

HB 1900 - S COMM AMD

By Committee on Human Services, Reentry & Rehabilitation

ADOPTED 04/11/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 13.34.025 and 2018 c 284 s 1 are each amended to
4 read as follows:

5 (1) The department and agencies shall develop methods for
6 coordination of services to parents and children in child dependency
7 cases. To the maximum extent possible under current funding levels,
8 the department and agencies must:

9 (a) Coordinate and integrate services to children and families,
10 using service plans and activities that address the children's and
11 families' multiple needs, including ensuring that siblings have
12 regular visits with each other, as appropriate. Assessment criteria
13 should screen for multiple needs;

14 (b) Develop treatment plans for the individual needs of the
15 client in a manner that minimizes the number of contacts the client
16 is required to make; and

17 (c) Access training for department and agency staff to increase
18 skills across disciplines to assess needs for mental health,
19 substance abuse, developmental disabilities, and other areas.

20 (2) The department shall coordinate within the administrations of
21 the department, and with contracted service providers, to ensure that
22 parents in dependency proceedings under this chapter receive priority
23 access to remedial services recommended by the department in its
24 social study or ordered by the court for the purpose of correcting
25 any parental deficiencies identified in the dependency proceeding
26 that are capable of being corrected in the foreseeable future.
27 Services may also be provided to caregivers other than the parents as
28 identified in RCW 13.34.138.

29 (a) For purposes of this chapter, remedial services are those
30 services defined in the federal adoption and safe families act as
31 ~~((time-limited))~~ family reunification services that facilitate the
32 reunification of the child safely and appropriately within a timely

1 fashion. Remedial services include individual, group, and family
2 counseling; substance abuse treatment services; mental health
3 services; assistance to address domestic violence; services designed
4 to provide temporary child care and therapeutic services for
5 families; and transportation to or from any of the above services and
6 activities.

7 (b) The department shall provide funds for remedial services if
8 the parent is unable to pay to the extent funding is appropriated in
9 the operating budget or otherwise available to the department for
10 such specific services. As a condition for receiving funded remedial
11 services, the court may inquire into the parent's ability to pay for
12 all or part of such services or may require that the parent make
13 appropriate applications for funding to alternative funding sources
14 for such services.

15 (c) If court-ordered remedial services are unavailable for any
16 reason, including lack of funding, lack of services, or language
17 barriers, the department shall promptly notify the court that the
18 parent is unable to engage in the treatment due to the inability to
19 access such services.

20 (d) This section does not create an entitlement to services and
21 does not create judicial authority to order the provision of services
22 except for the specific purpose of making reasonable efforts to
23 remedy parental deficiencies identified in a dependency proceeding
24 under this chapter.

25 **Sec. 2.** RCW 13.34.030 and 2018 c 284 s 3 and 2018 c 58 s 54 are
26 each reenacted and amended to read as follows:

27 The definitions in this section apply throughout this chapter
28 unless the context clearly requires otherwise.

29 (1) "Abandoned" means when the child's parent, guardian, or other
30 custodian has expressed, either by statement or conduct, an intent to
31 forego, for an extended period, parental rights or responsibilities
32 despite an ability to exercise such rights and responsibilities. If
33 the court finds that the petitioner has exercised due diligence in
34 attempting to locate the parent, no contact between the child and the
35 child's parent, guardian, or other custodian for a period of three
36 months creates a rebuttable presumption of abandonment, even if there
37 is no expressed intent to abandon.

38 (2) "Child," "juvenile," and "youth" mean:

39 (a) Any individual under the age of eighteen years; or

1 (b) Any individual age eighteen to twenty-one years who is
2 eligible to receive and who elects to receive the extended foster
3 care services authorized under RCW 74.13.031. A youth who remains
4 dependent and who receives extended foster care services under RCW
5 74.13.031 shall not be considered a "child" under any other statute
6 or for any other purpose.

7 (3) "Current placement episode" means the period of time that
8 begins with the most recent date that the child was removed from the
9 home of the parent, guardian, or legal custodian for purposes of
10 placement in out-of-home care and continues until: (a) The child
11 returns home; (b) an adoption decree, a permanent custody order, or
12 guardianship order is entered; or (c) the dependency is dismissed,
13 whichever occurs first.

14 (4) "Department" means the department of children, youth, and
15 families.

16 (5) "Dependency guardian" means the person, nonprofit
17 corporation, or Indian tribe appointed by the court pursuant to this
18 chapter for the limited purpose of assisting the court in the
19 supervision of the dependency.

