
HOUSE BILL 2761

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2018 Regular Session

By Representatives Kagi, Griffey, Dent, Orwall, Senn, Eslick, Kilduff, Graves, Stonier, Jenkins, Tharinger, and Reeves

Read first time 01/15/18. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to improving placement stability for children and
2 youth involved with child welfare services; amending RCW 13.34.040,
3 13.34.065, 26.44.272, 74.13.065, and 13.34.260; reenacting and
4 amending RCW 13.34.145; adding new sections to chapter 13.34 RCW; and
5 creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that stable,
8 nurturing environments and connection to family are both critical to
9 the well-being of children in out-of-home care. The legislature finds
10 that early identification of a child's relatives allows the placement
11 of children with family and increases placement stability. The
12 legislature also finds that, when a child is in nonrelative care for
13 an extended period and a relative is identified, the court must
14 consider both the value of the child's bonding and attachment to
15 long-term caregivers and the value of family attachment when
16 determining permanency. The legislature affirms that the provisions
17 of the state Indian child welfare act, chapter 13.38 RCW, and the
18 federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., shall
19 prevail for any Indian child when there is a conflict with any state
20 child welfare provision.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.34
2 RCW to read as follows:

3 Chapter 13.38 RCW and 25 U.S.C. Sec. 1901 et seq. shall apply in
4 all child custody proceedings as defined in these acts. Whenever
5 there is a conflict between chapter 13.32A, 13.34, 13.36, 26.10, or
6 26.33 RCW, the provisions of chapter 13.38 RCW and 25 U.S.C. Sec.
7 1901 et seq. shall apply.

8 **Sec. 3.** RCW 13.34.040 and 2011 c 309 s 23 are each amended to
9 read as follows:

10 (1) Any person may file with the clerk of the superior court a
11 petition showing that there is within the county, or residing within
12 the county, a dependent child and requesting that the superior court
13 deal with such child as provided in this chapter. There shall be no
14 fee for filing such petitions.

15 (2) In counties having paid probation officers, these officers
16 shall, to the extent possible, first determine if a petition is
17 reasonably justifiable. Each petition shall be verified and contain a
18 statement of facts constituting a dependency, and the names and
19 residence, if known to the petitioner, of the parents, guardian, or
20 custodian of the alleged dependent child. Each petition shall also
21 contain a description of the department's efforts to identify
22 relatives and other suitable persons who can provide support for the
23 family and potential placement of the child.

24 (3) Every petition filed in proceedings under this chapter shall
25 contain a statement alleging whether the child is or may be an Indian
26 child as defined in RCW 13.38.040. If the child is an Indian child
27 chapter 13.38 RCW shall apply.

28 (4) Every order or decree entered under this chapter shall
29 contain a finding that the federal Indian child welfare act or
30 chapter 13.38 RCW does or does not apply. Where there is a finding
31 that the federal Indian child welfare act or chapter 13.38 RCW does
32 apply, the decree or order must also contain a finding that all
33 notice requirements and evidentiary requirements under the federal
34 Indian child welfare act and chapter 13.38 RCW have been satisfied.

35 **Sec. 4.** RCW 13.34.065 and 2013 c 162 s 6 are each amended to
36 read as follows:

37 (1)(a) When a child is taken into custody, the court shall hold a
38 shelter care hearing within seventy-two hours, excluding Saturdays,

1 Sundays, and holidays. The primary purpose of the shelter care
2 hearing is to determine whether the child can be immediately and
3 safely returned home while the adjudication of the dependency is
4 pending.

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

13 (2)(a) If it is likely that the child will remain in shelter care
14 longer than seventy-two hours, in those areas in which child welfare
15 services are being provided by a supervising agency, the supervising
16 agency shall assume case management responsibilities of the case. The
17 department or supervising agency shall submit a recommendation to the
18 court as to the further need for shelter care in all cases in which
19 the child will remain in shelter care longer than the seventy-two
20 hour period. In all other cases, the recommendation shall be
21 submitted by the juvenile court probation counselor.

22 (b) All parties have the right to present testimony to the court
23 regarding the need or lack of need for shelter care.

24 (c) Hearsay evidence before the court regarding the need or lack
25 of need for shelter care must be supported by sworn testimony,
26 affidavit, or declaration of the person offering such evidence.

