
SUBSTITUTE HOUSE BILL 1800

State of Washington 64th Legislature 2015 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Hargrove, Kagi, and Walsh)

READ FIRST TIME 02/18/15.

1 AN ACT Relating to filing a petition seeking termination of
2 parental rights; and reenacting and amending RCW 13.34.138.

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

4 **Sec. 1.** RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009
5 c 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read
6 as follows:

7 (1) The status of all children found to be dependent shall be
8 reviewed by the court at least every six months from the beginning
9 date of the placement episode or the date dependency is established,
10 whichever is first. The purpose of the hearing shall be to review the
11 progress of the parties and determine whether court supervision
12 should continue.

13 (a) The initial review hearing shall be an in-court review and
14 shall be set six months from the beginning date of the placement
15 episode or no more than ninety days from the entry of the disposition
16 order, whichever comes first. The requirements for the initial review
17 hearing, including the in-court review requirement, shall be
18 accomplished within existing resources.

19 (b) The initial review hearing may be a permanency planning
20 hearing when necessary to meet the time frames set forth in RCW
21 13.34.145(1)(a) or 13.34.134.

1 (2)(a) A child shall not be returned home at the review hearing
2 unless the court finds that a reason for removal as set forth in RCW
3 13.34.130 no longer exists. The parents, guardian, or legal custodian
4 shall report to the court the efforts they have made to correct the
5 conditions which led to removal. If a child is returned, casework
6 supervision by the supervising agency or department shall continue
7 for a period of six months, at which time there shall be a hearing on
8 the need for continued intervention.

9 (b) Prior to the child returning home, the department or
10 supervising agency must complete the following:

11 (i) Identify all adults residing in the home and conduct
12 background checks on those persons;

13 (ii) Identify any persons who may act as a caregiver for the
14 child in addition to the parent with whom the child is being placed
15 and determine whether such persons are in need of any services in
16 order to ensure the safety of the child, regardless of whether such
17 persons are a party to the dependency. The department or supervising
18 agency may recommend to the court and the court may order that
19 placement of the child in the parent's home be contingent on or
20 delayed based on the need for such persons to engage in or complete
21 services to ensure the safety of the child prior to placement. If
22 services are recommended for the caregiver, and the caregiver fails
23 to engage in or follow through with the recommended services, the
24 department or supervising agency must promptly notify the court; and

25 (iii) Notify the parent with whom the child is being placed that
26 he or she has an ongoing duty to notify the department or supervising
27 agency of all persons who reside in the home or who may act as a
28 caregiver for the child both prior to the placement of the child in
29 the home and subsequent to the placement of the child in the home as
30 long as the court retains jurisdiction of the dependency proceeding
31 or the department is providing or monitoring either remedial services
32 to the parent or services to ensure the safety of the child to any
33 caregivers.

34 Caregivers may be required to engage in services under this
35 subsection solely for the purpose of ensuring the present and future
36 safety of a child who is a ward of the court. This subsection does
37 not grant party status to any individual not already a party to the
38 dependency proceeding, create an entitlement to services or a duty on
39 the part of the department or supervising agency to provide services,
40 or create judicial authority to order the provision of services to

1 any person other than for the express purposes of this section or RCW
2 13.34.025 or if the services are unavailable or unsuitable or the
3 person is not eligible for such services.

4 (c) If the child is not returned home, the court shall establish
5 in writing:

6 (i) Whether the supervising agency or the department is making
7 reasonable efforts to provide services to the family and eliminate
8 the need for placement of the child. If additional services,
9 including housing assistance, are needed to facilitate the return of
10 the child to the child's parents, the court shall order that
11 reasonable services be offered specifying such services;

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

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

16 (iv) Whether the services set forth in the case plan and the
17 responsibilities of the parties need to be clarified or modified due
18 to the availability of additional information or changed
19 circumstances;

20 (v) Whether there is a continuing need for placement;

21 (vi) Whether a parent's homelessness or lack of suitable housing
22 is a significant factor delaying permanency for the child by
23 preventing the return of the child to the home of the child's parent
24 and whether housing assistance should be provided by the department
25 or supervising agency;

26 (vii) Whether the child is in an appropriate placement which
27 adequately meets all physical, emotional, and educational needs;

28 (viii) Whether preference has been given to placement with the
29 child's relatives if such placement is in the child's best interests;

30 (ix) Whether both in-state and, where appropriate, out-of-state
31 placements have been considered;

32 (x) Whether the parents have visited the child and any reasons
33 why visitation has not occurred or has been infrequent;

34 (xi) Whether terms of visitation need to be modified;

35 (xii) Whether the court-approved long-term permanent plan for the
36 child remains the best plan for the child;

37 (xiii) Whether any additional court orders need to be made to
38 move the case toward permanency; and

39 (xiv) The projected date by which the child will be returned home
40 or other permanent plan of care will be implemented.

1 (d) The court at the review hearing may order that a petition
2 seeking termination of the parent and child relationship be filed. If
3 the court determines that the child has been in out-of-home care for
4 at least twelve consecutive months following the filing of a
5 dependency petition and the parent has had no contact with the
6 department or any service providers identified in the department's
7 case plan, the court shall order that a petition seeking termination
8 of parent and child relationship be filed unless the court makes a
9 good cause exception based on the factors described in RCW 13.34.145.

10 (3)(a) In any case in which the court orders that a dependent
11 child may be returned to or remain in the child's home, the in-home
12 placement shall be contingent upon the following:

13 (i) The compliance of the parents with court orders related to
14 the care and supervision of the child, including compliance with the
15 supervising agency's case plan; and

16 (ii) The continued participation of the parents, if applicable,
17 in available substance abuse or mental health treatment if substance
18 abuse or mental illness was a contributing factor to the removal of
19 the child.

20 (b) The following may be grounds for removal of the child from
21 the home, subject to review by the court:

22 (i) Noncompliance by the parents with the department's or
23 supervising agency's case plan or court order;

24 (ii) The parent's inability, unwillingness, or failure to
25 participate in available services or treatment for themselves or the
26 child, including substance abuse treatment if a parent's substance
27 abuse was a contributing factor to the abuse or neglect; or

28 (iii) The failure of the parents to successfully and
29 substantially complete available services or treatment for themselves
30 or the child, including substance abuse treatment if a parent's
31 substance abuse was a contributing factor to the abuse or neglect.

32 (c) In a pending dependency case in which the court orders that a
33 dependent child may be returned home and that child is later removed
34 from the home, the court shall hold a review hearing within thirty
35 days from the date of removal to determine whether the permanency
36 plan should be changed, a termination petition should be filed, or
37 other action is warranted. The best interests of the child shall be
38 the court's primary consideration in the review hearing.

39 (4) The court's authority to order housing assistance under this
40 chapter is: (a) Limited to cases in which a parent's homelessness or

1 lack of suitable housing is a significant factor delaying permanency
2 for the child and housing assistance would aid the parent in
3 providing an appropriate home for the child; and (b) subject to the
4 availability of funds appropriated for this specific purpose. Nothing
5 in this chapter shall be construed to create an entitlement to
6 housing assistance nor to create judicial authority to order the
7 provision of such assistance to any person or family if the
8 assistance or funding are unavailable or the child or family are not
9 eligible for such assistance.

10 (5) The court shall consider the child's relationship with
11 siblings in accordance with RCW 13.34.130(~~(3)~~) (6).

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