

2 **SHB 2556** - CONF REPT
3 By Conference Committee

4 ADOPTED 3/12/98

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 13.34.020 and 1990 c 284 s 31 are each amended to
8 read as follows:

9 The legislature declares that the family unit is a fundamental
10 resource of American life which should be nurtured. Toward the
11 continuance of this principle, the legislature declares that the family
12 unit should remain intact unless a child's right to conditions of basic
13 nurture, health, or safety is jeopardized. When the rights of basic
14 nurture, physical and mental health, and safety of the child and the
15 legal rights of the parents are in conflict, the rights and safety of
16 the child should prevail. In making reasonable efforts under this
17 chapter, the child's health and safety shall be the paramount concern.
18 The right of a child to basic nurturing includes the right to a safe,
19 stable, and permanent home and a speedy resolution of any proceeding
20 under this chapter.

21 **Sec. 2.** RCW 13.34.130 and 1997 c 280 s 1 are each amended to read
22 as follows:

23 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
24 been proven by a preponderance of the evidence that the child is
25 dependent within the meaning of RCW 13.34.030; after consideration of
26 the predisposition report prepared pursuant to RCW 13.34.110 and after
27 a disposition hearing has been held pursuant to RCW 13.34.110, the
28 court shall enter an order of disposition pursuant to this section.

29 (1) The court shall order one of the following dispositions of the
30 case:

31 (a) Order a disposition other than removal of the child from his or
32 her home, which shall provide a program designed to alleviate the
33 immediate danger to the child, to mitigate or cure any damage the child
34 has already suffered, and to aid the parents so that the child will not
35 be endangered in the future. In selecting a program, the court should

1 choose those services that least interfere with family autonomy,
2 provided that the services are adequate to protect the child.

3 (b) Order that the child be removed from his or her home and
4 ordered into the custody, control, and care of a relative or the
5 department of social and health services or a licensed child placing
6 agency for placement in a foster family home or group care facility
7 licensed pursuant to chapter 74.15 RCW or in a home not required to be
8 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable
9 cause to believe that the safety or welfare of the child would be
10 jeopardized or that efforts to reunite the parent and child will be
11 hindered, such child shall be placed with a person who is related to
12 the child as defined in RCW 74.15.020(4)(a) and with whom the child has
13 a relationship and is comfortable, and who is willing and available to
14 care for the child. Placement of the child with a relative under this
15 subsection shall be given preference by the court. An order for out-
16 of-home placement may be made only if the court finds that reasonable
17 efforts have been made to prevent or eliminate the need for removal of
18 the child from the child's home and to make it possible for the child
19 to return home, specifying the services that have been provided to the
20 child and the child's parent, guardian, or legal custodian, and that
21 preventive services have been offered or provided and have failed to
22 prevent the need for out-of-home placement, unless the health, safety,
23 and welfare of the child cannot be protected adequately in the home,
24 and that:

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

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

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

33 (iv) The extent of the child's disability is such that the parent,
34 guardian, or legal custodian is unable to provide the necessary care
35 for the child and the parent, guardian, or legal custodian has
36 determined that the child would benefit from placement outside of the
37 home.

38 (2) If the court has ordered a child removed from his or her home
39 pursuant to subsection (1)(b) of this section, the court may order that

1 a petition seeking termination of the parent and child relationship be
2 filed if the court finds ~~((it))~~: (a) Termination is recommended by the
3 supervising agency ~~((, that it))~~; (b) termination is in the best
4 interests of the child; and (c) that ~~((it is not reasonable to provide
5 further services to reunify the family))~~ because of the existence of
6 aggravated circumstances ~~((make it unlikely that services will
7 effectuate the return of the child to the child's parents in the near
8 future))~~, reasonable efforts to unify the family are not required.
9 Notwithstanding the existence of aggravated circumstances, reasonable
10 efforts may be required if the court or department determines it is in
11 the best interest of the child. In determining whether aggravated
12 circumstances exist, the court shall consider one or more of the
13 following:

14 ~~((a))~~ (i) Conviction of the parent of rape of the child in the
15 first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076,
16 and 9A.44.079;

17 ~~((b))~~ (ii) Conviction of the parent of criminal mistreatment of
18 the child in the first or second degree as defined in RCW 9A.42.020 and
19 9A.42.030;

20 ~~((c))~~ (iii) Conviction of the parent of one of the following
21 assault crimes, when the child is the victim: Assault in the first or
22 second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of
23 a child in the first or second degree as defined in RCW 9A.36.120 or
24 9A.36.130;

25 ~~((d))~~ (iv) Conviction of the parent of murder, manslaughter, or
26 homicide by abuse of the child's other parent, sibling, or another
27 child;

28 ~~((e))~~ (v) Conviction of the parent of attempting, soliciting, or
29 conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of
30 this subsection;

31 (vi) A finding by a court that a parent is a sexually violent
32 predator as defined in RCW 71.09.020;

33 ~~((f))~~ (vii) Failure of the parent to complete available treatment
34 ordered under this chapter or the equivalent laws of another state,
35 where such failure has resulted in a prior termination of parental
36 rights to another child and the parent has failed to effect significant
37 change in the interim. In the case of a parent of an Indian child, as
38 defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. 1903),

1 the court shall also consider tribal efforts to assist the parent in
2 completing treatment and make it possible for the child to return home;

3 (viii) An infant under three years of age has been abandoned as
4 defined in RCW 13.34.030(4)(a);

5 (ix) The mother has given birth to three or more drug-affected
6 infants, resulting in the department filing a petition under section 23
7 of this act.

8 (3) If reasonable efforts are not ordered under this subsection (3)
9 a permanency plan hearing shall be held within thirty days. Reasonable
10 efforts shall be made to place the child in a timely manner in
11 accordance with the permanency plan, and to complete whatever steps are
12 necessary to finalize the permanent placement of the child;

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

15 (a) A permanency plan of care that shall identify one of the
16 following outcomes as a primary goal and may identify additional
17 outcomes as alternative goals: Return of the child to the home of the
18 child's parent, guardian, or legal custodian; adoption; guardianship;
19 or long-term relative or foster care, until the child is age eighteen,
20 with a written agreement between the parties and the care provider; and
21 independent living, if appropriate and if the child is age sixteen or
22 older. Whenever a permanency plan identifies independent living as a
23 goal, the plan shall also specifically identify the services that will
24 be provided to assist the child to make a successful transition from
25 foster care to independent living. Before the court approves
26 independent living as a permanency plan of care, the court shall make
27 a finding that the provision of services to assist the child in making
28 a transition from foster care to independent living will allow the
29 child to manage his or her financial affairs and to manage his or her
30 personal, social, educational, and nonfinancial affairs. The
31 department shall not discharge a child to an independent living
32 situation before the child is eighteen years of age unless the child
33 becomes emancipated pursuant to chapter 13.64 RCW.

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

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

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

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

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

20 (c) If the court has ordered, pursuant to subsection (2) of this
21 section, that a termination petition be filed, a specific plan as to
22 where the child will be placed, what steps will be taken to achieve
23 permanency for the child, services to be offered or provided to the
24 child, and, if visitation would be in the best interests of the child,
25 a recommendation to the court regarding visitation between parent and
26 child pending a fact-finding hearing on the termination petition. The
27 agency shall not be required to develop a plan of services for the
28 parents or provide services to the parents.

29 ~~((4))~~ (5) If the court determines that the continuation of
30 reasonable efforts to prevent or eliminate the need to remove the child
31 from his or her home or to safely return the child home should not be
32 part of the permanency plan of care for the child, reasonable efforts
33 shall be made to place the child in a timely manner and to complete
34 whatever steps are necessary to finalize the permanent placement of the
35 child.

36 (6) If there is insufficient information at the time of the
37 disposition hearing upon which to base a determination regarding the
38 suitability of a proposed placement with a relative, the child shall
39 remain in foster care and the court shall direct the supervising agency

1 to conduct necessary background investigations as provided in chapter
2 74.15 RCW and report the results of such investigation to the court
3 within thirty days. However, if such relative appears otherwise
4 suitable and competent to provide care and treatment, the criminal
5 history background check need not be completed before placement, but as
6 soon as possible after placement. Any placements with relatives,
7 pursuant to this section, shall be contingent upon cooperation by the
8 relative with the agency case plan and compliance with court orders
9 related to the care and supervision of the child including, but not
10 limited to, court orders regarding parent-child contacts and any other
11 conditions imposed by the court. Noncompliance with the case plan or
12 court order shall be grounds for removal of the child from the
13 relative's home, subject to review by the court.

14 ~~((+5+))~~ (7) Except for children whose cases are reviewed by a
15 citizen review board under chapter 13.70 RCW, the status of all
16 children found to be dependent shall be reviewed by the court at least
17 every six months from the beginning date of the placement episode or
18 the date dependency is established, whichever is first, at a hearing in
19 which it shall be determined whether court supervision should continue.
20 The review shall include findings regarding the agency and parental
21 completion of disposition plan requirements, and if necessary, revised
22 permanency time limits. The supervising agency shall provide a foster
23 parent, preadoptive parent, or relative with notice of, and their right
24 to an opportunity to be heard in, a review hearing pertaining to the
25 child, but only if that person is currently providing care to that
26 child at the time of the hearing. This section shall not be construed
27 to grant party status to any person who has been provided an
28 opportunity to be heard.

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

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

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

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

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

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

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

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

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

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

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

23 **Sec. 3.** RCW 13.34.145 and 1995 c 311 s 20 and 1995 c 53 s 2 are
24 each reenacted and amended to read as follows:

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

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

1 legal custodian; adoption; guardianship; or long-term relative or
2 foster care, until the child is age eighteen, with a written agreement
3 between the parties and the care provider; and independent living, if
4 appropriate and if the child is age sixteen or older and the provisions
5 of subsection (2) of this section are met.

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

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

15 (2) Whenever a permanency plan identifies independent living as a
16 goal, the plan shall also specifically identify the services that will
17 be provided to assist the child to make a successful transition from
18 foster care to independent living. Before the court approves
19 independent living as a permanency plan of care, the court shall make
20 a finding that the provision of services to assist the child in making
21 a transition from foster care to independent living will allow the
22 child to manage his or her financial affairs and to manage his or her
23 personal, social, educational, and nonfinancial affairs. The
24 department shall not discharge a child to an independent living
25 situation before the child is eighteen years of age unless the child
26 becomes emancipated pursuant to chapter 13.64 RCW.