27 (3)(a) At the commencement of the hearing, the court shall notify
28 the parent, guardian, or custodian of the following:

29 (i) The parent, guardian, or custodian has the right to a shelter
30 care hearing;

31 (ii) The nature of the shelter care hearing, the rights of the
32 parents, and the proceedings that will follow; and

33 (iii) If the parent, guardian, or custodian is not represented by
34 counsel, the right to be represented. If the parent, guardian, or
35 custodian is indigent, the court shall appoint counsel as provided in
36 RCW 13.34.090; and

37 (b) If a parent, guardian, or legal custodian desires to waive
38 the shelter care hearing, the court shall determine, on the record
39 and with the parties present, whether such waiver is knowing and
40 voluntary. A parent may not waive his or her right to the shelter

1 care hearing unless he or she appears in court and the court
2 determines that the waiver is knowing and voluntary. Regardless of
3 whether the court accepts the parental waiver of the shelter care
4 hearing, the court must provide notice to the parents of their rights
5 required under (a) of this subsection and make the finding required
6 under subsection (4) of this section.

7 (4) At the shelter care hearing the court shall examine the need
8 for shelter care and inquire into the status of the case. The
9 paramount consideration for the court shall be the health, welfare,
10 and safety of the child. At a minimum, the court shall inquire into
11 the following:

12 (a) Whether the notice required under RCW 13.34.062 was given to
13 all known parents, guardians, or legal custodians of the child. The
14 court shall make an express finding as to whether the notice required
15 under RCW 13.34.062 was given to the parent, guardian, or legal
16 custodian. If actual notice was not given to the parent, guardian, or
17 legal custodian and the whereabouts of such person is known or can be
18 ascertained, the court shall order the department to make reasonable
19 efforts to advise the parent, guardian, or legal custodian of the
20 status of the case, including the date and time of any subsequent
21 hearings, and their rights under RCW 13.34.090;

22 (b) Whether the child can be safely returned home while the
23 adjudication of the dependency is pending;

24 (c) What efforts have been made to place the child with a
25 relative. The court shall ask the parents whether the department
26 discussed with them the placement of the child with a relative or
27 other suitable person described in RCW 13.34.130(1)(b) and shall
28 determine what efforts have been made toward such a placement;

29 (d) What services were provided to the family to prevent or
30 eliminate the need for removal of the child from the child's home. If
31 the dependency petition or other information before the court alleges
32 that homelessness or the lack of suitable housing was a significant
33 factor contributing to the removal of the child, the court shall
34 inquire as to whether housing assistance was provided to the family
35 to prevent or eliminate the need for removal of the child or
36 children;

37 (e) Is the placement proposed by the department or supervising
38 agency the least disruptive and most family-like setting that meets
39 the needs of the child;

1 (f) Whether it is in the best interest of the child to remain
2 enrolled in the school, developmental program, or child care the
3 child was in prior to placement and what efforts have been made to
4 maintain the child in the school, program, or child care if it would
5 be in the best interest of the child to remain in the same school,
6 program, or child care;

7 (g) Appointment of a guardian ad litem or attorney;

8 (h) Whether the child is or may be an Indian child as defined in
9 RCW 13.38.040, whether the provisions of the federal Indian child
10 welfare act or chapter 13.38 RCW apply, and whether there is
11 compliance with the federal Indian child welfare act and chapter
12 13.38 RCW, including notice to the child's tribe;

13 (i) Whether, as provided in RCW 26.44.063, restraining orders, or
14 orders expelling an allegedly abusive household member from the home
15 of a nonabusive parent, guardian, or legal custodian, will allow the
16 child to safely remain in the home;

17 (j) Whether any orders for examinations, evaluations, or
18 immediate services are needed. The court may not order a parent to
19 undergo examinations, evaluation, or services at the shelter care
20 hearing unless the parent agrees to the examination, evaluation, or
21 service;

22 (k) The terms and conditions for parental, sibling, and family
23 visitation.