20 (6) "Dependent child" means any child who:

21 (a) Has been abandoned;

22 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
23 person legally responsible for the care of the child;

24 (c) Has no parent, guardian, or custodian capable of adequately
25 caring for the child, such that the child is in circumstances which
26 constitute a danger of substantial damage to the child's
27 psychological or physical development; or

28 (d) Is receiving extended foster care services, as authorized by
29 RCW 74.13.031.

30 (7) "Developmental disability" means a disability attributable to
31 intellectual disability, cerebral palsy, epilepsy, autism, or another
32 neurological or other condition of an individual found by the
33 secretary of the department of social and health services to be
34 closely related to an intellectual disability or to require treatment
35 similar to that required for individuals with intellectual
36 disabilities, which disability originates before the individual
37 attains age eighteen, which has continued or can be expected to
38 continue indefinitely, and which constitutes a substantial limitation
39 to the individual.

1 (8) "Educational liaison" means a person who has been appointed
2 by the court to fulfill responsibilities outlined in RCW 13.34.046.

3 (9) "Extended foster care services" means residential and other
4 support services the department is authorized to provide under RCW
5 74.13.031. These services may include placement in licensed,
6 relative, or otherwise approved care, or supervised independent
7 living settings; assistance in meeting basic needs; independent
8 living services; medical assistance; and counseling or treatment.

9 (10) "Guardian" means the person or agency that: (a) Has been
10 appointed as the guardian of a child in a legal proceeding, including
11 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
12 legal right to custody of the child pursuant to such appointment. The
13 term "guardian" does not include a "dependency guardian" appointed
14 pursuant to a proceeding under this chapter.

15 (11) "Guardian ad litem" means a person, appointed by the court
16 to represent the best interests of a child in a proceeding under this
17 chapter, or in any matter which may be consolidated with a proceeding
18 under this chapter. A "court-appointed special advocate" appointed by
19 the court to be the guardian ad litem for the child, or to perform
20 substantially the same duties and functions as a guardian ad litem,
21 shall be deemed to be guardian ad litem for all purposes and uses of
22 this chapter.

23 (12) "Guardian ad litem program" means a court-authorized
24 volunteer program, which is or may be established by the superior
25 court of the county in which such proceeding is filed, to manage all
26 aspects of volunteer guardian ad litem representation for children
27 alleged or found to be dependent. Such management shall include but
28 is not limited to: Recruitment, screening, training, supervision,
29 assignment, and discharge of volunteers.

30 (13) "Housing assistance" means appropriate referrals by the
31 department or other agencies to federal, state, local, or private
32 agencies or organizations, assistance with forms, applications, or
33 financial subsidies or other monetary assistance for housing. For
34 purposes of this chapter, "housing assistance" is not a remedial
35 service or (~~time-limited~~) family reunification service as described
36 in RCW 13.34.025(2).

37 (14) "Indigent" means a person who, at any stage of a court
38 proceeding, is:

39 (a) Receiving one of the following types of public assistance:
40 Temporary assistance for needy families, aged, blind, or disabled

1 assistance benefits, medical care services under RCW 74.09.035,
2 pregnant women assistance benefits, poverty-related veterans'
3 benefits, food stamps or food stamp benefits transferred
4 electronically, refugee resettlement benefits, medicaid, or
5 supplemental security income; or

6 (b) Involuntarily committed to a public mental health facility;
7 or

8 (c) Receiving an annual income, after taxes, of one hundred
9 twenty-five percent or less of the federally established poverty
10 level; or

11 (d) Unable to pay the anticipated cost of counsel for the matter
12 before the court because his or her available funds are insufficient
13 to pay any amount for the retention of counsel.

14 (15) "Nonminor dependent" means any individual age eighteen to
15 twenty-one years who is participating in extended foster care
16 services authorized under RCW 74.13.031.

17 (16) "Out-of-home care" means placement in a foster family home
18 or group care facility licensed pursuant to chapter 74.15 RCW or
19 placement in a home, other than that of the child's parent, guardian,
20 or legal custodian, not required to be licensed pursuant to chapter
21 74.15 RCW.

22 (17) "Parent" means the biological or adoptive parents of a
23 child, or an individual who has established a parent-child
24 relationship under RCW (~~(26.26.101)~~) 26.26A.100, unless the legal
25 rights of that person have been terminated by a judicial proceeding
26 pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws
27 of another state or a federally recognized Indian tribe.