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

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

1 (4) Whenever a child is removed from the home of a dependency
2 guardian or long-term relative or foster care provider, and the child
3 is not returned to the home of the parent, guardian, or legal custodian
4 but is placed in out-of-home care, a permanency planning hearing shall
5 take place no later than twelve (~~(or eighteen)~~) months, as provided in
6 subsection (3) of this section, following the date of removal unless,
7 prior to the hearing, the child returns to the home of the dependency
8 guardian or long-term care provider, the child is placed in the home of
9 the parent, guardian, or legal custodian, an adoption decree or
10 guardianship order is entered, or the dependency is dismissed.

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

15 (6) At the permanency planning hearing, the court shall enter
16 findings as required by RCW 13.34.130(~~(+5)~~) (7) and shall review the
17 permanency plan prepared by the agency. If the child has resided in
18 the home of a foster parent or relative for more than six months prior
19 to the permanency planning hearing, the court shall also enter a
20 finding regarding whether the foster parent or relative was informed of
21 the hearing as required in RCW 74.13.280 and 13.34.130(7). If a goal
22 of long-term foster or relative care has been achieved prior to the
23 permanency planning hearing, the court shall review the child's status
24 to determine whether the placement and the plan for the child's care
25 remain appropriate. In cases where the primary permanency planning
26 goal has not yet been achieved, the court shall inquire regarding the
27 reasons why the primary goal has not been achieved and determine what
28 needs to be done to make it possible to achieve the primary goal. In
29 all cases, the court shall:

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

32 (ii) Modify the permanency plan, and order implementation of the
33 modified plan; and

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

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

1 (7) If the court orders the child returned home, casework
2 supervision shall continue for at least six months, at which time a
3 review hearing shall be held pursuant to RCW 13.34.130(~~(+5)~~) (7), and
4 the court shall determine the need for continued intervention.

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

10 (9) Except as otherwise provided in RCW 13.34.235, the status of
11 all dependent children shall continue to be reviewed by the court at
12 least once every six months, in accordance with RCW 13.34.130(~~(+5)~~)
13 (7), until the dependency is dismissed. Prior to the second permanency
14 planning hearing, the agency that has custody of the child shall
15 consider whether to file a petition for termination of parental rights.

16 (10) Nothing in this chapter may be construed to limit the ability
17 of the agency that has custody of the child to file a petition for
18 termination of parental rights or a guardianship petition at any time
19 following the establishment of dependency. Upon the filing of such a
20 petition, a fact-finding hearing shall be scheduled and held in
21 accordance with this chapter unless the agency requests dismissal of
22 the petition prior to the hearing or unless the parties enter an agreed
23 order terminating parental rights, establishing guardianship, or
24 otherwise resolving the matter.

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

30 (12) Nothing in this chapter may be construed to limit the
31 procedural due process rights of any party in a termination or
32 guardianship proceeding filed under this chapter.

33 **Sec. 4.** RCW 13.34.180 and 1997 c 280 s 2 are each amended to read
34 as follows:

35 A petition seeking termination of a parent and child relationship
36 may be filed in juvenile court by any party to the dependency
37 proceedings concerning that child. Such petition shall conform to the

1 requirements of RCW 13.34.040, shall be served upon the parties as
2 provided in RCW 13.34.070(8), and shall allege:

3 (1) That the child has been found to be a dependent child under RCW
4 13.34.030(4); and

5 (2) That the court has entered a dispositional order pursuant to
6 RCW 13.34.130; and

7 (3) That the child has been removed or will, at the time of the
8 hearing, have been removed from the custody of the parent for a period
9 of at least six months pursuant to a finding of dependency under RCW
10 13.34.030(4); and

11 (4) That the services ordered under RCW 13.34.130 have been
12 expressly and understandably offered or provided and all necessary
13 services, reasonably available, capable of correcting the parental
14 deficiencies within the foreseeable future have been expressly and
15 understandably offered or provided; and

16 (5) That there is little likelihood that conditions will be
17 remedied so that the child can be returned to the parent in the near
18 future. A parent's failure to substantially improve parental
19 deficiencies within twelve months following entry of the dispositional
20 order shall give rise to a rebuttable presumption that there is little
21 likelihood that conditions will be remedied so that the child can be
22 returned to the parent in the near future. The presumption shall not
23 arise unless the petitioner makes a showing that all necessary services
24 reasonably capable of correcting the parental deficiencies within the
25 foreseeable future have been clearly offered or provided. In
26 determining whether the conditions will be remedied the court may
27 consider, but is not limited to, the following factors:

28 (a) Use of intoxicating or controlled substances so as to render
29 the parent incapable of providing proper care for the child for
30 extended periods of time and documented unwillingness of the parent to
31 receive and complete treatment or documented multiple failed treatment
32 attempts; or

33 (b) Psychological incapacity or mental deficiency of the parent
34 that is so severe and chronic as to render the parent incapable of
35 providing proper care for the child for extended periods of time, and
36 documented unwillingness of the parent to receive and complete
37 treatment or documentation that there is no treatment that can render
38 the parent capable of providing proper care for the child in the near
39 future; and

1 (6) That continuation of the parent and child relationship clearly
2 diminishes the child's prospects for early integration into a stable
3 and permanent home; or

4 (7) In lieu of the allegations in subsections (1) through (6) of
5 this section, the petition may allege that the child was found under
6 such circumstances that the whereabouts of the child's parent are
7 unknown and no person has acknowledged paternity or maternity and
8 requested custody of the child within two months after the child was
9 found; or

10 (8) In lieu of the allegations in subsections (2) through (6) of
11 this section, the petition may allege that the parent has been found by
12 a court of competent jurisdiction:

13 (a) To have committed, against another child of such parent, murder
14 in the first degree, murder in the second degree, or homicide by abuse
15 as defined in chapter 9A.32 RCW;

16 (b) To have committed, against another child of such parent,
17 manslaughter in the first degree or manslaughter in the second degree,
18 as defined in chapter 9A.32 RCW;

19 (c) To have attempted, conspired, or solicited to commit one or
20 more of the crimes listed in (a) or (b) of this subsection; or

21 (d) To have committed assault in the first or second degree, as
22 defined in chapter 9A.36 RCW, against the surviving child or another
23 child of the parent.

24 ~~((A parent's failure to substantially improve parental deficiencies~~
25 ~~within twelve months following entry of the dispositional order shall~~
26 ~~give rise to a rebuttable presumption that there is little likelihood~~
27 ~~that conditions will be remedied so that the child can be returned to~~
28 ~~the parent in the near future. The presumption shall not arise unless~~
29 ~~the petitioner makes a showing that all necessary services reasonably~~
30 ~~capable of correcting the parental deficiencies within the foreseeable~~
31 ~~future have been offered or provided.))~~

32 Notice of rights shall be served upon the parent, guardian, or
33 legal custodian with the petition and shall be in substantially the
34 following form:

35 "NOTICE

36 A petition for termination of parental rights has been filed
37 against you. You have important legal rights and you must take

1 steps to protect your interests. This petition could result in
2 permanent loss of your parental rights.

3 1. You have the right to a fact-finding hearing before
4 a judge.

5 2. You have the right to have a lawyer represent you at
6 the hearing. A lawyer can look at the files in your case, talk
7 to the department of social and health services and other
8 agencies, tell you about the law, help you understand your
9 rights, and help you at hearings. If you cannot afford a
10 lawyer, the court will appoint one to represent you. To get a
11 court-appointed lawyer you must contact: (explain local
12 procedure) .

13 3. At the hearing, you have the right to speak on your
14 own behalf, to introduce evidence, to examine witnesses, and to
15 receive a decision based solely on the evidence presented to
16 the judge.

17 You should be present at this hearing.

18 You may call (insert agency) for more information
19 about your child. The agency's name and telephone number are
20 (insert name and telephone number) ."

21 **Sec. 5.** RCW 13.34.190 and 1993 c 412 s 3 are each amended to read
22 as follows:

23 After hearings pursuant to RCW 13.34.110, the court may enter an
24 order terminating all parental rights to a child if the court finds
25 that:

26 (1)(a) The allegations contained in the petition as provided in RCW
27 13.34.180 (1) through (6) are established by clear, cogent, and
28 convincing evidence; or

29 ~~((2))~~ (b) RCW 13.34.180 (3) and (4) may be waived because the
30 allegations under RCW 13.34.180 (1), (2), (5), and (6) are established
31 beyond a reasonable doubt and when an infant has been abandoned, as
32 defined in RCW 13.34.030, the abandonment has been proved beyond a
33 reasonable doubt; or

34 ~~((3))~~ (c) The allegation under RCW 13.34.180(7) is established
35 beyond a reasonable doubt. In determining whether RCW 13.34.180 (5)
36 and (6) are established beyond a reasonable doubt, the court shall
37 consider whether one or more of the aggravated circumstances listed in
38 RCW 13.34.130(2) exist; or

1 (d) The allegation under RCW 13.34.180(8) is established beyond a
2 reasonable doubt; and

3 (~~(4)~~) (2) Such an order is in the best interests of the child.

4 **Sec. 6.** RCW 74.15.130 and 1995 c 302 s 5 are each amended to read
5 as follows:

6 (1) An agency may be denied a license, or any license issued
7 pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended,
8 revoked, modified, or not renewed by the secretary upon proof (a) that
9 the agency has failed or refused to comply with the provisions of
10 chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated
11 pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or
12 (b) that the conditions required for the issuance of a license under
13 chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect
14 to such licenses. RCW 43.20A.205 governs notice of a license denial,
15 revocation, suspension, or modification and provides the right to an
16 adjudicative proceeding.

17 (2) In any adjudicative proceeding regarding the denial,
18 modification, suspension, or revocation of a foster family home
19 license, the department's decision shall be upheld if there is
20 reasonable cause to believe that:

21 (a) The applicant or licensee lacks the character, suitability, or
22 competence to care for children placed in out-of-home care, however, no
23 unfounded report of child abuse or neglect may be used to deny
24 employment or a license;

25 (b) The applicant or licensee has failed or refused to comply with
26 any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements
27 adopted pursuant to such provisions; or

28 (c) The conditions required for issuance of a license under chapter
29 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such
30 licenses.