24 (5)(a) The court shall release a child alleged to be dependent to
25 the care, custody, and control of the child's parent, guardian, or
26 legal custodian unless the court finds there is reasonable cause to
27 believe that:

28 (i) After consideration of the specific services that have been
29 provided, reasonable efforts have been made to prevent or eliminate
30 the need for removal of the child from the child's home and to make
31 it possible for the child to return home; and

32 (ii)(A) The child has no parent, guardian, or legal custodian to
33 provide supervision and care for such child; or

34 (B) The release of such child would present a serious threat of
35 substantial harm to such child, notwithstanding an order entered
36 pursuant to RCW 26.44.063; or

37 (C) The parent, guardian, or custodian to whom the child could be
38 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

39 (b) If the court does not release the child to his or her parent,
40 guardian, or legal custodian, the court shall order placement with a

1 relative or other suitable person as described in RCW
2 13.34.130(1)(b), unless there is reasonable cause to believe the
3 health, safety, or welfare of the child would be jeopardized or that
4 the efforts to reunite the parent and child will be hindered. If such
5 relative or other suitable person appears otherwise suitable and
6 competent to provide care and treatment, the fingerprint-based
7 background check need not be completed before placement, but as soon
8 as possible after placement. The court must also determine whether
9 placement with the relative or other suitable person is in the
10 child's best interests. The relative or other suitable person must be
11 willing and available to:

12 (i) Care for the child and be able to meet any special needs of
13 the child;

14 (ii) Facilitate the child's visitation with siblings, if such
15 visitation is part of the supervising agency's plan or is ordered by
16 the court; and

17 (iii) Cooperate with the department or supervising agency in
18 providing necessary background checks and home studies.

19 (c) If the child was not initially placed with a relative or
20 other suitable person, and the court does not release the child to
21 his or her parent, guardian, or legal custodian, the supervising
22 agency shall make reasonable efforts to locate a relative or other
23 suitable person pursuant to RCW 13.34.060(1). (~~In determining
24 placement, the court shall weigh the child's length of stay and
25 attachment to the current provider in determining what is in the best
26 interest of the child.~~)

27 (d) If a relative or other suitable person is not available, the
28 court shall order continued shelter care and shall set forth its
29 reasons for the order. If the court orders placement of the child
30 with a person not related to the child and not licensed to provide
31 foster care, the placement is subject to all terms and conditions of
32 this section that apply to relative placements.

33 (e) Any placement with a relative, or other suitable person
34 approved by the court pursuant to this section, shall be contingent
35 upon cooperation with the department's or supervising agency's case
36 plan and compliance with court orders related to the care and
37 supervision of the child including, but not limited to, court orders
38 regarding parent-child contacts, sibling contacts, and any other
39 conditions imposed by the court. Noncompliance with the case plan or

1 court order is grounds for removal of the child from the home of the
2 relative or other suitable person, subject to review by the court.

3 (f) Uncertainty by a parent, guardian, legal custodian, relative,
4 or other suitable person that the alleged abuser has in fact abused
5 the child shall not, alone, be the basis upon which a child is
6 removed from the care of a parent, guardian, or legal custodian under
7 (a) of this subsection, nor shall it be a basis, alone, to preclude
8 placement with a relative or other suitable person under (b) of this
9 subsection.

10 (6)(a) A shelter care order issued pursuant to this section shall
11 include the requirement for a case conference as provided in RCW
12 13.34.067. However, if the parent is not present at the shelter care
13 hearing, or does not agree to the case conference, the court shall
14 not include the requirement for the case conference in the shelter
15 care order.

16 (b) If the court orders a case conference, the shelter care order
17 shall include notice to all parties and establish the date, time, and
18 location of the case conference which shall be no later than thirty
19 days before the fact-finding hearing.

20 (c) The court may order another conference, case staffing, or
21 hearing as an alternative to the case conference required under RCW
22 13.34.067 so long as the conference, case staffing, or hearing
23 ordered by the court meets all requirements under RCW 13.34.067,
24 including the requirement of a written agreement specifying the
25 services to be provided to the parent.

26 (7)(a)(i) A shelter care order issued pursuant to this section
27 may be amended at any time with notice and hearing thereon. The
28 shelter care decision of placement shall be modified only upon a
29 showing of change in circumstances. No child may be placed in shelter
30 care for longer than thirty days without an order, signed by the
31 judge, authorizing continued shelter care.