28 (18) "Prevention and family services and programs" means specific
29 mental health prevention and treatment services, substance abuse
30 prevention and treatment services, and in-home parent skill-based
31 programs that qualify for federal funding under the federal family
32 first prevention services act, P.L. 115-123. For purposes of this
33 chapter, prevention and family services and programs are not remedial
34 services or family reunification services as described in RCW
35 13.34.025(2).

36 (19) "~~(Preventive)~~ Prevention services" means preservation
37 services, as defined in chapter 74.14C RCW, and other reasonably
38 available services, including housing assistance, capable of
39 preventing the need for out-of-home placement while protecting the
40 child. Prevention services include, but are not limited to,

1 prevention and family services and programs as defined in this
2 section.

3 (20) "Qualified residential treatment program" means a program
4 licensed as a group care facility under chapter 74.15 RCW that also
5 qualifies for funding under the federal family first prevention
6 services act under 42 U.S.C. Sec. 672(k) and meets the requirements
7 provided in section 3 of this act.

8 (21) "Relative" includes persons related to a child in the
9 following ways:

10 (a) Any blood relative, including those of half-blood, and
11 including first cousins, second cousins, nephews or nieces, and
12 persons of preceding generations as denoted by prefixes of grand,
13 great, or great-great;

14 (b) Stepfather, stepmother, stepbrother, and stepsister;

15 (c) A person who legally adopts a child or the child's parent as
16 well as the natural and other legally adopted children of such
17 persons, and other relatives of the adoptive parents in accordance
18 with state law;

19 (d) Spouses of any persons named in (a), (b), or (c) of this
20 subsection, even after the marriage is terminated;

21 (e) Relatives, as named in (a), (b), (c), or (d) of this
22 subsection, of any half sibling of the child; or

23 (f) Extended family members, as defined by the law or custom of
24 the Indian child's tribe or, in the absence of such law or custom, a
25 person who has reached the age of eighteen and who is the Indian
26 child's grandparent, aunt or uncle, brother or sister, brother-in-law
27 or sister-in-law, niece or nephew, first or second cousin, or
28 stepparent who provides care in the family abode on a twenty-four
29 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

30 ~~((19))~~ (22) "Shelter care" means temporary physical care in a
31 facility licensed pursuant to RCW 74.15.030 or in a home not required
32 to be licensed pursuant to RCW 74.15.030.

33 ~~((20))~~ (23) "Sibling" means a child's birth brother, birth
34 sister, adoptive brother, adoptive sister, half-brother, or half-
35 sister, or as defined by the law or custom of the Indian child's
36 tribe for an Indian child as defined in RCW 13.38.040.

37 ~~((21))~~ (24) "Social study" means a written evaluation of
38 matters relevant to the disposition of the case ~~((and shall contain~~
39 the following information:

1 ~~(a) A statement of the specific harm or harms to the child that~~
2 ~~intervention is designed to alleviate;~~

3 ~~(b) A description of the specific services and activities, for~~
4 ~~both the parents and child, that are needed in order to prevent~~
5 ~~serious harm to the child; the reasons why such services and~~
6 ~~activities are likely to be useful; the availability of any proposed~~
7 ~~services; and the agency's overall plan for ensuring that the~~
8 ~~services will be delivered. The description shall identify the~~
9 ~~services chosen and approved by the parent;~~

10 ~~(c) If removal is recommended, a full description of the reasons~~
11 ~~why the child cannot be protected adequately in the home, including a~~
12 ~~description of any previous efforts to work with the parents and the~~
13 ~~child in the home; the in-home treatment programs that have been~~
14 ~~considered and rejected; the preventive services, including housing~~
15 ~~assistance, that have been offered or provided and have failed to~~
16 ~~prevent the need for out-of-home placement, unless the health,~~
17 ~~safety, and welfare of the child cannot be protected adequately in~~
18 ~~the home; and the parents' attitude toward placement of the child;~~

19 ~~(d) A statement of the likely harms the child will suffer as a~~
20 ~~result of removal;~~

21 ~~(e) A description of the steps that will be taken to minimize the~~
22 ~~harm to the child that may result if separation occurs including an~~
23 ~~assessment of the child's relationship and emotional bond with any~~
24 ~~siblings, and the agency's plan to provide ongoing contact between~~
25 ~~the child and the child's siblings if appropriate; and~~

26 ~~(f) Behavior that will be expected before determination that~~
27 ~~supervision of the family or placement is no longer necessary)) that~~
28 ~~contains the information required by section 4 of this act.~~

29 ~~((+22+))~~ (25) "Supervised independent living" includes, but is
30 not limited to, apartment living, room and board arrangements,
31 college or university dormitories, and shared roommate settings.
32 Supervised independent living settings must be approved by the
33 department or the court.