31 (3) In any adjudicative proceeding regarding the denial,
32 modification, suspension, or revocation of any license under this
33 chapter, other than a foster family home license, the department's
34 decision shall be upheld if it is supported by a preponderance of the
35 evidence.

36 (4) The department may assess civil monetary penalties upon proof
37 that an agency has failed or refused to comply with the rules adopted
38 under the provisions of this chapter and RCW 74.13.031 or that an

1 agency subject to licensing under this chapter and RCW 74.13.031 is
2 operating without a license except that civil monetary penalties shall
3 not be levied against a licensed foster home. Monetary penalties
4 levied against unlicensed agencies that submit an application for
5 licensure within thirty days of notification and subsequently become
6 licensed will be forgiven. These penalties may be assessed in addition
7 to or in lieu of other disciplinary actions. Civil monetary penalties,
8 if imposed, may be assessed and collected, with interest, for each day
9 an agency is or was out of compliance. Civil monetary penalties shall
10 not exceed seventy-five dollars per violation for a family day-care
11 home and two hundred fifty dollars per violation for group homes, child
12 day-care centers, and child-placing agencies. Each day upon which the
13 same or substantially similar action occurs is a separate violation
14 subject to the assessment of a separate penalty. The department shall
15 provide a notification period before a monetary penalty is effective
16 and may forgive the penalty levied if the agency comes into compliance
17 during this period. The department may suspend, revoke, or not renew
18 a license for failure to pay a civil monetary penalty it has assessed
19 pursuant to this chapter within ten days after such assessment becomes
20 final. Chapter 43.20A RCW governs notice of a civil monetary penalty
21 and provides the right of an adjudicative proceeding. The
22 preponderance of evidence standard shall apply in adjudicative
23 proceedings related to assessment of civil monetary penalties.

24 **Sec. 7.** RCW 26.44.020 and 1997 c 386 s 45, 1997 c 386 s 24, 1997
25 c 282 s 4, and 1997 c 132 s 2 are each reenacted and amended to read as
26 follows:

27 For the purpose of and as used in this chapter:

28 (1) "Court" means the superior court of the state of Washington,
29 juvenile department.

30 (2) "Law enforcement agency" means the police department, the
31 prosecuting attorney, the state patrol, the director of public safety,
32 or the office of the sheriff.

33 (3) "Practitioner of the healing arts" or "practitioner" means a
34 person licensed by this state to practice podiatric medicine and
35 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
36 medicine and surgery, or medicine and surgery or to provide other
37 health services. The term "practitioner" shall include a duly
38 accredited Christian Science practitioner: PROVIDED, HOWEVER, That a

1 person who is being furnished Christian Science treatment by a duly
2 accredited Christian Science practitioner shall not be considered, for
3 that reason alone, a neglected person for the purposes of this chapter.

4 (4) "Institution" means a private or public hospital or any other
5 facility providing medical diagnosis, treatment or care.

6 (5) "Department" means the state department of social and health
7 services.

8 (6) "Child" or "children" means any person under the age of
9 eighteen years of age.

10 (7) "Professional school personnel" shall include, but not be
11 limited to, teachers, counselors, administrators, child care facility
12 personnel, and school nurses.

13 (8) "Social service counselor" shall mean anyone engaged in a
14 professional capacity during the regular course of employment in
15 encouraging or promoting the health, welfare, support or education of
16 children, or providing social services to adults or families, including
17 mental health, drug and alcohol treatment, and domestic violence
18 programs, whether in an individual capacity, or as an employee or agent
19 of any public or private organization or institution.

20 (9) "Psychologist" shall mean any person licensed to practice
21 psychology under chapter 18.83 RCW, whether acting in an individual
22 capacity or as an employee or agent of any public or private
23 organization or institution.

24 (10) "Pharmacist" shall mean any registered pharmacist under the
25 provisions of chapter 18.64 RCW, whether acting in an individual
26 capacity or as an employee or agent of any public or private
27 organization or institution.

28 (11) "Clergy" shall mean any regularly licensed or ordained
29 minister, priest or rabbi of any church or religious denomination,
30 whether acting in an individual capacity or as an employee or agent of
31 any public or private organization or institution.

32 (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual
33 exploitation, negligent treatment, or maltreatment of a child, adult
34 dependent, or developmentally disabled person by any person under
35 circumstances which indicate that the child's or adult's health,
36 welfare, and safety is harmed, excluding conduct permitted under RCW
37 9A.16.100. An abused child is a child who has been subjected to child
38 abuse or neglect as defined herein.

1 (13) "Child protective services section" shall mean the child
2 protective services section of the department.

3 (14) "Adult dependent persons" shall be defined as those persons
4 over the age of eighteen years who have been found to be legally
5 incompetent or disabled pursuant to chapter 11.88 RCW.

6 (15) "Sexual exploitation" includes: (a) Allowing, permitting, or
7 encouraging a child to engage in prostitution by any person; or (b)
8 allowing, permitting, encouraging, or engaging in the obscene or
9 pornographic photographing, filming, or depicting of a child by any
10 person.

11 (16) "Negligent treatment or maltreatment" means an act or omission
12 which evidences a serious disregard of consequences of such magnitude
13 as to constitute a clear and present danger to the child's health,
14 welfare, and safety. The fact that siblings share a bedroom is not, in
15 and of itself, "negligent treatment or maltreatment."

16 (17) "Developmentally disabled person" means a person who has a
17 disability defined in RCW 71A.10.020.

18 (18) "Child protective services" means those services provided by
19 the department designed to protect children from child abuse and
20 neglect and safeguard such children from future abuse and neglect, and
21 conduct investigations of child abuse and neglect reports.
22 Investigations may be conducted regardless of the location of the
23 alleged abuse or neglect. Child protective services includes referral
24 to services to ameliorate conditions which endanger the welfare of
25 children, the coordination of necessary programs and services relevant
26 to the prevention, intervention, and treatment of child abuse and
27 neglect, and services to children to ensure that each child has a
28 permanent home. In determining whether protective services should be
29 provided, the department shall not decline to provide such services
30 solely because of the child's unwillingness or developmental inability
31 to describe the nature and severity of the abuse or neglect.

32 (19) "Malice" or "maliciously" means an evil intent, wish, or
33 design to vex, annoy, or injure another person. Such malice may be
34 inferred from an act done in wilful disregard of the rights of another,
35 or an act wrongfully done without just cause or excuse, or an act or
36 omission of duty betraying a wilful disregard of social duty.

37 (20) "Sexually aggressive youth" means a child who is defined in
38 RCW 74.13.075(1)(b) as being a "sexually aggressive youth."

1 (21) "Unfounded" means available ((evidence)) information indicates
2 that, more likely than not, child abuse or neglect did not occur.

3 **Sec. 8.** RCW 26.44.100 and 1997 c 282 s 2 are each amended to read
4 as follows:

5 (1) The legislature finds parents and children often are not aware
6 of their due process rights when agencies are investigating allegations
7 of child abuse and neglect. The legislature reaffirms that all
8 citizens, including parents, shall be afforded due process, that
9 protection of children remains the priority of the legislature, and
10 that this protection includes protecting the family unit from
11 unnecessary disruption. To facilitate this goal, the legislature
12 wishes to ensure that parents and children be advised in writing and
13 orally, if feasible, of their basic rights and other specific
14 information as set forth in this chapter, provided that nothing
15 contained in this chapter shall cause any delay in protective custody
16 action.

17 (2) The department shall notify the alleged perpetrator of the
18 allegations of child abuse and neglect at the earliest possible point
19 in the investigation that will not jeopardize the safety and protection
20 of the child or the investigation process.

21 Whenever the department completes an investigation of a child abuse
22 or neglect report under chapter 26.44 RCW, the department shall notify
23 the alleged perpetrator of the report and the department's
24 investigative findings. The notice shall also advise the alleged
25 perpetrator that:

26 (a) A written response to the report may be provided to the
27 department and that such response will be filed in the record following
28 receipt by the department;

29 (b) Information in the department's record may be considered in
30 subsequent investigations or proceedings related to child protection or
31 child custody;

32 (c) ~~((There is currently information in the department's record
33 that may))~~ Founded reports of child abuse and neglect may be considered
34 in determining ~~((that))~~ whether the person is disqualified from being
35 licensed to provide child care, employed by a licensed child care
36 agency, or authorized by the department to care for children; and

37 (d) ~~((A person who has demonstrated a good faith desire to work in
38 a licensed agency may request an informal meeting with the department~~

1 to have an opportunity to discuss and contest the information currently
2 in the record.) An alleged perpetrator named in a founded report of
3 child abuse or neglect has the right to seek review of the finding as
4 provided in this chapter.

5 (3) The notification required by this section shall be made by
6 (~~regular~~) certified mail, return receipt requested, to the person's
7 last known address.

8 (4) The duty of notification created by this section is subject to
9 the ability of the department to ascertain the location of the person
10 to be notified. The department shall exercise reasonable, good-faith
11 efforts to ascertain the location of persons entitled to notification
12 under this section.

13 NEW SECTION. Sec. 9. A new section is added to chapter 26.44 RCW
14 to read as follows:

15 (1) A person who is named as an alleged perpetrator after October
16 1, 1998, in a founded report of child abuse or neglect has the right to
17 seek review and amendment of the finding as provided in this section.

18 (2) Within twenty calendar days after receiving written notice from
19 the department under RCW 26.44.100 that a person is named as an alleged
20 perpetrator in a founded report of child abuse or neglect, he or she
21 may request that the department review the finding. The request must
22 be made in writing. If a request for review is not made as provided in
23 this subsection, the alleged perpetrator may not further challenge the
24 finding and shall have no right to agency review or to an adjudicative
25 hearing or judicial review of the finding.

26 (3) Upon receipt of a written request for review, the department
27 shall review and, if appropriate, may amend the finding. Management
28 level staff within the children's administration designated by the
29 secretary shall be responsible for the review. The review must be
30 conducted in accordance with procedures the department establishes by
31 rule. Upon completion of the review, the department shall notify the
32 alleged perpetrator in writing of the agency's determination. The
33 notification must be sent by certified mail, return receipt requested,
34 to the person's last known address.