32 (ii) If the department requests an order authorizing continued
33 shelter care pursuant to this subsection, the department must prior
34 to or at that time submit a written report to all parties and the
35 court that includes:

36 (A) The specific efforts taken by the department to identify
37 relatives and if authorized other suitable persons for potential
38 placement of the child or support for the family; and

39 (B) The efforts taken by the department to support natural
40 connections to the family.

1 (iii) The court shall not condition authorization of continued
2 shelter care upon the written report or efforts taken by the
3 department.

4 (b)(i) An order releasing the child on any conditions specified
5 in this section may at any time be amended, with notice and hearing
6 thereon, so as to return the child to shelter care for failure of the
7 parties to conform to the conditions originally imposed.

8 (ii) The court shall consider whether nonconformance with any
9 conditions resulted from circumstances beyond the control of the
10 parent, guardian, or legal custodian and give weight to that fact
11 before ordering return of the child to shelter care.

12 (8)(a) If a child is returned home from shelter care a second
13 time in the case, or if the supervisor of the caseworker deems it
14 necessary, the multidisciplinary team may be reconvened.

15 (b) If a child is returned home from shelter care a second time
16 in the case a law enforcement officer must be present and file a
17 report to the department.

18 **Sec. 5.** RCW 13.34.145 and 2015 c 270 s 2 and 2015 c 257 s 1 are
19 each reenacted and amended to read as follows:

20 (1) The purpose of a permanency planning hearing is to review the
21 permanency plan for the child, inquire into the welfare of the child
22 and progress of the case, and reach decisions regarding the permanent
23 placement of the child.

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

30 (b) Whenever a child is removed from the home of a dependency
31 guardian or long-term relative or foster care provider, and the child
32 is not returned to the home of the parent, guardian, or legal
33 custodian but is placed in out-of-home care, a permanency planning
34 hearing shall take place no later than twelve months, as provided in
35 this section, following the date of removal unless, prior to the
36 hearing, the child returns to the home of the dependency guardian or
37 long-term care provider, the child is placed in the home of the
38 parent, guardian, or legal custodian, an adoption decree,
39 guardianship order, or a permanent custody order is entered, or the

1 dependency is dismissed. Every effort shall be made to provide
2 stability in long-term placement, and to avoid disruption of
3 placement, unless the child is being returned home or it is in the
4 best interest of the child. When determining a child's out-of-home
5 placement, the court shall give weight to the child's stability of
6 placement, length of stay, and attachment to the current long-term
7 care provider in determining what is in the best interest of the
8 child.

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

16 (2) No later than ten working days prior to the permanency
17 planning hearing, the agency having custody of the child shall submit
18 a written permanency plan to the court and shall mail a copy of the
19 plan to all parties and their legal counsel, if any.

20 (3) When the youth is at least age seventeen years but not older
21 than seventeen years and six months, the department shall provide the
22 youth with written documentation which explains the availability of
23 extended foster care services and detailed instructions regarding how
24 the youth may access such services after he or she reaches age
25 eighteen years.

26 (4) At the permanency planning hearing, the court shall conduct
27 the following inquiry:

28 (a) If a goal of long-term foster or relative care has been
29 achieved prior to the permanency planning hearing, the court shall
30 review the child's status to determine whether the placement and the
31 plan for the child's care remain appropriate. The court shall find,
32 as of the date of the hearing, that the child's placement and plan of
33 care is the best permanency plan for the child and provide compelling
34 reasons why it continues to not be in the child's best interest to
35 (i) return home; (ii) be placed for adoption; (iii) be placed with a
36 legal guardian; or (iv) be placed with a fit and willing relative. If
37 the child is present at the hearing, the court should ask the child
38 about his or her desired permanency outcome.

39 (b) In cases where the primary permanency planning goal has not
40 been achieved, the court shall inquire regarding the reasons why the

1 primary goal has not been achieved and determine what needs to be
2 done to make it possible to achieve the primary goal. The court shall
3 review the permanency plan prepared by the agency and make explicit
4 findings regarding each of the following:

5 (i) The continuing necessity for, and the safety and
6 appropriateness of, the placement;

7 (ii) The extent of compliance with the permanency plan by the
8 department or supervising agency and any other service providers, the
9 child's parents, the child, and the child's guardian, if any;

10 (iii) The extent of any efforts to involve appropriate service
11 providers in addition to department or supervising agency staff in
12 planning to meet the special needs of the child and the child's
13 parents;