34 ~~((+23+))~~ (26) "Voluntary placement agreement" means, for the
35 purposes of extended foster care services, a written voluntary
36 agreement between a nonminor dependent who agrees to submit to the
37 care and authority of the department for the purposes of
38 participating in the extended foster care program.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.34
2 RCW to read as follows:

3 A qualified residential treatment program as defined in this
4 chapter must meet the following requirements:

5 (1) Use a trauma-informed treatment model that is designed to
6 address the needs, including clinical needs as appropriate, of
7 children with serious emotional or behavioral disorders or
8 disturbances; and

9 (2) Be able to implement treatment for the child that is
10 identified in an assessment that:

11 (a) Is completed by a trained professional or licensed clinician
12 who is a "qualified individual" as that term is defined under the
13 federal family first prevention services act;

14 (b) Assesses the strengths and needs of the child; and

15 (c) Determines whether the child's needs can be met with family
16 members or through placement in a foster family home or, if not,
17 which available placement setting would provide the most effective
18 and appropriate level of care for the child in the least restrictive
19 environment and be consistent with the child's permanency plan.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.34
21 RCW to read as follows:

22 A social study as defined in this chapter must contain the
23 following information:

24 (1) A statement of the specific harm or harms to the child that
25 intervention is designed to alleviate;

26 (2) A description of the specific services and activities, for
27 both the parents and child, that are needed in order to prevent
28 serious harm to the child; the reasons why such services and
29 activities are likely to be useful; the availability of any proposed
30 services; and the agency's overall plan for ensuring that the
31 services will be delivered. The description shall identify the
32 services chosen and approved by the parent;

33 (3) If removal is recommended, a full description of the reasons
34 why the child cannot be protected adequately in the home, including a
35 description of any previous efforts to work with the parents and the
36 child in the home; the in-home treatment programs that have been
37 considered and rejected; the prevention services, including housing
38 assistance, that have been offered or provided and have failed to
39 prevent the need for out-of-home placement, unless the health,

1 safety, and welfare of the child cannot be protected adequately in
2 the home; and the parents' attitude toward placement of the child;

3 (4) (a) If the child is placed, for at least thirty days, in a
4 qualified residential treatment program as defined in this chapter, a
5 copy of the assessment described in section 3 of this act.

6 (b) As long as the child remains placed in a qualified
7 residential treatment program and the department anticipates that the
8 child will remain in this placement for at least sixty days, or if
9 the child has already been in this placement for at least sixty days,
10 the social study must also include the following information
11 sufficient for the juvenile court to determine at each status hearing
12 concerning the child:

13 (i) Whether ongoing assessment of the child's strengths and needs
14 continues to support the determination that the child's needs cannot
15 be met through placement in a foster family home;

16 (ii) Whether the child's placement provides the most effective
17 and appropriate level of care in the least restrictive environment;

18 (iii) Whether the placement is consistent with the child's
19 permanency plan;

20 (iv) What specific treatment or service needs will be met in the
21 placement, and how long the child is expected to need the treatment
22 or services; and

23 (v) What efforts the department has made to prepare the child to
24 return home or be placed with a fit and willing relative as defined
25 in RCW 13.34.030, a Title 13 RCW legal guardian, an adoptive parent,
26 or in a foster family home;

27 (5) A statement of the likely harms the child will suffer as a
28 result of removal;

29 (6) A description of the steps that will be taken to minimize the
30 harm to the child that may result if separation occurs including an
31 assessment of the child's relationship and emotional bond with any
32 siblings, and the agency's plan to provide ongoing contact between
33 the child and the child's siblings if appropriate; and

34 (7) Behavior that will be expected before determination that
35 supervision of the family or placement is no longer necessary.

36 **Sec. 5.** RCW 26.44.020 and 2018 c 284 s 33 and 2018 c 171 s 3 are
37 each reenacted and amended to read as follows:

38 The definitions in this section apply throughout this chapter
39 unless the context clearly requires otherwise.

1 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
2 or injury of a child by any person under circumstances which cause
3 harm to the child's health, welfare, or safety, excluding conduct
4 permitted under RCW 9A.16.100; or the negligent treatment or
5 maltreatment of a child by a person responsible for or providing care
6 to the child. An abused child is a child who has been subjected to
7 child abuse or neglect as defined in this section.