35 (4) If, following agency review, the report remains founded, the
36 person named as the alleged perpetrator in the report may request an
37 adjudicative hearing to contest the finding. The adjudicative
38 proceeding is governed by chapter 34.05 RCW and this section. The

1 request for an adjudicative proceeding must be filed within thirty
2 calendar days after receiving notice of the agency review
3 determination. If a request for an adjudicative proceeding is not made
4 as provided in this subsection, the alleged perpetrator may not further
5 challenge the finding and shall have no right to agency review or to an
6 adjudicative hearing or judicial review of the finding.

7 (5) Reviews and hearings conducted under this section are
8 confidential and shall not be open to the public. Information about
9 reports, reviews, and hearings may be disclosed only in accordance with
10 federal and state laws pertaining to child welfare records and child
11 protective services reports.

12 (6) The department may adopt rules to implement this section.

13 **Sec. 10.** RCW 74.13.031 and 1997 c 386 s 32 and 1997 c 272 s 1 are
14 each reenacted and amended to read as follows:

15 The department shall have the duty to provide child welfare
16 services and shall:

17 (1) Develop, administer, supervise, and monitor a coordinated and
18 comprehensive plan that establishes, aids, and strengthens services for
19 the protection and care of homeless, runaway, dependent, or neglected
20 children.

21 (2) Within available resources, recruit an adequate number of
22 prospective adoptive and foster homes, both regular and specialized,
23 i.e. homes for children of ethnic minority, including Indian homes for
24 Indian children, sibling groups, handicapped and emotionally disturbed,
25 teens, pregnant and parenting teens, and annually report to the
26 governor and the legislature concerning the department's success in:
27 (a) Meeting the need for adoptive and foster home placements; (b)
28 reducing the foster parent turnover rate; (c) completing home studies
29 for legally free children; and (d) implementing and operating the
30 passport program required by RCW 74.13.285. The report shall include
31 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

32 (3) Investigate complaints of (~~alleged neglect, abuse, or~~
33 ~~abandonment of children~~) any recent act or failure to act on the part
34 of a parent or caretaker that results in death, serious physical or
35 emotional harm, or sexual abuse or exploitation, or that presents an
36 imminent risk of serious harm, and on the basis of the findings of such
37 investigation, offer child welfare services in relation to the problem
38 to such parents, legal custodians, or persons serving in loco parentis,

1 and/or bring the situation to the attention of an appropriate court, or
2 another community agency: PROVIDED, That an investigation is not
3 required of nonaccidental injuries which are clearly not the result of
4 a lack of care or supervision by the child's parents, legal custodians,
5 or persons serving in loco parentis. If the investigation reveals that
6 a crime against a child may have been committed, the department shall
7 notify the appropriate law enforcement agency.

8 (4) Offer, on a voluntary basis, family reconciliation services to
9 families who are in conflict.

10 (5) Monitor out-of-home placements, on a timely and routine basis,
11 to assure the safety, well-being, and quality of care being provided is
12 within the scope of the intent of the legislature as defined in RCW
13 74.13.010 and 74.15.010, and annually submit a report measuring the
14 extent to which the department achieved the specified goals to the
15 governor and the legislature.

16 (6) Have authority to accept custody of children from parents and
17 to accept custody of children from juvenile courts, where authorized to
18 do so under law, to provide child welfare services including placement
19 for adoption, and to provide for the physical care of such children and
20 make payment of maintenance costs if needed. Except where required by
21 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency
22 which receives children for adoption from the department shall
23 discriminate on the basis of race, creed, or color when considering
24 applications in their placement for adoption.

25 (7) Have authority to provide temporary shelter to children who
26 have run away from home and who are admitted to crisis residential
27 centers.

28 (8) Have authority to purchase care for children; and shall follow
29 in general the policy of using properly approved private agency
30 services for the actual care and supervision of such children insofar
31 as they are available, paying for care of such children as are accepted
32 by the department as eligible for support at reasonable rates
33 established by the department.

34 (9) Establish a children's services advisory committee which shall
35 assist the secretary in the development of a partnership plan for
36 utilizing resources of the public and private sectors, and advise on
37 all matters pertaining to child welfare, licensing of child care
38 agencies, adoption, and services related thereto. At least one member
39 shall represent the adoption community.

1 (10) Have authority to provide continued foster care or group care
2 for individuals from eighteen through twenty years of age to enable
3 them to complete their high school or vocational school program.

4 (11) Have authority within funds appropriated for foster care
5 services to purchase care for Indian children who are in the custody of
6 a federally recognized Indian tribe or tribally licensed child-placing
7 agency pursuant to parental consent, tribal court order, or state
8 juvenile court order; and the purchase of such care shall be subject to
9 the same eligibility standards and rates of support applicable to other
10 children for whom the department purchases care.

11 Notwithstanding any other provision of RCW 13.32A.170 through
12 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
13 services to be provided by the department of social and health services
14 under subsections (4), (6), and (7) of this section, subject to the
15 limitations of these subsections, may be provided by any program
16 offering such services funded pursuant to Titles II and III of the
17 federal juvenile justice and delinquency prevention act of 1974.

18 **Sec. 11.** RCW 70.190.010 and 1996 c 132 s 2 are each amended to
19 read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Administrative costs" means the costs associated with
23 procurement; payroll processing; personnel functions; management;
24 maintenance and operation of space and property; data processing and
25 computer services; accounting; budgeting; auditing; indirect costs; and
26 organizational planning, consultation, coordination, and training.

27 (2) "Assessment" has the same meaning as provided in RCW 43.70.010.

28 (3) "At-risk" children are children who engage in or are victims of
29 at-risk behaviors.

30 (4) "At-risk behaviors" means violent delinquent acts, teen
31 substance abuse, teen pregnancy and male parentage, teen suicide
32 attempts, dropping out of school, child abuse or neglect, and domestic
33 violence.

34 (5) "Community public health and safety networks" or "networks"
35 means the organizations authorized under RCW 70.190.060.

36 (6) "Comprehensive plan" means a two-year plan that examines
37 available resources and unmet needs for a county or multicounty area,

1 barriers that limit the effective use of resources, and a plan to
2 address these issues that is broadly supported by local residents.

3 (7) "Participating state agencies" means the office of the
4 superintendent of public instruction, the department of social and
5 health services, the department of health, the employment security
6 department, the department of community, trade, and economic
7 development, and such other departments as may be specifically
8 designated by the governor.

9 (8) "Family policy council" or "council" means the superintendent
10 of public instruction, the secretary of social and health services, the
11 secretary of health, the commissioner of the employment security
12 department, and the director of the department of community, trade, and
13 economic development or their designees, (~~one~~) two legislators from
14 each caucus of the senate and house of representatives, and one
15 representative of the governor.

16 (9) "Fiduciary interest" means (a) the right to compensation from
17 a health, educational, social service, or justice system organization
18 that receives public funds, or (b) budgetary or policy-making authority
19 for an organization listed in (a) of this subsection. A person who
20 acts solely in an advisory capacity and receives no compensation from
21 a health, educational, social service, or justice system organization,
22 and who has no budgetary or policy-making authority is deemed to have
23 no fiduciary interest in the organization.

24 (10) "Outcome" or "outcome based" means defined and measurable
25 outcomes used to evaluate progress in reducing the rate of at-risk
26 children and youth through reducing risk factors and increasing
27 protective factors.

28 (11) "Matching funds" means an amount no less than twenty-five
29 percent of the amount budgeted for a network. The network's matching
30 funds may be in-kind goods and services. Funding sources allowable for
31 match include appropriate federal or local levy funds, private
32 charitable funding, and other charitable giving. Basic education funds
33 shall not be used as a match. State general funds shall not be used as
34 a match for violence reduction and drug enforcement account funds
35 created under RCW 69.50.520.

36 (12) "Policy development" has the same meaning as provided in RCW
37 43.70.010.

38 (13) "Protective factors" means those factors determined by the
39 department of health to be empirically associated with behaviors that

1 contribute to socially acceptable and healthy nonviolent behaviors.
2 Protective factors include promulgation, identification, and acceptance
3 of community norms regarding appropriate behaviors in the area of
4 delinquency, early sexual activity, alcohol and substance abuse,
5 educational opportunities, employment opportunities, and absence of
6 crime.

7 (14) "Risk factors" means those factors determined by the
8 department of health to be empirically associated with at-risk
9 behaviors that contribute to violence.

10 **Sec. 12.** RCW 70.190.060 and 1996 c 132 s 3 are each amended to
11 read as follows:

12 (1) The legislature authorizes community public health and safety
13 networks to reconnect parents and other citizens with children, youth,
14 families, and community institutions which support health and safety.
15 The networks have only those powers and duties expressly authorized
16 under this chapter. The networks should empower parents and other
17 citizens by being a means of expressing their attitudes, spirit, and
18 perspectives regarding safe and healthy family and community life. The
19 legislature intends that parent and other citizen perspectives exercise
20 a controlling influence over policy and program operations of
21 professional organizations concerned with children and family issues
22 within networks in a manner consistent with the Constitution and state
23 law. It is not the intent of the legislature that health, social
24 service, or educational professionals dominate community public health
25 and safety network processes or programs, but rather that these
26 professionals use their skills to lend support to parents and other
27 citizens in expressing their values as parents and other citizens
28 identify community needs and establish community priorities. To this
29 end, the legislature intends full participation of parents and other
30 citizens in community public health and safety networks. The intent is
31 that local community values are reflected in the operations of the
32 network.

33 (2) A group of persons described in subsection (3) of this section
34 may apply to be a community public health and safety network.

35 (3) Each community public health and safety network shall be
36 composed of twenty-three people, thirteen of whom shall be citizens who
37 live within the network boundary with no fiduciary interest. In
38 selecting these members, first priority shall be given to members of

1 community mobilization advisory boards, city or county children's
2 services commissions, human services advisory boards, or other such
3 organizations. The thirteen persons shall be selected as follows:
4 Three by chambers of commerce, three by school board members, three by
5 county legislative authorities, three by city legislative authorities,
6 and one high school student, selected by student organizations. The
7 remaining ten members shall live or work within the network boundary
8 and shall include local representation selected by the following groups
9 and entities: Cities; counties; federally recognized Indian tribes;
10 parks and recreation programs; law enforcement agencies; state
11 children's service workers; employment assistance workers; private
12 social service providers, broad-based nonsecular organizations, or
13 health service providers; and public education.