14 (iv) The progress toward eliminating the causes for the child's
15 placement outside of his or her home and toward returning the child
16 safely to his or her home or obtaining a permanent placement for the
17 child;

18 (v) The date by which it is likely that the child will be
19 returned to his or her home or placed for adoption, with a guardian
20 or in some other alternative permanent placement; (~~and~~)

21 (vi) If the child has been placed outside of his or her home for
22 fifteen of the most recent twenty-two months, not including any
23 period during which the child was a runaway from the out-of-home
24 placement or the first six months of any period during which the
25 child was returned to his or her home for a trial home visit, the
26 appropriateness of the permanency plan, whether reasonable efforts
27 were made by the department or supervising agency to achieve the goal
28 of the permanency plan, and the circumstances which prevent the child
29 from any of the following:

30 (A) Being returned safely to his or her home;

31 (B) Having a petition for the involuntary termination of parental
32 rights filed on behalf of the child;

33 (C) Being placed for adoption;

34 (D) Being placed with a guardian;

35 (E) Being placed in the home of a fit and willing relative of the
36 child; or

37 (F) Being placed in some other alternative permanent placement,
38 including independent living or long-term foster care; and

39 (vii) If the child is not placed with a relative or other
40 suitable person, determine what efforts the department has made to

1 identify relatives and other suitable persons for potential
2 placement.

3 (5) Following this inquiry, at the permanency planning hearing,
4 the court shall order the department or supervising agency to file a
5 petition seeking termination of parental rights if the child has been
6 in out-of-home care for fifteen of the last twenty-two months since
7 the date the dependency petition was filed unless the court makes a
8 good cause exception as to why the filing of a termination of
9 parental rights petition is not appropriate. Any good cause finding
10 shall be reviewed at all subsequent hearings pertaining to the child.

11 (a) For purposes of this subsection, "good cause exception"
12 includes but is not limited to the following:

13 (i) The child is being cared for by a relative;

14 (ii) The department has not provided to the child's family such
15 services as the court and the department have deemed necessary for
16 the child's safe return home;

17 (iii) The department has documented in the case plan a compelling
18 reason for determining that filing a petition to terminate parental
19 rights would not be in the child's best interests;

20 (iv) The parent is incarcerated, or the parent's prior
21 incarceration is a significant factor in why the child has been in
22 foster care for fifteen of the last twenty-two months, the parent
23 maintains a meaningful role in the child's life, and the department
24 has not documented another reason why it would be otherwise
25 appropriate to file a petition pursuant to this section;

26 (v) Where a parent has been accepted into a dependency treatment
27 court program or long-term substance abuse or dual diagnoses
28 treatment program and is demonstrating compliance with treatment
29 goals; or

30 (vi) Where a parent who has been court ordered to complete
31 services necessary for the child's safe return home files a
32 declaration under penalty of perjury stating the parent's financial
33 inability to pay for the same court-ordered services, and also
34 declares the department was unwilling or unable to pay for the same
35 services necessary for the child's safe return home.

36 (b) The court's assessment of whether a parent who is
37 incarcerated maintains a meaningful role in the child's life may
38 include consideration of the following:

1 (i) The parent's expressions or acts of manifesting concern for
2 the child, such as letters, telephone calls, visits, and other forms
3 of communication with the child;

4 (ii) The parent's efforts to communicate and work with the
5 department or supervising agency or other individuals for the purpose
6 of complying with the service plan and repairing, maintaining, or
7 building the parent-child relationship;

8 (iii) A positive response by the parent to the reasonable efforts
9 of the department or the supervising agency;

10 (iv) Information provided by individuals or agencies in a
11 reasonable position to assist the court in making this assessment,
12 including but not limited to the parent's attorney, correctional and
13 mental health personnel, or other individuals providing services to
14 the parent;

15 (v) Limitations in the parent's access to family support
16 programs, therapeutic services, and visiting opportunities,
17 restrictions to telephone and mail services, inability to participate
18 in foster care planning meetings, and difficulty accessing lawyers
19 and participating meaningfully in court proceedings; and

20 (vi) Whether the continued involvement of the parent in the
21 child's life is in the child's best interest.

