12 family preservation services that will prevent (~~(foster care)~~) out-of-
13 home placement of the child or make it possible to immediately return
14 the child home.

15 (2) The department shall refer eligible families to intensive
16 family preservation services on a twenty-four hour intake basis. The
17 department need not refer otherwise eligible families, and intensive
18 family preservation services need not be provided, if:

19 (a) The services are not available in the community in which the
20 family resides;

21 (b) The services cannot be provided because the program is filled
22 to capacity and there are no current service openings;

23 (c) The family refuses the services;

24 (d) The department, or the agency that is supervising the foster
25 care placement, has developed a case plan that does not include
26 reunification of the child and family; or

27 (e) The department or the (~~(contracted)~~) service provider
28 determines that the safety of a child, a family member, or persons
29 providing the service would be unduly threatened.

30 (3) Nothing in this chapter shall prevent provision of intensive
31 family preservation services to nonfamily members when the department
32 or the service provider deems it necessary or appropriate to do so in
33 order to assist the family or child.

34 NEW SECTION. Sec. 6. A new section is added to chapter 74.14C RCW
35 to read as follows:

36 (1) Family preservation services may be provided to children and
37 their families only when the department has determined that without

1 intervention, the child faces a substantial likelihood of out-of-home
2 placement due to:

3 (a) Child abuse or neglect;

4 (b) A serious threat of substantial harm to the child's health,
5 safety, or welfare; or

6 (c) Family conflict.

7 (2) The department need not refer otherwise eligible families and
8 family preservation services need not be provided, if:

9 (a) The services are not available in the community in which the
10 family resides;

11 (b) The services cannot be provided because the program is filled
12 to capacity;

13 (c) The family refuses the services; or

14 (d) The department or the service provider determines that the
15 safety of a child, a family member, or persons providing the services
16 would be unduly threatened.

17 (3) Nothing in this chapter shall prevent provision of family
18 preservation services to nonfamily members when the department or the
19 service provider deems it necessary or appropriate to do so in order to
20 assist the family or the child.

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.14C RCW
22 to read as follows:

23 Each department caseworker who refers a client for preservation
24 services shall file a report with his or her direct supervisor stating
25 the reasons for which the client was referred. The caseworker's
26 supervisor shall verify in writing his or her belief that the family
27 who is the subject of a referral for preservation services meets the
28 eligibility criteria for services as provided in this chapter. The
29 direct supervisor shall report monthly to the regional administrator on
30 the provision of these services. The regional administrator shall
31 report to the assistant secretary quarterly on the provision of these
32 services for the entire region. The assistant secretary shall make a
33 semiannual report to the secretary on the provision of these services
34 on a state-wide basis.

35 **Sec. 8.** RCW 74.14C.050 and 1992 c 214 s 6 are each amended to read
36 as follows:

1 ~~((1) The department shall, within available funds, conduct a~~
2 ~~family preservation services study in at least one region within the~~
3 ~~state. In developing and conducting the project, the department shall~~
4 ~~consult and coordinate with at least one qualified private, nonprofit~~
5 ~~agency that has demonstrated expertise and experience in family~~
6 ~~preservation services. The purpose of the study is to))~~ By December 1,
7 1995, the department, with the assistance of the family policy council,
8 two urban and two rural public health and safety networks to be chosen
9 by the family policy council, and two private, nonprofit agencies with
10 expertise and experience in preservation services shall submit to the
11 legislature an implementation and evaluation plan that identifies:

12 ~~((a) Develop))~~ (1) A valid and reliable process that can be used
13 by caseworkers for accurately identifying clients who are eligible for
14 intensive family preservation services and family preservation
15 services. The plan shall recognize the due process rights of families
16 that receive preservation services and recognize that family
17 preservation services are not intended to be investigative for purposes
18 of chapter 13.34 RCW;

19 ~~((b) Collect))~~ (2) Necessary data ((on)) by which ((to base))
20 program success will be measured, projections of service needs, budget
21 requests, and long-range planning;

22 ~~((c) Develop))~~ (3) Regional and state-wide projections of service
23 needs;

24 ~~((d) Develop))~~ (4) A cost estimate for state-wide implementation
25 and expansion of ((family)) preservation services on a ((state-wide))
26 phased-in basis beginning no later than July 1, 1996;

27 ~~((e) Develop a long-range))~~ (5) A plan and time frame for
28 ((expanding the availability)) phased-in implementation of ((family))
29 preservation services ((and ultimately making such services available
30 to all eligible families)) on a state-wide basis to be accomplished as
31 soon as possible but no later than July 1, 1997; ((and

32 ~~((f) Collect))~~ (6) Data regarding the number of children in foster
33 care, group care, ((and)) institutional placements, and other out-of-
34 home placements due to medical needs, mental health needs,
35 developmental disabilities, and juvenile offenses, and ((assess)) an
36 assessment of the feasibility of ((expanding family)) providing
37 preservation services ((eligibility)) to include all of these children;

38 (7) Standards and outcome measures for the department when the
39 department provides preservation services directly; and

1 (8) A process to assess outcome measures identified in RCW
2 74.14C.030 for contractors providing preservation services.

3 ~~((2) The department shall prepare a report to the legislature that~~
4 ~~addresses the objectives set forth in subsection (1) of this section.~~
5 ~~The report shall address the feasibility of expanding and implementing~~
6 ~~family preservation services on a state-wide basis. The report is due~~
7 ~~January 1, 1993.)~~)

8 **Sec. 9.** RCW 74.14C.060 and 1992 c 214 s 7 are each amended to read
9 as follows:

10 For the purpose of providing ~~((family))~~ preservation services ~~((to~~
11 ~~children who would otherwise be removed from their homes,))~~ the
12 department may:

13 (1) Solicit and use any available federal or private resources,
14 which may include funds, in-kind resources, or volunteer services; and

15 (2) Use any available state resources, which may include in-kind
16 resources or volunteer services.

17 **Sec. 10.** RCW 74.14C.070 and 1994 c 288 s 3 are each amended to
18 read as follows:

19 ~~((After July 1, 1993,))~~ The secretary of social and health
20 services, or the secretary's regional designee, may transfer funds
21 appropriated for foster care services to purchase ((family))
22 preservation services and other preventive services for children at
23 imminent risk of ((foster care)) out-of-home placement or who face a
24 substantial likelihood of out-of-home placement. This transfer may be
25 made in those regions that lower foster care expenditures through
26 efficient use of preservation services and permanency planning efforts.
27 The transfer shall be equivalent to the amount of reduced foster care
28 expenditures and shall be made in accordance with the provisions of
29 this chapter and with the approval of the office of financial
30 management. The secretary shall ((notify)) present an annual report to
31 the ((appropriate committees of the senate and house of representatives
32 of)) legislature regarding any transfers under this section. The
33 secretary shall include caseload, expenditure, cost avoidance,
34 identified improvements to the ((foster)) out-of-home care system, and
35 outcome data related to the transfer in the ((notification)) report.
36 The secretary shall also include in the report information regarding:
37 (1) The percent of cases where a child is placed in out-of-home care

1 after the provision of intensive family preservation services or family
2 preservation services; (2) the average length of time before such child
3 is placed out-of-home; (3) the average length of time such child is
4 placed out-of-home; and (4) the number of families that refused the
5 offer of either family preservation services or intensive family
6 preservation services.