14 (4) Each of the twenty-three people who are members of each
15 community public health and safety network must sign an annual
16 declaration under penalty of perjury or a notarized statement that
17 clearly, in plain and understandable language, states whether or not he
18 or she has a fiduciary interest. If a member has a fiduciary interest,
19 the nature of that interest must be made clear, in plain understandable
20 language, on the signed statement.

21 (5) Members of the network shall serve terms of three years.

22 The terms of the initial members of each network shall be as
23 follows: (a) One-third shall serve for one year; (b) one-third shall
24 serve for two years; and (c) one-third shall serve for three years.
25 Initial members may agree which shall serve fewer than three years or
26 the decision may be made by lot. Any vacancy occurring during the term
27 may be filled by the chair for the balance of the unexpired term.

28 ~~((+5))~~ (6) Not less than sixty days before the expiration of a
29 network member's term, the chair shall submit the name of a nominee to
30 the network for its approval. The network shall comply with subsection
31 (3) of this section.

32 ~~((+6))~~ (7) Networks are subject to the open public meetings act
33 under chapter 42.30 RCW and the public records provisions of RCW
34 42.17.270 through 42.17.310.

35 **Sec. 13.** RCW 70.190.130 and 1996 c 132 s 8 are each amended to
36 read as follows:

37 (1) The council shall only disburse funds to a network after a
38 comprehensive plan has been prepared by the network and approved by the

1 council. In approving the plan the council shall consider whether the
2 network:

3 (a) Promoted input from the widest practical range of agencies and
4 affected parties, including public hearings;

5 (b) Reviewed the indicators of violence data compiled by the local
6 public health departments and incorporated a response to those
7 indicators in the plan;

8 (c) Obtained a declaration by the largest health department within
9 the network boundary, indicating whether the plan meets minimum
10 standards for assessment and policy development relating to social
11 development according to RCW 43.70.555;

12 (d) Included a specific mechanism of data collection and
13 transmission based on the rules established under RCW 43.70.555;

14 (e) Considered all relevant causes of violence in its community and
15 did not isolate only one or a few of the elements to the exclusion of
16 others and demonstrated evidence of building community capacity through
17 effective neighborhood and community development;

18 (f) Considered youth employment and job training programs outlined
19 in this chapter as a strategy to reduce the rate of at-risk children
20 and youth;

21 (g) Integrated local programs that met the network's priorities and
22 were deemed successful by the network;

23 (h) Committed to make measurable reductions in the rate of at-risk
24 children and youth by reducing the rate of state-funded out-of-home
25 placements and make reductions in at least three of the following rates
26 of youth: Violent criminal acts, substance abuse, pregnancy and male
27 parentage, suicide attempts, dropping out of school, child abuse or
28 neglect, and domestic violence; and

29 (i) Held a public hearing on its proposed comprehensive plan and
30 submitted to the council all of the written comments received at the
31 hearing and a copy of the minutes taken at the hearing.

32 (2) The council may establish a maximum amount to be expended by a
33 network for purposes of planning and administrative duties, that shall
34 not, in total, exceed ten percent of funds available to a network. The
35 council shall make recommendations to the legislature regarding the
36 specific maximum amounts that can be spent by a network or group of
37 networks on planning and administrative duties. The recommendation may
38 provide differing percentages, considering the size of the budgets of
39 each network and giving consideration to whether there should be a

1 higher percentage for administrative and planning purposes in budgets
2 for smaller networks and a smaller percentage of the budgets for
3 administration and planning purposes in larger networks.

4 (3) The council may determine that a network is not in compliance
5 with this chapter if it fails to comply with statutory requirements.
6 Upon a determination of noncompliance, the council may suspend or
7 revoke a network's status or contract and specify a process and
8 deadline for the network's compliance.

9 NEW SECTION. Sec. 14. The legislature finds that it is critically
10 important to the basic nurture, health, and safety of children that the
11 state examine a state-wide program relating to child abuse and neglect
12 that includes citizen review panels as required by the federal child
13 abuse prevention and treatment act, 42 U.S.C. Sec. 5106a.

14 NEW SECTION. Sec. 15. The Washington state institute for public
15 policy shall conduct, or contract for, a study regarding the creation
16 of citizen review panels to meet the requirements of federal law, and
17 located independent of the department of social and health services.
18 The study shall include an examination of a system of independent
19 citizen review panels to:

20 (1) Examine the policies and procedures of state agencies and,
21 where appropriate, specific cases, to evaluate the extent to which the
22 agencies are effectively discharging their child protection
23 responsibilities according to the state law and the state plan required
24 under 42 U.S.C. Sec. 5106a.

25 (2) Examine child protection standards set forth in the federal and
26 state law.

27 (3) Examine any other criteria that the panel considers important
28 to ensure the protection of children, including a review of the extent
29 to which the state child protective services system is coordinated with
30 the foster care and adoption programs established under part E, Title
31 IV of the Social Security Act.

32 (4) Examine whether the panels should report possible criminal
33 activity to the local prosecuting attorney in the county in which the
34 case resides.

35 (5) Examine whether, if the panel finds possible civil infractions,
36 whether the findings should be turned over to the aggrieved individual,
37 if the conditions set forth in RCW 74.13.500 through 74.13.525 are met,

1 and who should turn the findings over, and whether the individual
2 should be awarded attorneys' fees, costs, damages, including punitive
3 damages, if the individual prevails in court.

4 The study shall include an examination of the barriers to broad
5 access to information, whether the panels should have access to the
6 information and specific recommendations on how the panels can obtain
7 access to such information from the department of social and health
8 services, criminal justice agencies, law enforcement, schools, and
9 medical providers, and other sources that have relevant information,
10 including reports and records made and maintained by the department and
11 its contracting agencies, while preserving the confidentiality of the
12 records.

13 The study shall also include a review of the department of social
14 and health services' current committees and teams that have citizen
15 membership and participation, to determine whether any of these
16 committees and teams should be consolidated.

17 An interim report of the study shall be submitted to the
18 legislative children's oversight committee by September 15, 1998. The
19 final study and recommendations shall be submitted to the appropriate
20 committees of the house of representatives and the senate by December
21 1, 1998.

22 NEW SECTION. **Sec. 16.** The sum of twelve thousand dollars, or as
23 much thereof as may be necessary, is appropriated for the fiscal year
24 ending June 30, 1998, from the general fund to The Evergreen State
25 College for the Washington state institute for public policy for the
26 purposes of sections 14 and 15 of this act.

27 **Sec. 17.** RCW 70.47.060 and 1997 c 337 s 2, 1997 c 335 s 2, 1997 c
28 245 s 6, and 1997 c 231 s 206 are each reenacted and amended to read as
29 follows:

30 The administrator has the following powers and duties:

31 (1) To design and from time to time revise a schedule of covered
32 basic health care services, including physician services, inpatient and
33 outpatient hospital services, prescription drugs and medications, and
34 other services that may be necessary for basic health care. In
35 addition, the administrator may, to the extent that funds are
36 available, offer as basic health plan services chemical dependency
37 services, mental health services and organ transplant services;

1 however, no one service or any combination of these three services
2 shall increase the actuarial value of the basic health plan benefits by
3 more than five percent excluding inflation, as determined by the office
4 of financial management. All subsidized and nonsubsidized enrollees in
5 any participating managed health care system under the Washington basic
6 health plan shall be entitled to receive covered basic health care
7 services in return for premium payments to the plan. The schedule of
8 services shall emphasize proven preventive and primary health care and
9 shall include all services necessary for prenatal, postnatal, and well-
10 child care. However, with respect to coverage for groups of subsidized
11 enrollees who are eligible to receive prenatal and postnatal services
12 through the medical assistance program under chapter 74.09 RCW, the
13 administrator shall not contract for such services except to the extent
14 that such services are necessary over not more than a one-month period
15 in order to maintain continuity of care after diagnosis of pregnancy by
16 the managed care provider. The schedule of services shall also include
17 a separate schedule of basic health care services for children,
18 eighteen years of age and younger, for those subsidized or
19 nonsubsidized enrollees who choose to secure basic coverage through the
20 plan only for their dependent children. In designing and revising the
21 schedule of services, the administrator shall consider the guidelines
22 for assessing health services under the mandated benefits act of 1984,
23 RCW ((48.42.080)) 48.47.030, and such other factors as the
24 administrator deems appropriate.

25 However, with respect to coverage for subsidized enrollees who are
26 eligible to receive prenatal and postnatal services through the medical
27 assistance program under chapter 74.09 RCW, the administrator shall not
28 contract for such services except to the extent that the services are
29 necessary over not more than a one-month period in order to maintain
30 continuity of care after diagnosis of pregnancy by the managed care
31 provider.

32 (2)(a) To design and implement a structure of periodic premiums due
33 the administrator from subsidized enrollees that is based upon gross
34 family income, giving appropriate consideration to family size and the
35 ages of all family members. The enrollment of children shall not
36 require the enrollment of their parent or parents who are eligible for
37 the plan. The structure of periodic premiums shall be applied to
38 subsidized enrollees entering the plan as individuals pursuant to
39 subsection (9) of this section and to the share of the cost of the plan

1 due from subsidized enrollees entering the plan as employees pursuant
2 to subsection (10) of this section.

3 (b) To determine the periodic premiums due the administrator from
4 nonsubsidized enrollees. Premiums due from nonsubsidized enrollees
5 shall be in an amount equal to the cost charged by the managed health
6 care system provider to the state for the plan plus the administrative
7 cost of providing the plan to those enrollees and the premium tax under
8 RCW 48.14.0201.

9 (c) An employer or other financial sponsor may, with the prior
10 approval of the administrator, pay the premium, rate, or any other
11 amount on behalf of a subsidized or nonsubsidized enrollee, by
12 arrangement with the enrollee and through a mechanism acceptable to the
13 administrator.

14 (d) To develop, as an offering by every health carrier providing
15 coverage identical to the basic health plan, as configured on January
16 1, 1996, a basic health plan model plan with uniformity in enrollee
17 cost-sharing requirements.