22 (c) The constraints of a parent's current or prior incarceration
23 and associated delays or barriers to accessing court-mandated
24 services may be considered in rebuttal to a claim of aggravated
25 circumstances under RCW 13.34.132(4)(h) for a parent's failure to
26 complete available treatment.

27 (6)(a) If the permanency plan identifies independent living as a
28 goal, the court at the permanency planning hearing shall make a
29 finding that the provision of services to assist the child in making
30 a transition from foster care to independent living will allow the
31 child to manage his or her financial, personal, social, educational,
32 and nonfinancial affairs prior to approving independent living as a
33 permanency plan of care. The court will inquire whether the child has
34 been provided information about extended foster care services.

35 (b) The permanency plan shall also specifically identify the
36 services, including extended foster care services, where appropriate,
37 that will be provided to assist the child to make a successful
38 transition from foster care to independent living.

39 (c) The department or supervising agency shall not discharge a
40 child to an independent living situation before the child is eighteen

1 years of age unless the child becomes emancipated pursuant to chapter
2 13.64 RCW.

3 (7) If the child has resided in the home of a foster parent or
4 relative for more than six months prior to the permanency planning
5 hearing, the court shall:

6 (a) Enter a finding regarding whether the foster parent or
7 relative was informed of the hearing as required in RCW 74.13.280,
8 13.34.215(6), and 13.34.096; and

9 (b) If the department or supervising agency is recommending a
10 placement other than the child's current placement with a foster
11 parent, relative, or other suitable person, enter a finding as to the
12 reasons for the recommendation for a change in placement.

13 (8) In all cases, at the permanency planning hearing, the court
14 shall:

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

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

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

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

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

30 (10) Prior to the second permanency planning hearing, the agency
31 that has custody of the child shall consider whether to file a
32 petition for termination of parental rights.

33 (11) If the court orders the child returned home, casework
34 supervision by the department or supervising agency shall continue
35 for at least six months, at which time a review hearing shall be held
36 pursuant to RCW 13.34.138, and the court shall determine the need for
37 continued intervention.

38 (12) The juvenile court may hear a petition for permanent legal
39 custody when: (a) The court has ordered implementation of a
40 permanency plan that includes permanent legal custody; and (b) the

1 party pursuing the permanent legal custody is the party identified in
2 the permanency plan as the prospective legal custodian. During the
3 pendency of such proceeding, the court shall conduct review hearings
4 and further permanency planning hearings as provided in this chapter.
5 At the conclusion of the legal guardianship or permanent legal
6 custody proceeding, a juvenile court hearing shall be held for the
7 purpose of determining whether dependency should be dismissed. If a
8 guardianship or permanent custody order has been entered, the
9 dependency shall be dismissed.

10 (13) Continued juvenile court jurisdiction under this chapter
11 shall not be a barrier to the entry of an order establishing a legal
12 guardianship or permanent legal custody when the requirements of
13 subsection (12) of this section are met.

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

24 (15) The approval of a permanency plan that does not contemplate
25 return of the child to the parent does not relieve the supervising
26 agency of its obligation to provide reasonable services, under this
27 chapter, intended to effectuate the return of the child to the
28 parent, including but not limited to, visitation rights. The court
29 shall consider the child's relationships with siblings in accordance
30 with RCW 13.34.130.

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

34 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.34
35 RCW to read as follows:

36 After a child has remained in out-of-home care for one year since
37 the filing of a dependency petition, in determining placement, the
38 court shall weigh the benefits of relative placement with the
39 stability provided by and attachment to a long-term caregiver.

1 **Sec. 7.** RCW 26.44.272 and 2014 c 160 s 1 are each amended to
2 read as follows:

3 (1) The family assessment response worker must assess for child
4 safety and child well-being when collaborating with a family to
5 determine the need for child care, preschool, or home visiting
6 services and, as appropriate, the family assessment response worker
7 must refer children to preschool programs that are enrolled in the
8 early achievers program and rate at a level 3, 4, or 5 unless:

9 (a) The family lives in an area with no local preschool programs
10 that rate at a level 3, 4, or 5 in the early achievers program;

11 (b) The local preschool programs that rate at a level 3, 4, or 5
12 in the early achievers program are not able to meet the needs of the
13 child; or

14 (c) The child is attending a preschool program prior to
15 participating in family assessment response and the parent or
16 caregiver does not want the child to change preschool programs.

