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**HOUSE BILL 2067**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Young, Caldier, Magendanz, Short, Harmsworth, McCaslin, Smith, Scott, Zeiger, and Fagan

AN ACT Relating to specifying that qualified grandparents are the priority placement option for children needing out-of-home care in dependency proceedings; and adding a new section to chapter 13.34 RCW.

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

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

(1) For the purposes of this section, "qualified grandparent" means a person who:

(a) Is the parent of a child's father or mother, and who is related to the child by blood, adoption, or marriage;

(b) Has a significant relationship with the child;

(c) Has performed parenting functions as defined in RCW 26.09.004 for the child on a regular or routine basis, or who has served as the primary residential care provider for the child; and

(d) Is willing and able to be the selected placement option for the child.

(2) In determining whether placement with a qualified grandparent is in the child's best interests, the court shall consider the following nonexclusive factors:

(a) The love, affection, and strength of the relationship between the child and the grandparent;

(b) The length and quality of the relationship between the child and the grandparent, including the roles performed by the grandparent and the emotional ties between the child and the grandparent;

(c) The child's reasonable preference, if the court finds the child is of sufficient age or maturity to express a preference;

(d) The good faith of the grandparent in seeking to have the child placed in his or her home;

(e) The criminal history, if any, of the grandparent as determined by a criminal history background check required by law;

(f) The grandparent's history of any adverse actions, including findings relating to child abuse and neglect by the grandparent;

(g) If applicable, the number of placement changes the child already has experienced and the potential impact of an additional change in placement to the grandparent's home;

(h) The child's current level of functioning at home and in school or early learning programs, and child care programs;

(i) Whether placement with the qualified grandparent would allow the child:

(i) To remain in the same school, child care center, or early learning program, or to continue participating in any extracurricular activities that contribute to the child's healthy development with peers;

(ii) To participate in court-ordered visitation with parents and siblings;

(iii) To access any court-ordered services intended to promote the child's health, safety, and well-being;

(iv) To participate in other activities designed to achieve the permanency goal for the child; and

(j) Any other factors relevant to the child's best interests.

(3) Notwithstanding any other provision of law, if the court orders an out-of-home placement for a child under this chapter, the court shall order the child placed with a qualified grandparent unless the court finds by clear and convincing evidence that the placement would not be in the child's best interests.

**--- END ---**