7 NEW SECTION. **Sec. 11.** A new section is added to chapter 74.14C
8 RCW to read as follows:

9 (1) The department shall, within available funds, provide for
10 ongoing training and consultation to department personnel to carry out
11 their responsibilities effectively. Such training may:

12 (a) Include the family unit as the primary focus of service;
13 identifying family member strengths; empowering families; child, adult,
14 and family development; stress management; and may include parent
15 training and family therapy techniques;

16 (b) Address intake and referral, assessment of risk, case
17 assessment, matching clients to services, and service planning issues
18 in the context of the home-delivered service model, including
19 strategies for engaging family members, defusing violent situations,
20 and communication and conflict resolution skills;

21 (c) Cover methods of helping families acquire the skills they need,
22 including home management skills, life skills, parenting, child
23 development, and the use of community resources;

24 (d) Address crisis intervention and other strategies for the
25 management of depression, and suicidal, assaultive, and other high-risk
26 behavior; and

27 (e) Address skills in collaborating with other disciplines and
28 services in promoting the safety of children and other family members
29 and promoting the preservation of the family.

30 (2) The department and the office of the administrator for the
31 courts shall, within available funds, collaborate in providing training
32 to judges, and others involved in the provision of services pursuant to
33 this title, including service providers, on the function and use of
34 preservation services.

35 NEW SECTION. **Sec. 12.** The initial contracts under RCW
36 74.14C.030(3) shall be executed not later than July 1996 and shall

1 expire June 30, 1997. Subsequent contracts shall be for periods not to
2 exceed twenty-four months.

3 NEW SECTION. **Sec. 13.** A new section is added to chapter 74.13 RCW
4 to read as follows:

5 If the department is denied lawful access to records or
6 information, or requested records or information is not provided in a
7 timely manner, the department may petition the court for an order
8 compelling disclosure.

9 (1) The petition shall be filed in the juvenile court for the
10 county in which the record or information is located or the county in
11 which the person who is the subject of the record or information
12 resides. If the person who is the subject of the record or information
13 is a party to or the subject of a pending proceeding under chapter
14 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

15 (2) Except as otherwise provided in this section, the persons from
16 whom and about whom the record or information is sought shall be served
17 with a summons and a petition at least seven calendar days prior to a
18 hearing on the petition. The court may order disclosure upon ex parte
19 application of the department, without prior notice to any person, if
20 the court finds there is reason to believe access to the record or
21 information is necessary to determine whether the child is in imminent
22 danger and in need of immediate protection.

23 (3) The court shall grant the petition upon a showing that there is
24 reason to believe that the record or information sought is necessary
25 for the health, safety, or welfare of the child who is currently
26 receiving child welfare services.

27 **Sec. 14.** RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended
28 to read as follows:

29 (1) Except as provided in subsection (2) of this section, the
30 juvenile courts in the several counties of this state, shall have
31 exclusive original jurisdiction over all proceedings:

32 (a) Under the interstate compact on placement of children as
33 provided in chapter 26.34 RCW;

34 (b) Relating to children alleged or found to be dependent as
35 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

36 (c) Relating to the termination of a parent and child relationship
37 as provided in RCW 13.34.180 through 13.34.210;

1 (d) To approve or disapprove alternative residential placement as
2 provided in RCW 13.32A.170;

3 (e) Relating to juveniles alleged or found to have committed
4 offenses, traffic infractions, or violations as provided in RCW
5 13.40.020 through 13.40.230, unless:

6 (i) The juvenile court transfers jurisdiction of a particular
7 juvenile to adult criminal court pursuant to RCW 13.40.110; or

8 (ii) The statute of limitations applicable to adult prosecution for
9 the offense, traffic infraction, or violation has expired; or

10 (iii) The alleged offense or infraction is a traffic, fish,
11 boating, or game offense or traffic infraction committed by a juvenile
12 sixteen years of age or older and would, if committed by an adult, be
13 tried or heard in a court of limited jurisdiction, in which instance
14 the appropriate court of limited jurisdiction shall have jurisdiction
15 over the alleged offense or infraction: PROVIDED, That if such an
16 alleged offense or infraction and an alleged offense or infraction
17 subject to juvenile court jurisdiction arise out of the same event or
18 incident, the juvenile court may have jurisdiction of both matters:
19 PROVIDED FURTHER, That the jurisdiction under this subsection does not
20 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
21 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited
22 jurisdiction which confine juveniles for an alleged offense or
23 infraction may place juveniles in juvenile detention facilities under
24 an agreement with the officials responsible for the administration of
25 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

26 (iv) The juvenile is sixteen or seventeen years old and the alleged
27 offense is: (A) A serious violent offense as defined in RCW 9.94A.030
28 committed on or after June 13, 1994; or (B) a violent offense as
29 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the
30 juvenile has a criminal history consisting of: (I) One or more prior
31 serious violent offenses; (II) two or more prior violent offenses; or
32 (III) three or more of any combination of the following offenses: Any
33 class A felony, any class B felony, vehicular assault, or manslaughter
34 in the second degree, all of which must have been committed after the
35 juvenile's thirteenth birthday and prosecuted separately. In such a
36 case the adult criminal court shall have exclusive original
37 jurisdiction.

38 If the juvenile challenges the state's determination of the
39 juvenile's criminal history, the state may establish the offender's

1 criminal history by a preponderance of the evidence. If the criminal
2 history consists of adjudications entered upon a plea of guilty, the
3 state shall not bear a burden of establishing the knowing and
4 voluntariness of the plea;

5 (f) Under the interstate compact on juveniles as provided in
6 chapter 13.24 RCW;

7 (g) Relating to termination of a diversion agreement under RCW
8 13.40.080, including a proceeding in which the divertee has attained
9 eighteen years of age; ((and))

10 (h) Relating to court validation of a voluntary consent to ((foster
11 care)) an out-of-home placement under chapter 13.34 RCW, by the parent
12 or Indian custodian of an Indian child, except if the parent or Indian
13 custodian and child are residents of or domiciled within the boundaries
14 of a federally recognized Indian reservation over which the tribe
15 exercises exclusive jurisdiction; and

16 (i) Relating to petitions to compel disclosure of information filed
17 by the department of social and health services pursuant to section 13
18 of this act.

19 (2) The family court shall have concurrent original jurisdiction
20 with the juvenile court over all proceedings under this section if the
21 superior court judges of a county authorize concurrent jurisdiction as
22 provided in RCW 26.12.010.

23 (3) A juvenile subject to adult superior court jurisdiction under
24 subsection (1)(e) (i) through (iv) of this section, who is detained
25 pending trial, may be detained in a county detention facility as
26 defined in RCW 13.40.020 pending sentencing or a dismissal.