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

10 (3) "Child forensic interview" means a developmentally sensitive
11 and legally sound method of gathering factual information regarding
12 allegations of child abuse, child neglect, or exposure to violence.
13 This interview is conducted by a competently trained, neutral
14 professional utilizing techniques informed by research and best
15 practice as part of a larger investigative process.

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

31 (5) "Child protective services section" means the child
32 protective services section of the department.

33 (6) "Child who is a candidate for foster care" means a child who
34 the department identifies as being at imminent risk of entering
35 foster care but who can remain safely in the child's home or in a
36 kinship placement as long as services or programs that are necessary
37 to prevent entry of the child into foster care are provided, and
38 includes but is not limited to a child whose adoption or guardianship
39 arrangement is at risk of a disruption or dissolution that would
40 result in a foster care placement. The term includes a child for whom

1 there is reasonable cause to believe that any of the following
2 circumstances exist:

3 (a) The child has been abandoned by the parent as defined in RCW
4 13.34.030 and the child's health, safety, and welfare is seriously
5 endangered as a result;

6 (b) The child has been abused or neglected as defined in chapter
7 26.44 RCW and the child's health, safety, and welfare is seriously
8 endangered as a result;

9 (c) There is no parent capable of meeting the child's needs such
10 that the child is in circumstances that constitute a serious danger
11 to the child's development;

12 (d) The child is otherwise at imminent risk of harm.

13 (7) "Children's advocacy center" means a child-focused facility
14 in good standing with the state chapter for children's advocacy
15 centers and that coordinates a multidisciplinary process for the
16 investigation, prosecution, and treatment of sexual and other types
17 of child abuse. Children's advocacy centers provide a location for
18 forensic interviews and coordinate access to services such as, but
19 not limited to, medical evaluations, advocacy, therapy, and case
20 review by multidisciplinary teams within the context of county
21 protocols as defined in RCW 26.44.180 and 26.44.185.

22 ~~((7))~~ (8) "Clergy" means any regularly licensed or ordained
23 minister, priest, or rabbi of any church or religious denomination,
24 whether acting in an individual capacity or as an employee or agent
25 of any public or private organization or institution.

26 ~~((8))~~ (9) "Court" means the superior court of the state of
27 Washington, juvenile department.

28 ~~((9))~~ (10) "Department" means the department of children,
29 youth, and families.

30 ~~((10))~~ (11) "Family assessment" means a comprehensive
31 assessment of child safety, risk of subsequent child abuse or
32 neglect, and family strengths and needs that is applied to a child
33 abuse or neglect report. Family assessment does not include a
34 determination as to whether child abuse or neglect occurred, but does
35 determine the need for services to address the safety of the child
36 and the risk of subsequent maltreatment.

37 ~~((11))~~ (12) "Family assessment response" means a way of
38 responding to certain reports of child abuse or neglect made under
39 this chapter using a differential response approach to child
40 protective services. The family assessment response shall focus on

1 the safety of the child, the integrity and preservation of the
2 family, and shall assess the status of the child and the family in
3 terms of risk of abuse and neglect including the parent's or
4 guardian's or other caretaker's capacity and willingness to protect
5 the child and, if necessary, plan and arrange the provision of
6 services to reduce the risk and otherwise support the family. No one
7 is named as a perpetrator, and no investigative finding is entered in
8 the record as a result of a family assessment.

9 ~~((12))~~ (13) "Founded" means the determination following an
10 investigation by the department that, based on available information,
11 it is more likely than not that child abuse or neglect did occur.

12 ~~((13))~~ (14) "Inconclusive" means the determination following an
13 investigation by the department of social and health services, prior
14 to October 1, 2008, that based on available information a decision
15 cannot be made that more likely than not, child abuse or neglect did
16 or did not occur.

17 ~~((14))~~ (15) "Institution" means a private or public hospital or
18 any other facility providing medical diagnosis, treatment, or care.

19 ~~((15))~~ (16) "Law enforcement agency" means the police
20 department, the prosecuting attorney, the state patrol, the director
21 of public safety, or the office of the sheriff.

22 ~~((16))~~ (17) "Malice" or "maliciously" means an intent, wish, or
23 design to intimidate, annoy, or injure another person. Such malice
24 may be inferred from an act done in willful disregard of the rights
25 of another, or an act wrongfully done without just cause or excuse,
26 or an act or omission of duty betraying a willful disregard of social
27 duty.