18 (3) To design and implement a structure of enrollee cost sharing
19 due a managed health care system from subsidized and nonsubsidized
20 enrollees. The structure shall discourage inappropriate enrollee
21 utilization of health care services, and may utilize copayments,
22 deductibles, and other cost-sharing mechanisms, but shall not be so
23 costly to enrollees as to constitute a barrier to appropriate
24 utilization of necessary health care services.

25 (4) To limit enrollment of persons who qualify for subsidies so as
26 to prevent an overexpenditure of appropriations for such purposes.
27 Whenever the administrator finds that there is danger of such an
28 overexpenditure, the administrator shall close enrollment until the
29 administrator finds the danger no longer exists.

30 (5) To limit the payment of subsidies to subsidized enrollees, as
31 defined in RCW 70.47.020. The level of subsidy provided to persons who
32 qualify may be based on the lowest cost plans, as defined by the
33 administrator.

34 (6) To adopt a schedule for the orderly development of the delivery
35 of services and availability of the plan to residents of the state,
36 subject to the limitations contained in RCW 70.47.080 or any act
37 appropriating funds for the plan.

38 (7) To solicit and accept applications from managed health care
39 systems, as defined in this chapter, for inclusion as eligible basic

1 health care providers under the plan. The administrator shall endeavor
2 to assure that covered basic health care services are available to any
3 enrollee of the plan from among a selection of two or more
4 participating managed health care systems. In adopting any rules or
5 procedures applicable to managed health care systems and in its
6 dealings with such systems, the administrator shall consider and make
7 suitable allowance for the need for health care services and the
8 differences in local availability of health care resources, along with
9 other resources, within and among the several areas of the state.
10 Contracts with participating managed health care systems shall ensure
11 that basic health plan enrollees who become eligible for medical
12 assistance may, at their option, continue to receive services from
13 their existing providers within the managed health care system if such
14 providers have entered into provider agreements with the department of
15 social and health services.

16 (8) To receive periodic premiums from or on behalf of subsidized
17 and nonsubsidized enrollees, deposit them in the basic health plan
18 operating account, keep records of enrollee status, and authorize
19 periodic payments to managed health care systems on the basis of the
20 number of enrollees participating in the respective managed health care
21 systems.

22 (9) To accept applications from individuals residing in areas
23 served by the plan, on behalf of themselves and their spouses and
24 dependent children, for enrollment in the Washington basic health plan
25 as subsidized or nonsubsidized enrollees, to establish appropriate
26 minimum-enrollment periods for enrollees as may be necessary, and to
27 determine, upon application and on a reasonable schedule defined by the
28 authority, or at the request of any enrollee, eligibility due to
29 current gross family income for sliding scale premiums. Funds received
30 by a family as part of participation in the adoption support program
31 authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall
32 not be counted toward a family's current gross family income for the
33 purposes of this chapter. No subsidy may be paid with respect to any
34 enrollee whose current gross family income exceeds twice the federal
35 poverty level or, subject to RCW 70.47.110, who is a recipient of
36 medical assistance or medical care services under chapter 74.09 RCW.
37 If, as a result of an eligibility review, the administrator determines
38 that a subsidized enrollee's income exceeds twice the federal poverty
39 level and that the enrollee knowingly failed to inform the plan of such

1 increase in income, the administrator may bill the enrollee for the
2 subsidy paid on the enrollee's behalf during the period of time that
3 the enrollee's income exceeded twice the federal poverty level. If a
4 number of enrollees drop their enrollment for no apparent good cause,
5 the administrator may establish appropriate rules or requirements that
6 are applicable to such individuals before they will be allowed to
7 reenroll in the plan.

8 (10) To accept applications from business owners on behalf of
9 themselves and their employees, spouses, and dependent children, as
10 subsidized or nonsubsidized enrollees, who reside in an area served by
11 the plan. The administrator may require all or the substantial
12 majority of the eligible employees of such businesses to enroll in the
13 plan and establish those procedures necessary to facilitate the orderly
14 enrollment of groups in the plan and into a managed health care system.
15 The administrator may require that a business owner pay at least an
16 amount equal to what the employee pays after the state pays its portion
17 of the subsidized premium cost of the plan on behalf of each employee
18 enrolled in the plan. Enrollment is limited to those not eligible for
19 medicare who wish to enroll in the plan and choose to obtain the basic
20 health care coverage and services from a managed care system
21 participating in the plan. The administrator shall adjust the amount
22 determined to be due on behalf of or from all such enrollees whenever
23 the amount negotiated by the administrator with the participating
24 managed health care system or systems is modified or the administrative
25 cost of providing the plan to such enrollees changes.

26 (11) To determine the rate to be paid to each participating managed
27 health care system in return for the provision of covered basic health
28 care services to enrollees in the system. Although the schedule of
29 covered basic health care services will be the same for similar
30 enrollees, the rates negotiated with participating managed health care
31 systems may vary among the systems. In negotiating rates with
32 participating systems, the administrator shall consider the
33 characteristics of the populations served by the respective systems,
34 economic circumstances of the local area, the need to conserve the
35 resources of the basic health plan trust account, and other factors the
36 administrator finds relevant.

37 (12) To monitor the provision of covered services to enrollees by
38 participating managed health care systems in order to assure enrollee
39 access to good quality basic health care, to require periodic data

1 reports concerning the utilization of health care services rendered to
2 enrollees in order to provide adequate information for evaluation, and
3 to inspect the books and records of participating managed health care
4 systems to assure compliance with the purposes of this chapter. In
5 requiring reports from participating managed health care systems,
6 including data on services rendered enrollees, the administrator shall
7 endeavor to minimize costs, both to the managed health care systems and
8 to the plan. The administrator shall coordinate any such reporting
9 requirements with other state agencies, such as the insurance
10 commissioner and the department of health, to minimize duplication of
11 effort.

12 (13) To evaluate the effects this chapter has on private employer-
13 based health care coverage and to take appropriate measures consistent
14 with state and federal statutes that will discourage the reduction of
15 such coverage in the state.

16 (14) To develop a program of proven preventive health measures and
17 to integrate it into the plan wherever possible and consistent with
18 this chapter.

19 (15) To provide, consistent with available funding, assistance for
20 rural residents, underserved populations, and persons of color.

21 (16) In consultation with appropriate state and local government
22 agencies, to establish criteria defining eligibility for persons
23 confined or residing in government-operated institutions.

24 NEW SECTION. **Sec. 18.** The legislature finds that all children
25 have the right to be born healthy and free of the consequences of
26 substance abuse by the mother during pregnancy. Individuals who abuse
27 substances are unable to make reasoned decisions that help ensure the
28 birth of a healthy infant. The availability of long-term
29 pharmaceutical birth control, when combined with other treatment
30 regimens, may allow women to regain control of their lives and make
31 long-term decisions in the best interest of themselves and their
32 children. The legislature finds that it may be unreasonable to
33 continue efforts to reunify the family when a mother has given birth to
34 a third or subsequent infant affected by her substance abuse.

35 NEW SECTION. **Sec. 19.** A new section is added to chapter 13.34 RCW
36 to read as follows:

1 (1) A physician licensed under chapter 18.71 or 18.57 RCW, or an
2 advanced registered nurse practitioner under chapter 18.79 RCW,
3 primarily responsible for the care of a newborn infant, who has
4 reasonable cause to believe the infant has been exposed to
5 nonprescription use of controlled substances shall: (a) Conduct
6 reasonably available and appropriate tests to determine whether the
7 infant is drug-affected; (b) notify the department of the name and
8 address of the parent or parents of the infant who is drug-affected;
9 and (c) retain the infant in the birthing facility for medical
10 treatment or place the infant in appropriate pediatric interim care
11 services with the concurrence of the department for sufficient time for
12 the infant to undergo withdrawal from the effects of the controlled
13 substances. The withdrawal shall be under the supervision of
14 appropriate health care professionals.

15 (2) The physician or nurse practitioner who was responsible for the
16 birth shall, as soon as practical, inform the mother of a drug-affected
17 infant of: (a) The availability of publicly funded tubal ligation
18 surgery as provided under section 34 of this act; (b) available drug
19 treatment and counseling; and (c) birth control counseling and
20 education. The mother may accept the offer of a tubal ligation up to
21 six months following its tender.

22 (3) A physician or nurse practitioner who makes any determination
23 under this section shall not be liable in any cause of action as a
24 result of his or her determination except for acts of gross negligence
25 or intentional misconduct.

26 (4) For the purpose of this section, "newborn infant" means an
27 infant within seven days after birth.

28 (5) This section expires June 30, 2002.

29 NEW SECTION. **Sec. 20.** A new section is added to chapter 13.34 RCW
30 to read as follows:

31 (1) The department, upon receipt of a report under section 19 of
32 this act, shall investigate and, in appropriate cases, file a
33 dependency petition. In the event the department does not file a
34 petition, it shall refer the mother to available chemical dependency
35 treatment programs or a model project.

36 (2) The department and the mother may enter an agreement in which
37 the mother agrees to chemical dependency treatment on an inpatient or
38 outpatient basis or be referred to a model project created under

1 section 30 of this act. The agreement must specify completion dates
2 for each of the conditions. All agreements expire twelve months from
3 the date of execution. If the conditions have not been fulfilled at
4 the time the agreement expires, the department shall investigate and in
5 appropriate cases, file a dependency petition.

6 (3) If the department and mother enter an agreement under
7 subsection (2) of this section, the department shall, if a dependency
8 petition has been filed, request the court to defer the entry of an
9 order of dependency for as long as the mother remains in treatment or
10 enrolled in the model project, subject to the department's monitoring
11 for compliance. As a condition of deferral of the order of dependency,
12 the parents, if both are available and known, shall stipulate to facts
13 sufficient to constitute a dependency and the court shall order
14 treatment or enrollment in a model project and prohibit nonprescription
15 use of controlled substances. In the event that an available parent
16 unreasonably refuses to stipulate to facts constituting a dependency,
17 the court may proceed with the hearing on the petition.

18 (4) This section expires June 30, 2002.