27 **Sec. 15.** RCW 13.50.010 and 1994 sp.s. c 7 s 541 are each amended
28 to read as follows:

29 (1) For purposes of this chapter:

30 (a) "Juvenile justice or care agency" means any of the following:
31 Police, diversion units, court, prosecuting attorney, defense attorney,
32 detention center, attorney general, the department of social and health
33 services and its contracting agencies, schools; and, in addition,
34 persons or public or private agencies having children committed to
35 their custody;

36 (b) "Official juvenile court file" means the legal file of the
37 juvenile court containing the petition or information, motions,
38 memorandums, briefs, findings of the court, and court orders;

1 (c) "Social file" means the juvenile court file containing the
2 records and reports of the probation counselor;

3 (d) "Records" means the official juvenile court file, the social
4 file, and records of any other juvenile justice or care agency (~~in the~~
5 ~~case~~) pertaining to the juvenile. Licensing records, as defined in
6 section 27 of this act, in the possession of the department or its
7 contracting agencies are not records for purposes of this chapter.
8 Access to and release of licensing records and the information
9 contained in such records is governed by chapter 74.15 RCW.

10 (2) Each petition or information filed with the court may include
11 only one juvenile and each petition or information shall be filed under
12 a separate docket number. The social file shall be filed separately
13 from the official juvenile court file.

14 (3) It is the duty of any juvenile justice or care agency to
15 maintain accurate records. To this end:

16 (a) The agency may never knowingly record inaccurate information.
17 Any information in records maintained by the department of social and
18 health services relating to a petition filed pursuant to chapter 13.34
19 RCW that is found by the court, upon proof presented, to be false or
20 inaccurate shall be corrected or expunged from such records by the
21 agency;

22 (b) An agency shall take reasonable steps to assure the security of
23 its records and prevent tampering with them; and

24 (c) An agency shall make reasonable efforts to insure the
25 completeness of its records, including action taken by other agencies
26 with respect to matters in its files.

27 (4) Each juvenile justice or care agency shall implement procedures
28 consistent with the provisions of this chapter to facilitate inquiries
29 concerning records.

30 (5) Any person who has reasonable cause to believe information
31 concerning that person is included in the records of a juvenile justice
32 or care agency and who has been denied access to those records by the
33 agency may make a motion to the court for an order authorizing that
34 person to inspect the juvenile justice or care agency record concerning
35 that person. The court shall grant the motion to examine records
36 unless it finds that in the interests of justice or in the best
37 interests of the juvenile the records or parts of them should remain
38 confidential.

1 (6) A juvenile, or his or her parents, or any person who has
2 reasonable cause to believe information concerning that person is
3 included in the records of a juvenile justice or care agency may make
4 a motion to the court challenging the accuracy of any information
5 concerning the moving party in the record or challenging the continued
6 possession of the record by the agency. If the court grants the
7 motion, it shall order the record or information to be corrected or
8 destroyed.

9 (7) The person making a motion under subsection (5) or (6) of this
10 section shall give reasonable notice of the motion to all parties to
11 the original action and to any agency whose records will be affected by
12 the motion.

13 (8) The court may permit inspection of records by, or release of
14 information to, any clinic, hospital, or agency which has the subject
15 person under care or treatment. The court may also permit inspection
16 by or release to individuals or agencies, including juvenile justice
17 advisory committees of county law and justice councils, engaged in
18 legitimate research for educational, scientific, or public purposes.
19 The court may also permit inspection of, or release of information
20 from, records which have been sealed pursuant to RCW 13.50.050(11).
21 Access to records or information for research purposes shall be
22 permitted only if the anonymity of all persons mentioned in the records
23 or information will be preserved. Each person granted permission to
24 inspect juvenile justice or care agency records for research purposes
25 shall present a notarized statement to the court stating that the names
26 of juveniles and parents will remain confidential.

27 (9) Juvenile detention facilities shall release records to the
28 juvenile disposition standards commission under RCW 13.40.025 upon
29 request. The commission shall not disclose the names of any juveniles
30 or parents mentioned in the records without the named individual's
31 written permission.

32 **Sec. 16.** RCW 13.50.100 and 1990 c 246 s 9 are each amended to read
33 as follows:

34 (1) This section governs records not covered by RCW 13.50.050.

35 (2) Records covered by this section shall be confidential and shall
36 be released only pursuant to this section and RCW 13.50.010.

37 (3) Records retained or produced by any juvenile justice or care
38 agency may be released to other participants in the juvenile justice or

1 care system only when an investigation or case involving the juvenile
2 in question is being pursued by the other participant or when that
3 other participant is assigned the responsibility of supervising the
4 juvenile. Records covered under this section and maintained by the
5 juvenile courts which relate to the official actions of the agency may
6 be entered in the state-wide juvenile court information system.

7 (4) A juvenile, his or her parents, the juvenile's attorney and the
8 juvenile's parent's attorney, shall, upon request, be given access to
9 all records and information collected or retained by a juvenile justice
10 or care agency which pertain to the juvenile except:

11 (a) If it is determined by the agency that release of this
12 information is likely to cause severe psychological or physical harm to
13 the juvenile or his or her parents the agency may withhold the
14 information subject to other order of the court: PROVIDED, That if the
15 court determines that limited release of the information is
16 appropriate, the court may specify terms and conditions for the release
17 of the information; or

18 (b) If the information or record has been obtained by a juvenile
19 justice or care agency in connection with the provision of counseling,
20 psychological, psychiatric, or medical services to the juvenile, when
21 the services have been sought voluntarily by the juvenile, and the
22 juvenile has a legal right to receive those services without the
23 consent of any person or agency, then the information or record may not
24 be disclosed to the juvenile's parents without the informed consent of
25 the juvenile unless otherwise authorized by law; or

26 (c) That the department of social and health services may delete
27 the name and identifying information regarding persons or organizations
28 who have reported suspected child abuse or neglect.

29 (5) A juvenile or his or her parent denied access to any records
30 following an agency determination under subsection (4) of this section
31 may file a motion in juvenile court requesting access to the records.
32 The court shall grant the motion unless it finds access may not be
33 permitted according to the standards found in subsections (4) (a) and
34 (b) of this section.

35 (6) The person making a motion under subsection (5) of this section
36 shall give reasonable notice of the motion to all parties to the
37 original action and to any agency whose records will be affected by the
38 motion.

1 (7) Subject to the rules of discovery in civil cases, any party to
2 a proceeding seeking a declaration of dependency or a termination of
3 the parent-child relationship and any party's counsel and the guardian
4 ad litem of any party, shall have access to the records of any natural
5 or adoptive child of the parent, subject to the limitations in
6 subsection (4) of this section.

7 ~~((8) Information concerning a juvenile or a juvenile's family
8 contained in records covered by this section may be released to the
9 public only when that information could not reasonably be expected to
10 identify the juvenile or the juvenile's family.))~~

11 NEW SECTION. **Sec. 17.** A new section is added to chapter 13.50 RCW
12 to read as follows:

13 The attorney general, the secretary of the department, and the
14 superintendent of public instruction shall develop and publish a guide
15 to state and federal juvenile confidentiality laws. The guide shall be
16 in a format that is understandable and useful to the public.