28 ~~((17))~~ (18) "Negligent treatment or maltreatment" means an act
29 or a failure to act, or the cumulative effects of a pattern of
30 conduct, behavior, or inaction, that evidences a serious disregard of
31 consequences of such magnitude as to constitute a clear and present
32 danger to a child's health, welfare, or safety, including but not
33 limited to conduct prohibited under RCW 9A.42.100. When considering
34 whether a clear and present danger exists, evidence of a parent's
35 substance abuse as a contributing factor to negligent treatment or
36 maltreatment shall be given great weight. The fact that siblings
37 share a bedroom is not, in and of itself, negligent treatment or
38 maltreatment. Poverty, homelessness, or exposure to domestic violence
39 as defined in RCW 26.50.010 that is perpetrated against someone other

1 than the child does not constitute negligent treatment or
2 maltreatment in and of itself.

3 ~~((18))~~ (19) "Pharmacist" means any registered pharmacist under
4 chapter 18.64 RCW, whether acting in an individual capacity or as an
5 employee or agent of any public or private organization or
6 institution.

7 ~~((19))~~ (20) "Practitioner of the healing arts" or
8 "practitioner" means a person licensed by this state to practice
9 podiatric medicine and surgery, optometry, chiropractic, nursing,
10 dentistry, osteopathic medicine and surgery, or medicine and surgery
11 or to provide other health services. The term "practitioner" includes
12 a duly accredited Christian Science practitioner. A person who is
13 being furnished Christian Science treatment by a duly accredited
14 Christian Science practitioner will not be considered, for that
15 reason alone, a neglected person for the purposes of this chapter.

16 ~~((20))~~ (21) "Prevention and family services and programs" means
17 specific mental health prevention and treatment services, substance
18 abuse prevention and treatment services, and in-home parent skill-
19 based programs that qualify for federal funding under the federal
20 family first prevention services act, P.L. 115-123. For purposes of
21 this chapter, prevention and family services and programs are not
22 remedial services or family reunification services as described in
23 RCW 13.34.025(2).

24 (22) "Professional school personnel" include, but are not limited
25 to, teachers, counselors, administrators, child care facility
26 personnel, and school nurses.

27 ~~((21))~~ (23) "Psychologist" means any person licensed to
28 practice psychology under chapter 18.83 RCW, whether acting in an
29 individual capacity or as an employee or agent of any public or
30 private organization or institution.

31 ~~((22))~~ (24) "Screened-out report" means a report of alleged
32 child abuse or neglect that the department has determined does not
33 rise to the level of a credible report of abuse or neglect and is not
34 referred for investigation.

35 ~~((23))~~ (25) "Sexual exploitation" includes: (a) Allowing,
36 permitting, or encouraging a child to engage in prostitution by any
37 person; or (b) allowing, permitting, encouraging, or engaging in the
38 obscene or pornographic photographing, filming, or depicting of a
39 child by any person.

1 ~~((24))~~ (26) "Sexually aggressive youth" means a child who is
2 defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

3 ~~((25))~~ (27) "Social service counselor" means anyone engaged in
4 a professional capacity during the regular course of employment in
5 encouraging or promoting the health, welfare, support, or education
6 of children, or providing social services to adults or families,
7 including mental health, drug and alcohol treatment, and domestic
8 violence programs, whether in an individual capacity, or as an
9 employee or agent of any public or private organization or
10 institution.

11 ~~((26))~~ (28) "Unfounded" means the determination following an
12 investigation by the department that available information indicates
13 that, more likely than not, child abuse or neglect did not occur, or
14 that there is insufficient evidence for the department to determine
15 whether the alleged child abuse did or did not occur.

16 **Sec. 6.** RCW 26.44.030 and 2018 c 77 s 1 are each amended to read
17 as follows:

18 (1)(a) When any practitioner, county coroner or medical examiner,
19 law enforcement officer, professional school personnel, registered or
20 licensed nurse, social service counselor, psychologist, pharmacist,
21 employee of the department of children, youth, and families, licensed
22 or certified child care providers or their employees, employee of the
23 department of social and health services, juvenile probation officer,
24 placement and liaison specialist, responsible living skills program
25 staff, HOPE center staff, state family and children's ombuds or any
26 volunteer in the ombuds's office, or host home program has reasonable
27 cause to believe that a child has suffered abuse or neglect, he or
28 she shall report such incident, or cause a report to be made, to the
29 proper law enforcement agency or to the department as provided in RCW
30 26.44.040.