19 NEW SECTION. **Sec. 21.** A new section is added to chapter 13.34 RCW
20 to read as follows:

21 (1) If the department receives a report under section 19 of this
22 act of a mother who has given birth to a second drug-affected infant,
23 the department:

24 (a) May request the court to proceed immediately with the entry of
25 a dependency for the first drug-affected infant; and

26 (b) Shall investigate and, unless there are compelling reasons to
27 the contrary, file a dependency petition on the second drug-affected
28 infant. If the department does not file a petition, it shall refer the
29 woman to available chemical dependency treatment programs or a model
30 project.

31 (2) The department and the mother may enter an agreement in which
32 the mother agrees to: (a) Enter chemical dependency inpatient
33 treatment or a model project, together with an aftercare program that
34 includes participation in a model project when feasible; and (b)
35 medically appropriate pharmaceutical pregnancy prevention that is
36 administered not less than once every thirty days. The selection of
37 the pregnancy prevention method shall be based on an evaluation of the
38 medical and physical consequences to the mother and shall remain in

1 effect until the dependency petition is dismissed or the court
2 determines it is no longer medically appropriate. The agreement must
3 specify completion dates for each of the conditions. All agreements
4 expire twelve months from the date of execution. If the conditions
5 have not been fulfilled at the time the agreement expires, the
6 department shall investigate and in appropriate cases, file a
7 dependency petition.

8 (3) If the department and the mother enter an agreement under
9 subsection (2) of this section, the department shall, if a dependency
10 petition has been filed, request the court to defer the entry of an
11 order of dependency on the second drug-affected infant for as long as
12 the mother remains in treatment or enrolled in the model project,
13 subject to the department's monitoring for compliance. As a condition
14 of deferral of the order of dependency, the parents, if both are
15 available and known, shall stipulate to facts sufficient to constitute
16 a dependency and the court shall order treatment or enrollment in a
17 model project and prohibit nonprescription use of controlled
18 substances. In the event that an available parent unreasonably refuses
19 to stipulate to facts constituting a dependency, the court may proceed
20 with the hearing on the petition.

21 (4) This section expires June 30, 2002.

22 NEW SECTION. Sec. 22. A new section is added to chapter 13.34 RCW
23 to read as follows:

24 (1) The department may request the court to dismiss the petition
25 deferred under section 20 or 21 of this act at any time. No petition
26 may be vacated or dismissed unless the mother demonstrates by clear and
27 convincing evidence that she has not used controlled substances in a
28 nonprescription manner for at least twelve consecutive months and can
29 safely provide for the child's welfare without continuing supervision
30 by the department or court.

31 (2) This section expires June 30, 2002.

32 NEW SECTION. Sec. 23. A new section is added to chapter 13.34 RCW
33 to read as follows:

34 (1) If the department receives a report under section 19 of this
35 act of a mother who has given birth to a third or subsequent drug-
36 affected infant, the department shall:

1 (a) Request the court to proceed immediately with the entry of a
2 finding of dependency on all drug-affected children born before the
3 third or subsequent birth unless an order of dependency has been
4 vacated or dismissed; and

5 (b) File a dependency petition on any drug-affected infant subject
6 to this section as well as any other child born before the third or
7 subsequent birth of a drug-affected infant.

8 (2) This section expires June 30, 2002.

9 NEW SECTION. **Sec. 24.** A new section is added to chapter 13.34 RCW
10 to read as follows:

11 (1) Following a filing of a petition under section 23 of this act:

12 (a) The court shall order evaluation by a designated chemical
13 dependency specialist, as defined in RCW 70.96A.020 who shall undertake
14 the processes described in RCW 70.96A.140.

15 (b) If the court has ordered removal of a child or children, the
16 out-of-home placement order shall remain in effect until the petition
17 is dismissed or the mother has successfully completed inpatient
18 treatment and any aftercare program for controlled substances ordered
19 by the court.

20 (2) This section expires June 30, 2002.

21 NEW SECTION. **Sec. 25.** By July 1, 1999, the department of social
22 and health services, in consultation with the department of health,
23 shall adopt rules to implement this act, including a definition of
24 "drug-affected infant," which shall be limited to infants who are
25 affected by a mother's nonprescription use of controlled substances.

26 NEW SECTION. **Sec. 26.** A new section is added to chapter 13.34 RCW
27 to read as follows:

28 (1) A physician licensed under chapter 18.71 or 18.57 RCW, or an
29 advanced registered nurse practitioner under chapter 18.79 RCW,
30 primarily responsible for the care of a newborn infant, who has
31 reasonable cause to believe the infant has been physiologically
32 affected by the mother's alcohol abuse during her pregnancy shall: (a)
33 Conduct reasonably available and appropriate tests to determine whether
34 the infant is alcohol-affected; (b) notify the department of the name
35 and address of the parent or parents of the infant who is alcohol-
36 affected; and (c) retain the infant in the birthing facility for

1 medical treatment or place the infant in appropriate pediatric interim
2 care services with the concurrence of the department for sufficient
3 time for the infant to undergo withdrawal from the effects of the
4 alcohol. The withdrawal shall be under the supervision of appropriate
5 medical professionals.

6 (2) The physician or nurse practitioner who was responsible for the
7 birth shall, as soon as practical, inform the mother of an alcohol-
8 affected infant of: (a) The availability of publicly funded tubal
9 ligation surgery as provided under section 35 of this act; (b)
10 available alcohol treatment and counseling; and (c) birth control
11 counseling and education. The mother may accept the offer of a tubal
12 ligation up to six months following its tender.

13 (3) A physician or nurse practitioner who makes any determination
14 under this section shall not be liable in any cause of action as a
15 result of his or her determination except for acts of gross negligence
16 or intentional misconduct.

17 (4) For the purposes of this section, "newborn infant" means an
18 infant within seven days after birth.

19 (5) This section expires June 30, 2002.

20 NEW SECTION. **Sec. 27.** A new section is added to chapter 13.34 RCW
21 to read as follows:

22 (1) The department, upon receipt of a report under section 26 of
23 this act, shall investigate and, in appropriate cases, file a
24 dependency petition. In the event the department does not file a
25 petition, it shall refer the mother to available alcohol dependency
26 treatment programs or a model project.

27 (2) The department and the mother may enter an agreement in which
28 the mother agrees to alcohol treatment on an inpatient or outpatient
29 basis or be referred to a model project created under section 30 of
30 this act. The agreement must specify completion dates for each of the
31 conditions. All agreements expire twelve months from the date of
32 execution. If the conditions have not been fulfilled at the time the
33 agreement expires, the department shall investigate and in appropriate
34 cases, file a dependency petition.

35 (3) If the department and mother enter an agreement under
36 subsection (2) of this section, the department shall, if a dependency
37 petition has been filed, request the court to defer the entry of an
38 order of dependency for as long as the mother remains in treatment or

1 enrolled in the model project, subject to the department's monitoring
2 for compliance. As a condition of deferral of the order of dependency,
3 the parents, if both are available and known, shall stipulate to facts
4 sufficient to constitute a dependency and the court shall order
5 treatment or enrollment in a model project and prohibit alcohol abuse.
6 In the event that an available parent unreasonably refuses to stipulate
7 to facts constituting a dependency, the court may proceed with the
8 hearing on the petition.

9 (4) This section expires June 30, 2002.

10 NEW SECTION. **Sec. 28.** A new section is added to chapter 13.34 RCW
11 to read as follows:

12 (1) The department may request the court to dismiss the petition
13 deferred under section 27 of this act at any time. No petition may be
14 vacated or dismissed unless the mother demonstrates by clear and
15 convincing evidence that she has not abused alcohol for at least twelve
16 consecutive months and can safely provide for the child's welfare
17 without continuing supervision by the department or court.

18 (2) This section expires June 30, 2002.

19 NEW SECTION. **Sec. 29.** By July 1, 1999, the department of social
20 and health services, in consultation with the department of health,
21 shall adopt rules to implement this act, including a definition of
22 "alcohol-affected infant," which shall be limited to infants who are
23 affected by a mother's abuse of alcohol.

24 NEW SECTION. **Sec. 30.** To the extent funds are appropriated, the
25 department shall operate a model project to provide services to women
26 who give birth to infants exposed to the nonprescription use of
27 controlled substances or abuse of alcohol by the mother during
28 pregnancy. Within available funds, the project may be offered in one
29 site in each of the three department's administrative regions that have
30 the highest incidence of drug-affected or alcohol-affected infants
31 annually. The project shall accept women referred to it by the
32 department following the birth of a drug-affected or alcohol-affected
33 infant. The model project shall be concluded by July 1, 2002.

34 NEW SECTION. **Sec. 31.** To the extent funds are appropriated, the
35 institute for public policy shall study the cost-effectiveness of this

1 act and report to the governor and legislature not later than January
2 1, 2002. The study shall measure the reduction in the birth rate of
3 drug-affected infants among women and shall compare the reduction with
4 the rate of birth of drug-affected infants born to women referred to
5 chemical dependency treatment programs. The study shall identify the
6 factors that promote or discourage the ability of women to avoid giving
7 birth to drug-affected infants.

8 NEW SECTION. **Sec. 32.** To the extent funds are appropriated, the
9 institute for public policy study referenced in section 31 of this act
10 shall include alcohol-affected births.

11 NEW SECTION. **Sec. 33.** A new section is added to chapter 70.96A
12 RCW to read as follows:

13 (1) Any treatment program or model project in which a mother is
14 enrolled under sections 20 through 22 of this act shall provide family
15 planning, which means the process of limiting or spacing the birth of
16 children, education, counseling, information, and services. Family
17 planning does not include pregnancy termination.

18 (2) This section expires June 30, 2002.

19 NEW SECTION. **Sec. 34.** A new section is added to chapter 74.09 RCW
20 to read as follows:

21 The department may make available, or cause to be made available,
22 pharmaceutical birth control services, information, and counseling to
23 any person who enters chemical dependency treatment under section 20 or
24 21 of this act. Within available funds, the department may pay for any
25 tubal ligations requested under section 19 of this act if the mother's
26 income is less than two hundred percent of the federal poverty level.
27 The department shall report by December 1st of each year to the
28 governor and legislature: (1) The number of tubal ligations performed
29 as a result of chapter . . . , Laws of 1998 (this act); (2) the number
30 of women who decline to undergo the surgery; (3) the number of women
31 who obtain pharmaceutical birth control, by type of birth control; and
32 (4) the number of women who are reported to the department.