17 **Sec. 18.** RCW 26.44.030 and 1993 c 412 s 13 and 1993 c 237 s 1 are
18 each reenacted and amended to read as follows:

19 (1)(a) When any practitioner, county coroner or medical examiner,
20 law enforcement officer, professional school personnel, registered or
21 licensed nurse, social service counselor, psychologist, pharmacist,
22 licensed or certified child care providers or their employees, employee
23 of the department, or juvenile probation officer has reasonable cause
24 to believe that a child or adult dependent or developmentally disabled
25 person, has suffered abuse or neglect, he or she shall report such
26 incident, or cause a report to be made, to the proper law enforcement
27 agency or to the department as provided in RCW 26.44.040.

28 (b) The reporting requirement shall also apply to any adult who has
29 reasonable cause to believe that a child or adult dependent or
30 developmentally disabled person, who resides with them, has suffered
31 severe abuse, and is able or capable of making a report. For the
32 purposes of this subsection, "severe abuse" means any of the following:
33 Any single act of abuse that causes physical trauma of sufficient
34 severity that, if left untreated, could cause death; any single act of
35 sexual abuse that causes significant bleeding, deep bruising, or
36 significant external or internal swelling; or more than one act of
37 physical abuse, each of which causes bleeding, deep bruising,

1 significant external or internal swelling, bone fracture, or
2 unconsciousness.

3 (c) The report shall be made at the first opportunity, but ((~~+~~
4 and)) in no case longer than forty-eight hours after there is
5 reasonable cause to believe that the child or adult has suffered abuse
6 or neglect. The report shall include the identity of the accused if
7 known.

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

15 (3) Any other person who has reasonable cause to believe that a
16 child or adult dependent or developmentally disabled person has
17 suffered abuse or neglect may report such incident to the proper law
18 enforcement agency or to the department of social and health services
19 as provided in RCW 26.44.040.

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

34 (5) Any law enforcement agency receiving a report of an incident of
35 abuse or neglect pursuant to this chapter, involving a child or adult
36 dependent or developmentally disabled person who has died or has had
37 physical injury or injuries inflicted upon him or her other than by
38 accidental means, or who has been subjected to sexual abuse, shall
39 report such incident in writing as provided in RCW 26.44.040 to the

1 proper county prosecutor or city attorney for appropriate action
2 whenever the law enforcement agency's investigation reveals that a
3 crime may have been committed. The law enforcement agency shall also
4 notify the department of all reports received and the law enforcement
5 agency's disposition of them. In emergency cases, where the child,
6 adult dependent, or developmentally disabled person's welfare is
7 endangered, the law enforcement agency shall notify the department
8 within twenty-four hours. In all other cases, the law enforcement
9 agency shall notify the department within seventy-two hours after a
10 report is received by the law enforcement agency.

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

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

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

1 while the department proceeds with reasonable efforts to remedy
2 parenting deficiencies.

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

7 (10) Upon receiving reports of abuse or neglect, the department or
8 law enforcement agency may interview children. The interviews may be
9 conducted on school premises, at day-care facilities, at the child's
10 home, or at other suitable locations outside of the presence of
11 parents. Parental notification of the interview shall occur at the
12 earliest possible point in the investigation that will not jeopardize
13 the safety or protection of the child or the course of the
14 investigation. Prior to commencing the interview the department or law
15 enforcement agency shall determine whether the child wishes a third
16 party to be present for the interview and, if so, shall make reasonable
17 efforts to accommodate the child's wishes. Unless the child objects,
18 the department or law enforcement agency shall make reasonable efforts
19 to include a third party in any interview so long as the presence of
20 the third party will not jeopardize the course of the investigation.

21 (11) Upon receiving a report of child abuse and neglect, the
22 department or investigating law enforcement agency shall have access to
23 all relevant records of the child in the possession of mandated
24 reporters and their employees.

25 (12) The department shall maintain investigation records and
26 conduct timely and periodic reviews of all cases constituting abuse and
27 neglect. The department shall maintain a log of screened-out
28 nonabusive cases.

29 (13) The department shall use a risk assessment process when
30 investigating child abuse and neglect referrals. The department shall
31 present the risk factors at all hearings in which the placement of a
32 dependent child is an issue. The department shall, within funds
33 appropriated for this purpose, offer enhanced community-based services
34 to persons who are determined not to require further state
35 intervention.

36 The department shall provide annual reports to the (~~appropriate~~
37 ~~committees of the senate and house of representatives~~) legislature on
38 the effectiveness of the risk assessment process.

1 (14) Upon receipt of a report of abuse or neglect the law
2 enforcement agency may arrange to interview the person making the
3 report and any collateral sources to determine if any malice is
4 involved in the reporting.

5 **Sec. 19.** RCW 74.15.020 and 1994 c 273 s 21 are each amended to
6 read as follows:

7 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
8 otherwise clearly indicated by the context thereof, the following terms
9 shall mean:

10 (1) "Department" means the state department of social and health
11 services;

12 (2) "Secretary" means the secretary of social and health services;

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

23 (a) "Group-care facility" means an agency, other than a foster-
24 family home, which is maintained and operated for the care of a group
25 of children on a twenty-four hour basis;

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

28 (c) "Maternity service" means an agency which provides or arranges
29 for care or services to expectant mothers, before or during
30 confinement, or which provides care as needed to mothers and their
31 infants after confinement;

32 (d) "Day-care center" means an agency which regularly provides care
33 for a group of children for periods of less than twenty-four hours;

34 (e) "Family day-care provider" means a licensed day-care provider
35 who regularly provides day care for not more than twelve children in
36 the provider's home in the family living quarters;

37 (f) "Foster-family home" means an agency which regularly provides
38 care on a twenty-four hour basis to one or more children, expectant

1 mothers, or persons with developmental disabilities in the family abode
2 of the person or persons under whose direct care and supervision the
3 child, expectant mother, or person with a developmental disability is
4 placed;

5 (g) "Crisis residential center" means an agency which is a
6 temporary protective residential facility operated to perform the
7 duties specified in chapter 13.32A RCW, in the manner provided in RCW
8 74.13.032 through 74.13.036.