31 (b) When any person, in his or her official supervisory capacity
32 with a nonprofit or for-profit organization, has reasonable cause to
33 believe that a child has suffered abuse or neglect caused by a person
34 over whom he or she regularly exercises supervisory authority, he or
35 she shall report such incident, or cause a report to be made, to the
36 proper law enforcement agency, provided that the person alleged to
37 have caused the abuse or neglect is employed by, contracted by, or
38 volunteers with the organization and coaches, trains, educates, or
39 counsels a child or children or regularly has unsupervised access to

1 a child or children as part of the employment, contract, or voluntary
2 service. No one shall be required to report under this section when
3 he or she obtains the information solely as a result of a privileged
4 communication as provided in RCW 5.60.060.

5 Nothing in this subsection (1)(b) shall limit a person's duty to
6 report under (a) of this subsection.

7 For the purposes of this subsection, the following definitions
8 apply:

9 (i) "Official supervisory capacity" means a position, status, or
10 role created, recognized, or designated by any nonprofit or for-
11 profit organization, either for financial gain or without financial
12 gain, whose scope includes, but is not limited to, overseeing,
13 directing, or managing another person who is employed by, contracted
14 by, or volunteers with the nonprofit or for-profit organization.

15 (ii) "Organization" includes a sole proprietor, partnership,
16 corporation, limited liability company, trust, association, financial
17 institution, governmental entity, other than the federal government,
18 and any other individual or group engaged in a trade, occupation,
19 enterprise, governmental function, charitable function, or similar
20 activity in this state whether or not the entity is operated as a
21 nonprofit or for-profit entity.

22 (iii) "Reasonable cause" means a person witnesses or receives a
23 credible written or oral report alleging abuse, including sexual
24 contact, or neglect of a child.

25 (iv) "Regularly exercises supervisory authority" means to act in
26 his or her official supervisory capacity on an ongoing or continuing
27 basis with regards to a particular person.

28 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

29 (c) The reporting requirement also applies to department of
30 corrections personnel who, in the course of their employment, observe
31 offenders or the children with whom the offenders are in contact. If,
32 as a result of observations or information received in the course of
33 his or her employment, any department of corrections personnel has
34 reasonable cause to believe that a child has suffered abuse or
35 neglect, he or she shall report the incident, or cause a report to be
36 made, to the proper law enforcement agency or to the department as
37 provided in RCW 26.44.040.

38 (d) The reporting requirement shall also apply to any adult who
39 has reasonable cause to believe that a child who resides with them,
40 has suffered severe abuse, and is able or capable of making a report.

1 For the purposes of this subsection, "severe abuse" means any of the
2 following: Any single act of abuse that causes physical trauma of
3 sufficient severity that, if left untreated, could cause death; any
4 single act of sexual abuse that causes significant bleeding, deep
5 bruising, or significant external or internal swelling; or more than
6 one act of physical abuse, each of which causes bleeding, deep
7 bruising, significant external or internal swelling, bone fracture,
8 or unconsciousness.

9 (e) The reporting requirement also applies to guardians ad litem,
10 including court-appointed special advocates, appointed under Titles
11 11 and 13 RCW and this title, who in the course of their
12 representation of children in these actions have reasonable cause to
13 believe a child has been abused or neglected.

14 (f) The reporting requirement in (a) of this subsection also
15 applies to administrative and academic or athletic department
16 employees, including student employees, of institutions of higher
17 education, as defined in RCW 28B.10.016, and of private institutions
18 of higher education.

19 (g) The report must be made at the first opportunity, but in no
20 case longer than forty-eight hours after there is reasonable cause to
21 believe that the child has suffered abuse or neglect. The report must
22 include the identity of the accused if known.

23 (2) The reporting requirement of subsection (1) of this section
24 does not apply to the discovery of abuse or neglect that occurred
25 during childhood if it is discovered after the child has become an
26 adult. However, if there is reasonable cause to believe other
27 children are or may be at risk of abuse or neglect by the accused,
28 the reporting requirement of subsection (1) of this section does
29 apply.

30 (3) Any other person who has reasonable cause to believe that a
31 child has suffered abuse or neglect may report such incident to the
32 proper law enforcement agency or to the department as provided in RCW
33 26.44.040.

34 (4) The department, upon receiving a report of an incident of
35 alleged abuse or neglect pursuant to this chapter, involving a child
36 who has died or has had physical injury or injuries inflicted upon
37 him or her other than by accidental means or who has been subjected
38 to alleged sexual abuse, shall report such incident to the proper law
39 enforcement agency, including military law enforcement, if
40 appropriate. In emergency cases, where the child's welfare is

1 endangered, the department shall notify the proper law enforcement
2 agency within twenty-four hours after a report is received by the
3 department. In all other cases, the department shall notify the law
4 enforcement agency within seventy-two hours after a report is
5 received by the department. If the department makes an oral report, a
6 written report must also be made to the proper law enforcement agency
7 within five days thereafter.