33 NEW SECTION. **Sec. 35.** A new section is added to chapter 74.09 RCW
34 to read as follows:

1 The department may make available, or cause to be made available,
2 pharmaceutical birth control services, information, and counseling to
3 any person who enters chemical dependency treatment under section 27 of
4 this act. Within available funds, the department may pay for any tubal
5 ligations requested under section 26 of this act if the mother's income
6 is less than two hundred percent of the federal poverty level. The
7 department shall report by December 1st of each year to the governor
8 and legislature: (1) The number of tubal ligations performed as a
9 result of chapter . . . , Laws of 1998 (this act); (2) the number of
10 women who decline to undergo the surgery; (3) the number of women who
11 obtain pharmaceutical birth control, by type of birth control; and (4)
12 the number of women who are reported to the department.

13 NEW SECTION. **Sec. 36.** A new section is added to chapter 18.71 RCW
14 to read as follows:

15 (1) Nothing in section 19 of this act imposes any additional duties
16 or responsibilities on, or removes any duties or responsibilities from,
17 a physician licensed under this chapter, except as specifically
18 included in chapter 13.34 RCW and sections 33 and 34 of this act.

19 (2) This section expires June 30, 2002.

20 NEW SECTION. **Sec. 37.** A new section is added to chapter 18.57 RCW
21 to read as follows:

22 (1) Nothing in section 19 of this act imposes any additional duties
23 or responsibilities on, or removes any duties or responsibilities from,
24 an osteopath licensed under this chapter, except as specifically
25 included in chapter 13.34 RCW and sections 33 and 34 of this act.

26 (2) This section expires June 30, 2002.

27 NEW SECTION. **Sec. 38.** A new section is added to chapter 18.79 RCW
28 to read as follows:

29 (1) Nothing in section 19 of this act imposes any additional duties
30 or responsibilities on, or removes any duties or responsibilities from,
31 an advanced registered nurse practitioner licensed under this chapter,
32 except as specifically included in chapter 13.34 RCW and sections 33
33 and 34 of this act.

34 (2) This section expires June 30, 2002.

1 **Sec. 39.** RCW 13.34.070 and 1993 c 358 s 1 are each amended to read
2 as follows:

3 (1) Upon the filing of the petition, the clerk of the court shall
4 issue a summons, one directed to the child, if the child is twelve or
5 more years of age, and another to the parents, guardian, or custodian,
6 and such other persons as appear to the court to be proper or necessary
7 parties to the proceedings, requiring them to appear personally before
8 the court at the time fixed to hear the petition. If the child is
9 developmentally disabled and not living at home, the notice shall be
10 given to the child's custodian as well as to the child's parent. The
11 developmentally disabled child shall not be required to appear unless
12 requested by the court. Where the custodian is summoned, the parent or
13 guardian or both shall also be served with a summons. The fact-finding
14 hearing on the petition shall be held no later than seventy-five days
15 after the filing of the petition, unless exceptional reasons for a
16 continuance are found. In cases where an infant has been affected by
17 the mother's substance abuse, exceptional reasons for a continuance
18 exist if the mother and the department have executed an agreement that
19 will take more than seventy-five days to fulfill. The party requesting
20 the continuance shall have the burden of proving by a preponderance of
21 the evidence that exceptional circumstances do exist. To ensure that
22 the hearing on the petition occurs within the seventy-five day time
23 limit, the court shall schedule and hear the matter on an expedited
24 basis.

25 (2) A copy of the petition shall be attached to each summons.

26 (3) The summons shall advise the parties of the right to counsel.
27 The summons shall also inform the child's parent, guardian, or legal
28 custodian of his or (~~her~~) her right to appointed counsel, if
29 indigent, and of the procedure to use to secure appointed counsel.

30 (4) The summons shall advise the parents that they may be held
31 responsible for the support of the child if the child is placed in out-
32 of-home care.

33 (5) The judge may endorse upon the summons an order directing any
34 parent, guardian, or custodian having the custody or control of the
35 child to bring the child to the hearing.

36 (6) If it appears from affidavit or sworn statement presented to
37 the judge that there is probable cause for the issuance of a warrant of
38 arrest or that the child needs to be taken into custody pursuant to RCW
39 13.34.050, the judge may endorse upon the summons an order that an

1 officer serving the summons shall at once take the child into custody
2 and take him to the place of shelter designated by the court.

3 (7) If the person summoned as provided in this section is subject
4 to an order of the court pursuant to subsection (5) or (6) of this
5 section, and if the person fails to abide by the order, he may be
6 proceeded against as for contempt of court. The order endorsed upon
7 the summons shall conspicuously display the following legend:

8 NOTICE:

9 VIOLATION OF THIS ORDER

10 IS SUBJECT TO PROCEEDING

11 FOR CONTEMPT OF COURT

12 PURSUANT TO RCW 13.34.070.

13 (8) If a party to be served with a summons can be found within the
14 state, the summons shall be served upon the party personally as soon as
15 possible following the filing of the petition, but in no case later
16 than fifteen court days before the fact-finding hearing, or such time
17 as set by the court. If the party is within the state and cannot be
18 personally served, but the party's address is known or can with
19 reasonable diligence be ascertained, the summons may be served upon the
20 party by mailing a copy thereof by certified mail as soon as possible
21 following the filing of the petition, but in no case later than fifteen
22 court days before the hearing, or such time as set by the court. If a
23 party other than the child is without the state but can be found or the
24 address is known, or can with reasonable diligence be ascertained,
25 service of the summons may be made either by delivering a copy thereof
26 to the party personally or by mailing a copy thereof to the party by
27 certified mail at least ten court days before the fact-finding hearing,
28 or such time as set by the court.

29 (9) Service of summons may be made under the direction of the court
30 by any person eighteen years of age or older who is not a party to the
31 proceedings or by any law enforcement officer, probation counselor, or
32 department of social and health services social worker.

33 (10) In any proceeding brought under this chapter where the court
34 knows or has reason to know that the child involved is a member of an
35 Indian tribe, notice of the pendency of the proceeding shall also be
36 sent by registered mail, return receipt requested, to the child's
37 tribe. If the identity or location of the tribe cannot be determined,

1 such notice shall be transmitted to the secretary of the interior of
2 the United States.

3 NEW SECTION. **Sec. 40.** (1) The departments of health and social
4 and health services, shall develop a comprehensive plan for providing
5 services to mothers who (a) have delivered a drug or alcohol exposed or
6 affected infant, and (b) meet the definition of at-risk eligible
7 persons in RCW 74.09.790 and who have a child up to three years of age.
8 The services to be provided by the plan will include those defined in
9 RCW 74.09.790. The plan shall provide for the coordination of services
10 through community-based programs and among: (a) The departments; (b)
11 the departments' divisions; and (c) other state agencies. The plan
12 shall include recommendations to the legislature for implementing the
13 plan and any alternative methods for addressing the needs of these
14 mothers and their children.

15 (2) In developing the plan, the department of health shall
16 inventory the community-based programs that may be accessed to provide
17 services to these mothers and their children; evaluate implementing
18 services for these mothers through extension of the maternity care
19 access system; and evaluate the fiscal impact of the plan. In
20 performing the fiscal evaluation, the department shall calculate
21 potential long-term cost savings to the state resulting from reduced
22 use of the medical, juvenile justice, public assistance, and dependency
23 systems by children and mothers receiving services under the plan.

24 (3) The department shall submit a report describing the plan to
25 the appropriate committees of the house of representatives and senate
26 by November 1, 1998.

27 NEW SECTION. **Sec. 41.** A new section is added to chapter 70.96A
28 RCW to read as follows:

29 (1) Any treatment program or model project in which a mother is
30 enrolled under section 27 of this act shall provide family planning,
31 which means the process of limiting or spacing the birth of children,
32 education, counseling, information, and services. Family planning does
33 not include pregnancy termination.

34 (2) This section expires June 30, 2002.

35 NEW SECTION. **Sec. 42.** A new section is added to chapter 18.71 RCW
36 to read as follows:

1 (1) Nothing in section 26 of this act imposes any additional duties
2 or responsibilities on, or removes any duties or responsibilities from,
3 a physician licensed under this chapter, except as specifically
4 included in chapter 13.34 RCW and sections 35 and 41 of this act.

5 (2) This section expires June 30, 2002.

6 NEW SECTION. **Sec. 43.** A new section is added to chapter 18.57 RCW
7 to read as follows:

8 (1) Nothing in section 26 of this act imposes any additional duties
9 or responsibilities on, or removes any duties or responsibilities from,
10 an osteopath licensed under this chapter, except as specifically
11 included in chapter 13.34 RCW and sections 35 and 41 of this act.

12 (2) This section expires June 30, 2002.

13 NEW SECTION. **Sec. 44.** A new section is added to chapter 18.79 RCW
14 to read as follows:

15 (1) Nothing in section 26 of this act imposes any additional duties
16 or responsibilities on, or removes any duties or responsibilities from,
17 an advanced registered nurse practitioner licensed under this chapter,
18 except as specifically included in chapter 13.34 RCW and sections 35
19 and 41 of this act.

20 (2) This section expires June 30, 2002.

21 NEW SECTION. **Sec. 45.** Section 9 of this act takes effect October
22 1, 1998.

23 NEW SECTION. **Sec. 46.** Sections 18 through 24, 26 through 28, 30
24 through 39, and 41 through 44 of this act take effect January 1, 1999.

25 NEW SECTION. **Sec. 47.** Sections 14 through 16 of this act are
26 necessary for the immediate preservation of the public peace, health,
27 or safety, or support of the state government and its existing public
28 institutions, and take effect immediately.

29 NEW SECTION. **Sec. 48.** The department of community, trade, and
30 economic development shall contract with The Evergreen State College
31 for completion of the study by the Washington institute for public
32 policy ordered pursuant to sections 14 through 16 of this act. The
33 department of community, trade, and economic development shall contract

1 with the department of social and health services for the purpose of
2 implementing sections 18 through 44 of this act. No funds for
3 administrative expenses may be deducted by the department of community,
4 trade, and economic development prior to allocation as provided in this
5 section."

6 Correct the title.

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