9 (4) "Agency" shall not include the following:

10 (a) (~~Persons related by blood or marriage to the child, expectant~~
11 ~~mother, or persons with developmental disabilities in the following~~
12 ~~degrees:— Parent, grandparent, brother, sister, stepparent,~~
13 ~~stepbrother, stepsister, uncle, aunt, and/or first cousin)) Persons
14 related to the child, expectant mother, or person with developmental
15 disabilities in the following ways:~~

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

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

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

24 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this
25 subsection, even if a marriage is terminated; or

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

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

35 (c) Persons who care for a neighbor's or friend's child or
36 children, with or without compensation, where the person does not
37 engage in such activity on a regular basis, or where parents on a
38 mutually cooperative basis exchange care of one another's children, or
39 persons who have the care of an exchange student in their own home;

1 (d) A person, partnership, corporation, or other entity that
2 provides placement or similar services to exchange students or
3 international student exchange visitors;

4 (e) Nursery schools or kindergartens which are engaged primarily in
5 educational work with preschool children and in which no child is
6 enrolled on a regular basis for more than four hours per day;

7 (f) Schools, including boarding schools, which are engaged
8 primarily in education, operate on a definite school year schedule,
9 follow a stated academic curriculum, accept only school-age children
10 and do not accept custody of children;

11 (g) Seasonal camps of three months' or less duration engaged
12 primarily in recreational or educational activities;

13 (h) Hospitals licensed pursuant to chapter 70.41 RCW when
14 performing functions defined in chapter 70.41 RCW, nursing homes
15 licensed under chapter 18.51 RCW and boarding homes licensed under
16 chapter 18.20 RCW;

17 (i) Licensed physicians or lawyers;

18 (j) Facilities providing care to children for periods of less than
19 twenty-four hours whose parents remain on the premises to participate
20 in activities other than employment;

21 (k) Facilities approved and certified under chapter 71A.22 RCW;

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

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

31 (n) An agency operated by any unit of local, state, or federal
32 government or an agency, located within the boundaries of a federally
33 recognized Indian reservation, licensed by the Indian tribe;

34 (o) An agency located on a federal military reservation, except
35 where the military authorities request that such agency be subject to
36 the licensing requirements of this chapter.

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

1 **Sec. 20.** RCW 13.34.130 and 1994 c 288 s 4 are each amended to read
2 as follows:

3 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
4 been proven by a preponderance of the evidence that the child is
5 dependent within the meaning of RCW 13.34.030; after consideration of
6 the predisposition report prepared pursuant to RCW 13.34.110 and after
7 a disposition hearing has been held pursuant to RCW 13.34.110, the
8 court shall enter an order of disposition pursuant to this section.

9 (1) The court shall order one of the following dispositions of the
10 case:

11 (a) Order a disposition other than removal of the child from his or
12 her home, which shall provide a program designed to alleviate the
13 immediate danger to the child, to mitigate or cure any damage the child
14 has already suffered, and to aid the parents so that the child will not
15 be endangered in the future. In selecting a program, the court should
16 choose those services that least interfere with family autonomy,
17 provided that the services are adequate to protect the child.

18 (b) Order that the child be removed from his or her home and
19 ordered into the custody, control, and care of a relative or the
20 department of social and health services or a licensed child placing
21 agency for placement in a foster family home or group care facility
22 licensed pursuant to chapter 74.15 RCW or in a home not required to be
23 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable
24 cause to believe that the safety or welfare of the child would be
25 jeopardized or that efforts to reunite the parent and child will be
26 hindered, such child shall be placed with (~~a grandparent, brother,~~
27 ~~sister, stepbrother, stepsister, uncle, aunt, or first cousin~~) a
28 person who is related to the child as defined in RCW 74.15.020(4)(a)
29 and with whom the child has a relationship and is comfortable, and who
30 is willing and available to care for the child. An order for out-of-
31 home placement may be made only if the court finds that reasonable
32 efforts have been made to prevent or eliminate the need for removal of
33 the child from the child's home and to make it possible for the child
34 to return home, specifying the services that have been provided to the
35 child and the child's parent, guardian, or legal custodian, and that
36 preventive services have been offered or provided and have failed to
37 prevent the need for out-of-home placement, unless the health, safety,
38 and welfare of the child cannot be protected adequately in the home,
39 and that:

1 (i) There is no parent or guardian available to care for such
2 child;

3 (ii) The parent, guardian, or legal custodian is not willing to
4 take custody of the child;

5 (iii) A manifest danger exists that the child will suffer serious
6 abuse or neglect if the child is not removed from the home and an order
7 under RCW 26.44.063 would not protect the child from danger; or

8 (iv) The extent of the child's disability is such that the parent,
9 guardian, or legal custodian is unable to provide the necessary care
10 for the child and the parent, guardian, or legal custodian has
11 determined that the child would benefit from placement outside of the
12 home.

13 (2) If the court has ordered a child removed from his or her home
14 pursuant to subsection (1)(b) of this section, the court may order that
15 a petition seeking termination of the parent and child relationship be
16 filed if the court finds it is recommended by the supervising agency,
17 that it is in the best interests of the child and that it is not
18 reasonable to provide further services to reunify the family because
19 the existence of aggravated circumstances make it unlikely that
20 services will effectuate the return of the child to the child's parents
21 in the near future. In determining whether aggravated circumstances
22 exist, the court shall consider one or more of the following:

23 (a) Conviction of the parent of rape of the child in the first,
24 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
25 9A.44.079;

26 (b) Conviction of the parent of criminal mistreatment of the child
27 in the first or second degree as defined in RCW 9A.42.020 and
28 9A.42.030;

29 (c) Conviction of the parent of one of the following assault
30 crimes, when the child is the victim: Assault in the first or second
31 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child
32 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

33 (d) Conviction of the parent of murder, manslaughter, or homicide
34 by abuse of the child's other parent, sibling, or another child;

35 (e) A finding by a court that a parent is a sexually violent
36 predator as defined in RCW 71.09.020;

37 (f) Failure of the parent to complete available treatment ordered
38 under this chapter or the equivalent laws of another state, where such
39 failure has resulted in a prior termination of parental rights to

1 another child and the parent has failed to effect significant change in
2 the interim.

3 (3) Whenever a child is ordered removed from the child's home, the
4 agency charged with his or her care shall provide the court with:

5 (a) A permanency plan of care that shall identify one of the
6 following outcomes as a primary goal and may identify additional
7 outcomes as alternative goals: Return of the child to the home of the
8 child's parent, guardian, or legal custodian; adoption; guardianship;
9 or long-term relative or foster care, until the child is age eighteen,
10 with a written agreement between the parties and the care provider.

11 (b) Unless the court has ordered, pursuant to subsection (2) of
12 this section, that a termination petition be filed, a specific plan as
13 to where the child will be placed, what steps will be taken to return
14 the child home, and what actions the agency will take to maintain
15 parent-child ties. All aspects of the plan shall include the goal of
16 achieving permanence for the child.

17 (i) The agency plan shall specify what services the parents will be
18 offered in order to enable them to resume custody, what requirements
19 the parents must meet in order to resume custody, and a time limit for
20 each service plan and parental requirement.

21 (ii) The agency shall be required to encourage the maximum parent-
22 child contact possible, including regular visitation and participation
23 by the parents in the care of the child while the child is in
24 placement. Visitation may be limited or denied only if the court
25 determines that such limitation or denial is necessary to protect the
26 child's health, safety, or welfare.

27 (iii) A child shall be placed as close to the child's home as
28 possible, preferably in the child's own neighborhood, unless the court
29 finds that placement at a greater distance is necessary to promote the
30 child's or parents' well-being.

