
ENGROSSED SUBSTITUTE SENATE BILL 6642

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Children & Family Services & Corrections
(originally sponsored by Senators Stevens, Hargrove, Schmidt,
Carlson, Mulliken, Hewitt, Roach and McAuliffe)

READ FIRST TIME 02/09/04.

1 AN ACT Relating to case conferences following shelter care
2 hearings; and amending RCW 13.34.067, 13.34.062, and 13.34.094.

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

4 **Sec. 1.** RCW 13.34.067 and 2001 c 332 s 1 are each amended to read
5 as follows:

6 (1) Following shelter care and no later than twenty-five days prior
7 to fact-finding, the department(~~(, upon the parent's request or counsel~~
8 ~~for the parent's request,)) shall facilitate a case conference to
9 develop and specify in a written service agreement the expectations of
10 both the department and the parent regarding the care and placement of
11 the child.~~

12 The department shall invite to the case conference all of the
13 following who are available: The parents, counsel for the parents, the
14 foster parents or other out-of-home care provider, caseworker, guardian
15 ad litem, counselor, or other relevant health care provider, and any
16 other person connected to the development and well-being of the child.
17 The department shall notify the parents that they may have up to two
18 advocates accompany them to the case conference. All available case

1 conference participants must receive written notice at least seven
2 business days prior to the case conference date, notifying them of the
3 date, time, and location of the case conference.

4 The initial written service agreement expectations must correlate
5 with the court's findings at the shelter care hearing. The written
6 service agreement must set forth specific criteria that enables the
7 court to measure the performance of both the department and the parent,
8 and must be updated throughout the dependency process to reflect
9 changes in expectations. The service agreement must serve as the
10 unifying document for all expectations established in the department's
11 various case planning and case management documents and the findings
12 and orders of the court during dependency proceedings.

13 The court shall review the written service agreement at each stage
14 of the dependency proceedings and evaluate the performance of both the
15 department and the parent for consistent, measurable progress in
16 complying with the expectations identified in the agreement.

17 The case conference agreement must be agreed to and signed by the
18 parties. The court shall not consider the content of the discussions
19 at the case conference at the time of the fact-finding hearing for the
20 purposes of establishing that the child is a dependent child, and the
21 court shall not consider any documents or written materials presented
22 at the case conference but not incorporated into the case conference
23 agreement, unless the documents or written materials were prepared for
24 purposes other than or as a result of the case conference and are
25 otherwise admissible under the rules of evidence.

26 (2) At any other stage in a dependency proceeding, the department,
27 upon the parent's request, shall facilitate a case conference.

28 **Sec. 2.** RCW 13.34.062 and 2001 c 332 s 2 are each amended to read
29 as follows:

30 (1) The written notice of custody and rights required by RCW
31 13.34.060 shall be in substantially the following form:

32 "NOTICE

33 Your child has been placed in temporary custody under the
34 supervision of Child Protective Services (or other person or agency).
35 You have important legal rights and you must take steps to protect your
36 interests.

1 1. A court hearing will be held before a judge within 72 hours of
2 the time your child is taken into custody excluding Saturdays, Sundays,
3 and holidays. You should call the court at (insert appropriate
4 phone number here) for specific information about the date, time,
5 and location of the court hearing.

6 2. You have the right to have a lawyer represent you at the
7 hearing. Your right to representation continues after the shelter care
8 hearing. You have the right to records the department intends to rely
9 upon. A lawyer can look at the files in your case, talk to child
10 protective services and other agencies, tell you about the law, help
11 you understand your rights, and help you at hearings. If you cannot
12 afford a lawyer, the court will appoint one to represent you. To get
13 a court-appointed lawyer you must contact: (explain local
14 procedure) .

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

18 4. If your hearing occurs before a court commissioner, you have the
19 right to have the decision of the court commissioner reviewed by a
20 superior court judge. To obtain that review, you must, within ten days
21 after the entry of the decision of the court commissioner, file with
22 the court a motion for revision of the decision, as provided in RCW
23 2.24.050.

24 You should be present at any shelter care hearing. If you do not
25 come, the judge will not hear what you have to say.

26 You may call the Child Protective Services' caseworker for more
27 information about your child. The caseworker's name and telephone
28 number are: (insert name and telephone number) .

29 5. You (~~(may request that the department facilitate)~~) have a right
30 to a case conference facilitated by the department to develop a written
31 service agreement following the shelter care hearing. The service
32 agreement may not conflict with the court's order of shelter care. You
33 may request that a multidisciplinary team, family group conference, or
34 prognostic staffing(~~(, or case conference)~~) be convened for your
35 child's case. You may participate in these processes with your counsel
36 present."

37 Upon receipt of the written notice, the parent, guardian, or legal
38 custodian shall acknowledge such notice by signing a receipt prepared

1 by child protective services. If the parent, guardian, or legal
2 custodian does not sign the receipt, the reason for lack of a signature
3 shall be written on the receipt. The receipt shall be made a part of
4 the court's file in the dependency action.

5 If after making reasonable efforts to provide notification, child
6 protective services is unable to determine the whereabouts of the
7 parents, guardian, or legal custodian, the notice shall be delivered or
8 sent to the last known address of the parent, guardian, or legal
9 custodian.

10 (2) If child protective services is not required to give notice
11 under RCW 13.34.060(2) and subsection (1) of this section, the juvenile
12 court counselor assigned to the matter shall make all reasonable
13 efforts to advise the parents, guardian, or legal custodian of the time
14 and place of any shelter care hearing, request that they be present,
15 and inform them of their basic rights as provided in RCW 13.34.090.

16 (3) Reasonable efforts to advise and to give notice, as required in
17 RCW 13.34.060(2) and subsections (1) and (2) of this section, shall
18 include, at a minimum, investigation of the whereabouts of the parent,
19 guardian, or legal custodian. If such reasonable efforts are not
20 successful, or the parent, guardian, or legal custodian does not appear
21 at the shelter care hearing, the petitioner shall testify at the
22 hearing or state in a declaration:

23 (a) The efforts made to investigate the whereabouts of, and to
24 advise, the parent, guardian, or legal custodian; and

25 (b) Whether actual advice of rights was made, to whom it was made,
26 and how it was made, including the substance of any oral communication
27 or copies of written materials used.

28 (4) The court shall hear evidence regarding notice given to, and
29 efforts to notify, the parent, guardian, or legal custodian and shall
30 examine the need for shelter care. The court shall hear evidence
31 regarding the efforts made to place the child with a relative. The
32 court shall make an express finding as to whether the notice required
33 under RCW 13.34.060(2) and subsections (1) and (2) of this section was
34 given to the parent, guardian, or legal custodian. All parties have
35 the right to present testimony to the court regarding the need or lack
36 of need for shelter care. Hearsay evidence before the court regarding
37 the need or lack of need for shelter care must be supported by sworn

1 testimony, affidavit, or declaration of the person offering such
2 evidence.

3 (5) A shelter care order issued pursuant to RCW 13.34.065 may be
4 amended at any time with notice and hearing thereon. The shelter care
5 decision of placement shall be modified only upon a showing of change
6 in circumstances. No child may be placed in shelter care for longer
7 than thirty days without an order, signed by the judge, authorizing
8 continued shelter care.

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

17 **Sec. 3.** RCW 13.34.094 and 2001 c 332 s 6 are each amended to read
18 as follows:

19 The department shall, within existing resources, provide to parents
20 requesting or participating in a multidisciplinary team, family group
21 conference, case conference, or prognostic staffing(~~(, or case~~
22 ~~conference,))~~) information that describes these processes prior to the
23 processes being undertaken.

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