17 (2) The family assessment response worker may make child care
18 referrals for nonschool-aged children to licensed child care programs
19 that rate at a level 3, 4, or 5 in the early achievers program
20 described in RCW 43.215.100 unless:

21 (a) The family lives in an area with no local programs that rate
22 at level 3, 4, or 5 in the early achievers program;

23 (b) The local child care programs that rate at a level 3, 4, or 5
24 in the early achievers program are not able to meet the needs of the
25 child; or

26 (c) The child is attending a child care program prior to
27 participating in family assessment response and the parent or
28 caregiver does not want the child to change child care programs.

29 (3) The family assessment response worker shall, when
30 appropriate, provide referrals to high quality child care and early
31 learning programs.

32 (4) The family assessment response worker shall, when
33 appropriate, provide referrals to state and federally subsidized
34 programs such as, but not limited to, licensed child care programs
35 that receive state subsidy pursuant to RCW 43.215.135; early
36 childhood education and assistance programs; head start programs; and
37 early head start programs.

38 (5) Prior to closing the family assessment response case, the
39 family assessment response worker must, when appropriate, discuss

1 child care and early learning services with the child's parent or
2 caregiver.

3 (6) If the family plans to use child care or early learning
4 services, the family assessment response worker must work with the
5 family to facilitate enrollment.

6 (7) The family assessment response worker shall, if authorized by
7 the family, make reasonable efforts to locate relatives or other
8 suitable persons who can provide support to the family.

9 **Sec. 8.** RCW 74.13.065 and 2009 c 520 s 60 are each amended to
10 read as follows:

11 (1) The department or supervising agency shall conduct a social
12 study whenever a child is placed in out-of-home care under the
13 supervision of the department or supervising agency. The study shall
14 be conducted prior to placement, or, if it is not feasible to conduct
15 the study prior to placement due to the circumstances of the case,
16 the study shall be conducted as soon as possible following placement.

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

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

20 (b) Emotional bonds with siblings and the need to maintain
21 regular sibling contacts;

22 (c) The proximity of the child's placement to the child's family
23 to aid reunification;

24 (d) The possibility of placement with the child's relatives or
25 extended family;

26 (e) The racial, ethnic, cultural, and religious background of the
27 child;

28 (f) The least-restrictive, most family-like placement reasonably
29 available and capable of meeting the child's needs; and

30 (g) Compliance with RCW 13.34.260 regarding parental preferences
31 for placement of their children.

32 (3) The department shall conduct an extensive family search
33 beginning at the time a child is placed in out-of-home care to
34 fulfill the requirements of this section and the family search
35 requirements in chapter 13.34 RCW.

36 **Sec. 9.** RCW 13.34.260 and 2011 c 89 s 5 are each amended to read
37 as follows:

1 (1) In an attempt to minimize the inherent intrusion in the lives
2 of families involved in the foster care system and to maintain
3 parental authority where appropriate, the department, absent good
4 cause, shall follow the wishes of the natural parent regarding the
5 placement of the child with a relative or other suitable person
6 pursuant to RCW 13.34.130. Preferences such as family constellation,
7 sibling relationships, ethnicity, and religion shall be considered
8 when matching children to foster homes. Parental authority is
9 appropriate in areas that are not connected with the abuse or neglect
10 that resulted in the dependency and shall be integrated through the
11 foster care team.

12 (2) When a child is placed in out-of-home care, relatives, other
13 suitable persons, and foster parents are encouraged to:

14 (a) Provide consultation to the foster care team based upon their
15 experience with the child placed in their care;

16 (b) Assist the birth parents by helping them understand their
17 child's needs and correlating appropriate parenting responses;

18 (c) Participate in educational activities, and enter into
19 community-building activities with birth families and other foster
20 families;

21 (d) Transport children to family time visits with birth families
22 and assist children and their families in maximizing the
23 purposefulness of family time.

24 (3) The department shall encourage and support continued
25 relationships between birth families and adoptive parents when that
26 relationship is in the best interest of the child.

27 (4) For purposes of this section:

28 (a) "Foster care team" means the relative, other suitable person,
29 or foster parent currently providing care, the currently assigned
30 department employee, and the parent or parents; and

31 (b) "Birth family" means the persons described in RCW
32 74.15.020(2)(a).

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