31 (iv) The agency charged with supervising a child in placement shall
32 provide all reasonable services that are available within the agency,
33 or within the community, or those services which the department of
34 social and health services has existing contracts to purchase. It
35 shall report to the court if it is unable to provide such services.

36 (c) If the court has ordered, pursuant to subsection (2) of this
37 section, that a termination petition be filed, a specific plan as to
38 where the child will be placed, what steps will be taken to achieve
39 permanency for the child, services to be offered or provided to the

1 child, and, if visitation would be in the best interests of the child,
2 a recommendation to the court regarding visitation between parent and
3 child pending a fact-finding hearing on the termination petition. The
4 agency shall not be required to develop a plan of services for the
5 parents or provide services to the parents.

6 (4) If there is insufficient information at the time of the
7 disposition hearing upon which to base a determination regarding the
8 suitability of a proposed placement with a relative, the child shall
9 remain in foster care and the court shall direct the supervising agency
10 to conduct necessary background investigations as provided in chapter
11 74.15 RCW and report the results of such investigation to the court
12 within thirty days. However, if such relative appears otherwise
13 suitable and competent to provide care and treatment, the criminal
14 history background check need not be completed before placement, but as
15 soon as possible after placement. Any placements with relatives,
16 pursuant to this section, shall be contingent upon cooperation by the
17 relative with the agency case plan and compliance with court orders
18 related to the care and supervision of the child including, but not
19 limited to, court orders regarding parent-child contacts and any other
20 conditions imposed by the court. Noncompliance with the case plan or
21 court order shall be grounds for removal of the child from the
22 relative's home, subject to review by the court.

23 (5) Except for children whose cases are reviewed by a citizen
24 review board under chapter 13.70 RCW, the status of all children found
25 to be dependent shall be reviewed by the court at least every six
26 months from the beginning date of the placement episode or the date
27 dependency is established, whichever is first, at a hearing in which it
28 shall be determined whether court supervision should continue. The
29 review shall include findings regarding the agency and parental
30 completion of disposition plan requirements, and if necessary, revised
31 permanency time limits.

32 (a) A child shall not be returned home at the review hearing unless
33 the court finds that a reason for removal as set forth in this section
34 no longer exists. The parents, guardian, or legal custodian shall
35 report to the court the efforts they have made to correct the
36 conditions which led to removal. If a child is returned, casework
37 supervision shall continue for a period of six months, at which time
38 there shall be a hearing on the need for continued intervention.

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

3 (i) Whether reasonable services have been provided to or offered to
4 the parties to facilitate reunion, specifying the services provided or
5 offered;

6 (ii) Whether the child has been placed in the least-restrictive
7 setting appropriate to the child's needs, including whether
8 consideration has been given to placement with the child's relatives;

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

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

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

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

17 (vii) Whether additional services are needed to facilitate the
18 return of the child to the child's parents; if so, the court shall
19 order that reasonable services be offered specifying such services; and

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

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

24 **Sec. 21.** RCW 13.34.145 and 1994 c 288 s 5 are each amended to read
25 as follows:

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

33 (a) Whenever a child is placed in out-of-home care pursuant to RCW
34 13.34.130, the agency that has custody of the child shall provide the
35 court with a written permanency plan of care directed towards securing
36 a safe, stable, and permanent home for the child as soon as possible.
37 The plan shall identify one of the following outcomes as the primary
38 goal and may also identify additional outcomes as alternative goals:

1 Return of the child to the home of the child's parent, guardian, or
2 legal custodian; adoption; guardianship; or long-term relative or
3 foster care, until the child is age eighteen, with a written agreement
4 between the parties and the care provider.

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

7 (c) Permanency planning goals should be achieved at the earliest
8 possible date, preferably before the child has been in out-of-home care
9 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 a
12 goal to complete the adoption within six months following entry of the
13 termination order.

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

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

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

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

1 (5) At the permanency planning hearing, the court shall enter
2 findings as required by RCW 13.34.130(5) and shall review the
3 permanency plan prepared by the agency. If the child has resided in
4 the home of a foster parent or relative for more than six months prior
5 to the permanency planning hearing, the court shall also enter a
6 finding regarding whether the foster parent or relative was informed of
7 the hearing as required in RCW 74.13.280. If a goal of long-term
8 foster or relative care has been achieved prior to the permanency
9 planning hearing, the court shall review the child's status to
10 determine whether the placement and the plan for the child's care
11 remain appropriate. In cases where the primary permanency planning
12 goal has not yet been achieved, the court shall inquire regarding the
13 reasons why the primary goal has not been achieved and determine what
14 needs to be done to make it possible to achieve the primary goal. In
15 all cases, the court shall:

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

18 (ii) Modify the permanency plan, and order implementation of the
19 modified plan; and

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

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

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

29 (7) Following the first permanency planning hearing, the court
30 shall hold a further permanency planning hearing in accordance with
31 this section at least once every twelve months until a permanency
32 planning goal is achieved or the dependency is dismissed, whichever
33 occurs first.

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

1 (9) Nothing in this chapter may be construed to limit the ability
2 of the agency that has custody of the child to file a petition for
3 termination of parental rights or a guardianship petition at any time
4 following the establishment of dependency. Upon the filing of such a
5 petition, a fact-finding hearing shall be scheduled and held in
6 accordance with this chapter unless the agency requests dismissal of
7 the petition prior to the hearing or unless the parties enter an agreed
8 order terminating parental rights, establishing guardianship, or
9 otherwise resolving the matter.

10 (10) The approval of a permanency plan that does not contemplate
11 return of the child to the parent does not relieve the supervising
12 agency of its obligation to provide reasonable services, under this
13 chapter, intended to effectuate the return of the child to the parent,
14 including but not limited to, visitation rights.

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

18 **Sec. 22.** RCW 74.13.280 and 1991 c 340 s 4 are each amended to read
19 as follows:

20 (1) Except as provided in RCW 70.24.105, whenever a child is placed
21 in out-of-home care by the department or a child-placing agency, the
22 department or agency may share information about the child and the
23 child's family with the care provider and may consult with the care
24 provider regarding the child's case plan. If the child is dependent
25 pursuant to a proceeding under chapter 13.34 RCW, the department or
26 agency shall keep the care provider informed regarding the dates and
27 location of dependency review and permanency planning hearings
28 pertaining to the child.

29 (2) Any person who receives information about a child or a child's
30 family pursuant to this section shall keep the information confidential
31 and shall not further disclose or disseminate the information except as
32 authorized by law.

33 (3) Nothing in this section shall be construed to limit the
34 authority of the department or child-placing agencies to disclose
35 client information or to maintain client confidentiality as provided by
36 law.

1 **Sec. 23.** RCW 13.04.033 and 1990 c 284 s 35 are each amended to
2 read as follows:

3 (1) Any person aggrieved by a final order of the court may appeal
4 the order as provided by this section. All appeals in matters other
5 than those related to commission of a juvenile offense shall be taken
6 in the same manner as in other civil cases. Except as otherwise
7 provided in this title, all appeals in matters related to the
8 commission of a juvenile offense shall be taken in the same manner as
9 criminal cases and the right to collateral relief shall be the same as
10 in criminal cases. The order of the juvenile court shall stand pending
11 the disposition of the appeal: PROVIDED, That the court or the
12 appellate court may upon application stay the order.

13 (2) If the final order from which an appeal is taken grants the
14 custody of the child to, or withholds it from, any of the parties, or
15 if the child is committed as provided under this chapter, the appeal
16 shall be given priority in hearing.

17 (3) In the absence of a specific direction from the party seeking
18 review to file the notice, or the court-appointed guardian ad litem,
19 the court may dismiss the review pursuant to RAP 18.9. To the extent
20 ~~((that)) any provision of this ((enactment [1990 c 284])) title~~
21 ~~conflicts with the requirements of ((RAP 5.3(a) or RAP 5.3(b))) rules~~
22 ~~of appellate procedure, this ((enactment [1990 c 284])) title shall~~
23 supersede the conflicting rule.

24 (4) In an appeal taken from a proceeding under chapter 13.32A or
25 13.34 RCW, the juvenile court file, the trial court record of the
26 proceeding, clerk's papers, pleadings, exhibits, and transcripts are
27 confidential. Appellate briefs and decisions shall use initials or
28 pseudonyms to identify the juvenile and the juvenile's family.

29 (a) Confidential documents, and any information contained therein,
30 may be released to the public only upon entry of an order, issued by
31 the court in which the appeal is pending, authorizing release of the
32 documents or information.

33 (b) The court may enter an order authorizing release of
34 confidential documents and information only when the court finds:

35 (i) There is a compelling public interest that requires release of
36 the documents or information; and

37 (ii) Release will not be detrimental to the child who is the
38 subject of the proceeding.

1 (c) The court shall not authorize the release of any documents or
2 information that identifies or could reasonably be expected to identify
3 the child or the child's family.

4 **Sec. 24.** RCW 74.15.120 and 1979 c 141 s 361 are each amended to
5 read as follows:

6 The secretary of social and health services may, at his or her
7 discretion, issue ((a-provisional)) an initial license instead of a
8 full license, to an agency or facility for a period not to exceed six
9 months, renewable for a period not to exceed two years, to allow such
10 agency or facility reasonable time to become eligible for full
11 license~~((, except that a provisional))~~. An initial license shall not
12 be granted to any foster-family home except as specified in this
13 section. An initial license may be granted to a foster-family home
14 only if the following three conditions are met: (1) The license is
15 limited so that the licensee is authorized to provide care only to a
16 specific child or specific children; (2) the department has determined
17 that the licensee has a relationship with the child, and the child is
18 comfortable with the licensee, or that it would otherwise be in the
19 child's best interest to remain or be placed in the licensee's home and
20 (3) the initial license is issued for a period not to exceed ninety
21 days.

22 **Sec. 25.** RCW 13.34.030 and 1994 c 288 s 1 are each amended to read
23 as follows:

24 For purposes of this chapter:

25 (1) "Child" and "juvenile" means any individual under the age of
26 eighteen years.

27 (2) "Current placement episode" means the period of time that
28 begins with the most recent date that the child was removed from the
29 home of the parent, guardian, or legal custodian for purposes of
30 placement in out-of-home care and continues until the child returns
31 home, an adoption decree or guardianship order is entered, or the
32 dependency is dismissed, whichever occurs soonest. If the most recent
33 date of removal occurred prior to the filing of a dependency petition
34 under this chapter or after filing but prior to entry of a disposition
35 order, such time periods shall be included when calculating the length
36 of a child's current placement episode.

1 (3) "Dependency guardian" means the person, nonprofit corporation,
2 or Indian tribe appointed by the court pursuant to RCW 13.34.232 for
3 the limited purpose of assisting the court in the supervision of the
4 dependency.

5 (4) "Dependent child" means any child:

6 (a) Who has been abandoned; that is, where the child's parent,
7 guardian, or other custodian has (~~evidenced~~) expressed either by
8 statement or conduct, (~~a settled~~) an intent to forego, for an
9 extended period, (~~all~~) parental rights or (~~all~~) parental
10 responsibilities despite an ability to do so. If the court finds that
11 the petitioner has exercised due diligence in attempting to locate the
12 parent, no contact between the child and the child's parent, guardian,
13 or other custodian for a period of three months creates a rebuttable
14 presumption of abandonment, even if there is no expressed intent to
15 abandon;

16 (b) Who is abused or neglected as defined in chapter 26.44 RCW by
17 a person legally responsible for the care of the child;

18 (c) Who has no parent, guardian, or custodian capable of adequately
19 caring for the child, such that the child is in circumstances which
20 constitute a danger of substantial damage to the child's psychological
21 or physical development; or

22 (d) Who has a developmental disability, as defined in RCW
23 71A.10.020 and whose parent, guardian, or legal custodian together with
24 the department determines that services appropriate to the child's
25 needs can not be provided in the home. However, (a), (b), and (c) of
26 this subsection may still be applied if other reasons for removal of
27 the child from the home exist.

28 (5) "Guardian" means the person or agency that: (a) Has been
29 appointed as the guardian of a child in a legal proceeding other than
30 a proceeding under this chapter; and (b) has the legal right to custody
31 of the child pursuant to such appointment. The term "guardian" shall
32 not include a "dependency guardian" appointed pursuant to a proceeding
33 under this chapter.

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

1 shall be deemed to be guardian ad litem for all purposes and uses of
2 this chapter.

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

10 (8) "Out-of-home care" means placement in a foster family home or
11 group care facility licensed pursuant to chapter 74.15 RCW or placement
12 in a home, other than that of the child's parent, guardian, or legal
13 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

14 (9) "Preventive services" means ((family)) preservation services,
15 as defined in ((RCW 74.14C.010)) chapter 74.14C RCW, and other
16 reasonably available services capable of preventing the need for out-
17 of-home placement while protecting the child.

18 **Sec. 26.** RCW 13.34.233 and 1994 c 288 s 8 are each amended to read
19 as follows:

20 (1) Any party may request the court to modify or terminate a
21 dependency guardianship order under RCW 13.34.150. Notice of any
22 motion to modify or terminate the guardianship shall be served on all
23 other parties, including any agency that was responsible for
24 supervising the child's placement at the time the guardianship petition
25 was filed. Notice shall in all cases be served upon the department of
26 social and health services. If the department was not previously a
27 party to the guardianship proceeding, the department shall nevertheless
28 have the right to initiate a proceeding to modify or terminate a
29 guardianship and the right to intervene at any stage of such a
30 proceeding.

31 (2) The guardianship may be modified or terminated upon the motion
32 of any party or the department if the court finds by a preponderance of
33 the evidence that there has been a substantial change of circumstances
34 subsequent to the establishment of the guardianship and that it is in
35 the child's best interest to modify or terminate the guardianship.
36 ~~((Unless all parties agree to entry of an order modifying or
37 terminating the guardianship,))~~ The court shall hold a hearing on the
38 motion before modifying or terminating a guardianship.

1 (3) Upon entry of an order terminating the guardianship, the
2 dependency guardian shall not have any rights or responsibilities with
3 respect to the child and shall not have legal standing to participate
4 as a party in further dependency proceedings pertaining to the child.
5 The court may allow the child's dependency guardian to attend
6 dependency review proceedings pertaining to the child for the sole
7 purpose of providing information about the child to the court.

8 (4) Upon entry of an order terminating the guardianship, the child
9 shall remain dependent and the court shall either return the child to
10 the child's parent or order the child into the custody, control, and
11 care of the department of social and health services or a licensed
12 child-placing agency for placement in a foster home or group care
13 facility licensed pursuant to chapter 74.15 RCW or in a home not
14 required to be licensed pursuant to such chapter. The court shall not
15 place a child in the custody of the child's parent unless the court
16 finds that a reason for removal as set forth in RCW 13.34.130 no longer
17 exists and that such placement is in the child's best interest. The
18 court shall thereafter conduct reviews as provided in RCW 13.34.130(5)
19 and, where applicable, shall hold a permanency planning hearing in
20 accordance with RCW 13.34.145.

21 NEW SECTION. **Sec. 27.** A new section is added to chapter 74.15 RCW
22 to read as follows:

23 (1) Except as provided in this section or other state or federal
24 laws, licensing records shall be disclosed in accordance with chapter
25 42.17 RCW. For purposes of this section, "licensing records" means
26 records of the department that contain information related to licensing
27 decisions and actions of the department or information related to
28 persons or agencies licensed under this chapter.

29 (2) The following information is confidential and may only be
30 disclosed in accordance with this section or other state or federal
31 laws:

32 (a) The residence address and telephone number of any person
33 licensed under this chapter, any person employed by a licensed agency,
34 and any person authorized to provide care under this chapter;

35 (b) The business address and telephone number of any person
36 licensed as a foster family home or authorized to provide foster care
37 under this chapter;

1 (c) The name, address, and any identifying information regarding
2 any person who is receiving care or has received care in a home or
3 facility licensed under this chapter or by a person authorized to care
4 under this chapter. For purposes of this section, "identifying
5 information" means:

6 (i) The person's name and address;

7 (ii) The name and address of the person's family members;

8 (iii) Personal identifiers, such as the person's social security
9 number; and

10 (iv) Personal characteristics or any other information that would
11 make the person's identity easily traceable;

12 (d) Applications for licensure and any other information obtained
13 by or submitted to the department pursuant to the application process,
14 including letters of reference.

15 (3) Information set forth in subsection (2) of this section may be
16 disclosed in accordance with subsection (4) of this section or with the
17 consent of the person who is the subject of the information.
18 Information in subsection (2)(c) of this section pertaining to a person
19 under age eighteen may also be disclosed with the consent of the
20 child's parent or legal guardian.

21 (4) Information set forth in subsection (2) of this section may be
22 disclosed to persons or agencies for purposes connected to the
23 administration of this chapter, the administration of child welfare or
24 child care programs under chapter 74.13 RCW, child support
25 administration under chapter 26.23 RCW, or the administration of public
26 assistance programs. Such information may also be disclosed to:

27 (a) Law enforcement agencies;

28 (b) Licensed child placement agencies;

29 (c) Any person or agency conducting a bona fide research project,
30 subject to any conditions or limitations specified in applicable
31 federal or state laws;

32 (d) The coroner or medical examiner when such individual is
33 determining the cause of a child's death; and

34 (e) Duly designated representatives of private welfare agencies,
35 public officials, and advisory committees.

36 (5) The department is not required to disclose the following
37 information:

38 (a) Any information that, if disclosed, would be detrimental to the
39 health, safety, or welfare of any person who is receiving care or has

1 received care in a home or facility licensed under this chapter or by
2 a person or agency authorized to provide such care under this chapter;

3 (b) Information compiled in the course of an investigation of a
4 person or home licensed under this chapter or investigation of a person
5 or agency authorized to provide care under this chapter, but only if
6 nondisclosure is essential to effective enforcement of the provisions
7 of this chapter.

8 (6) Violation of this section is a gross misdemeanor.

9 **Sec. 28.** RCW 28A.225.330 and 1994 c 304 s 2 are each amended to
10 read as follows:

11 (1) When enrolling a student who has attended school in another
12 school district, the school enrolling the student may request the
13 parent and the student to briefly indicate in writing whether or not
14 the student has:

15 (a) Any history of placement in special educational programs;

16 (b) Any past, current, or pending disciplinary action;

17 (c) Any history of violent behavior;

18 (d) Any unpaid fines or fees imposed by other schools; and

19 (e) Any health conditions affecting the student's educational
20 needs.

21 (2) The school enrolling the student shall request the school the
22 student previously attended to send the student's permanent record
23 including records of disciplinary action. If the student has not paid
24 a fine or fee under RCW 28A.635.060, the school may withhold the
25 student's official transcript, but shall transmit information about the
26 student's academic performance, special placement, and records of
27 disciplinary action. If the official transcript is not sent due to
28 unpaid fees or fines, the enrolling school shall notify both the
29 student and parent or guardian that the official transcript will not be
30 sent until the obligation is met, and failure to have an official
31 transcript may result in exclusion from extracurricular activities or
32 failure to graduate.

33 (3) If information is requested under subsection (2) of this
34 section, the information shall be transmitted (~~within two school days~~
35 ~~after receiving the request~~) by means designed to deliver the records
36 within two school days after receiving the request. The state board of
37 education shall provide by rule for the discipline under chapter
38 28A.410 RCW of a school principal or other chief administrator of a

1 public school building who fails to make a good faith effort to assure
2 compliance with this subsection.

3 NEW SECTION. Sec. 29. A new section is added to chapter 74.13 RCW
4 to read as follows:

5 (1) The department, or agency responsible for supervising a child
6 in out-of-home care, shall conduct a social study whenever a child is
7 placed in out-of-home care under the supervision of the department or
8 other agency. The study shall be conducted prior to placement, or, if
9 it is not feasible to conduct the study prior to placement due to the
10 circumstances of the case, the study shall be conducted as soon as
11 possible following placement.

12 (2) The social study shall include, but not be limited to, an
13 assessment of the following factors:

14 (a) The physical and emotional strengths and needs of the child;

15 (b) The proximity of the child's placement to the child's family to
16 aid reunification;

17 (c) The possibility of placement with the child's relatives or
18 extended family;

19 (d) The racial, ethnic, cultural, and religious background of the
20 child;

21 (e) The least-restrictive, most family-like placement reasonably
22 available and capable of meeting the child's needs; and

23 (f) Compliance with RCW 13.34.260 regarding parental preferences
24 for placement of their children.

25 NEW SECTION. Sec. 30. RCW 74.14C.035 and 1992 c 214 s 8 are each
26 repealed.

27 NEW SECTION. Sec. 31. If specific funding for the purposes of
28 this act, referencing this act by bill number, is not provided by June
29 30, 1995, in the omnibus appropriations act, this act is null and void.

--- END ---