8 (5) Any law enforcement agency receiving a report of an incident
9 of alleged abuse or neglect pursuant to this chapter, involving a
10 child who has died or has had physical injury or injuries inflicted
11 upon him or her other than by accidental means, or who has been
12 subjected to alleged sexual abuse, shall report such incident in
13 writing as provided in RCW 26.44.040 to the proper county prosecutor
14 or city attorney for appropriate action whenever the law enforcement
15 agency's investigation reveals that a crime may have been committed.
16 The law enforcement agency shall also notify the department of all
17 reports received and the law enforcement agency's disposition of
18 them. In emergency cases, where the child's welfare is endangered,
19 the law enforcement agency shall notify the department within twenty-
20 four hours. In all other cases, the law enforcement agency shall
21 notify the department within seventy-two hours after a report is
22 received by the law enforcement agency.

23 (6) Any county prosecutor or city attorney receiving a report
24 under subsection (5) of this section shall notify the victim, any
25 persons the victim requests, and the local office of the department,
26 of the decision to charge or decline to charge a crime, within five
27 days of making the decision.

28 (7) The department may conduct ongoing case planning and
29 consultation with those persons or agencies required to report under
30 this section, with consultants designated by the department, and with
31 designated representatives of Washington Indian tribes if the client
32 information exchanged is pertinent to cases currently receiving child
33 protective services. Upon request, the department shall conduct such
34 planning and consultation with those persons required to report under
35 this section if the department determines it is in the best interests
36 of the child. Information considered privileged by statute and not
37 directly related to reports required by this section must not be
38 divulged without a valid written waiver of the privilege.

39 (8) Any case referred to the department by a physician licensed
40 under chapter 18.57 or 18.71 RCW on the basis of an expert medical

1 opinion that child abuse, neglect, or sexual assault has occurred and
2 that the child's safety will be seriously endangered if returned
3 home, the department shall file a dependency petition unless a second
4 licensed physician of the parents' choice believes that such expert
5 medical opinion is incorrect. If the parents fail to designate a
6 second physician, the department may make the selection. If a
7 physician finds that a child has suffered abuse or neglect but that
8 such abuse or neglect does not constitute imminent danger to the
9 child's health or safety, and the department agrees with the
10 physician's assessment, the child may be left in the parents' home
11 while the department proceeds with reasonable efforts to remedy
12 parenting deficiencies.

13 (9) Persons or agencies exchanging information under subsection
14 (7) of this section shall not further disseminate or release the
15 information except as authorized by state or federal statute.
16 Violation of this subsection is a misdemeanor.

17 (10) Upon receiving a report that a child is a candidate for
18 foster care as defined in RCW 26.44.020, the department may provide
19 prevention and family services and programs to the child's parents,
20 guardian, or caregiver. The department may not be held civilly liable
21 for the decision regarding whether to provide prevention and family
22 services and programs, or for the provision of those services and
23 programs, for a child determined to be a candidate for foster care.

24 (11) Upon receiving a report of alleged abuse or neglect, the
25 department shall make reasonable efforts to learn the name, address,
26 and telephone number of each person making a report of abuse or
27 neglect under this section. The department shall provide assurances
28 of appropriate confidentiality of the identification of persons
29 reporting under this section. If the department is unable to learn
30 the information required under this subsection, the department shall
31 only investigate cases in which:

32 (a) The department believes there is a serious threat of
33 substantial harm to the child;

34 (b) The report indicates conduct involving a criminal offense
35 that has, or is about to occur, in which the child is the victim; or

36 (c) The department has a prior founded report of abuse or neglect
37 with regard to a member of the household that is within three years
38 of receipt of the referral.

39 ~~((11))~~ (12)(a) Upon receiving a report of alleged abuse or
40 neglect, the department shall use one of the following discrete

1 responses to reports of child abuse or neglect that are screened in
2 and accepted for departmental response:

3 (i) Investigation; or

4 (ii) Family assessment.

5 (b) In making the response in (a) of this subsection the
6 department shall:

7 (i) Use a method by which to assign cases to investigation or
8 family assessment which are based on an array of factors that may
9 include the presence of: Imminent danger, level of risk, number of
10 previous child abuse or neglect reports, or other presenting case
11 characteristics, such as the type of alleged maltreatment and the age
12 of the alleged victim. Age of the alleged victim shall not be used as
13 the sole criterion for determining case assignment;

14 (ii) Allow for a change in response assignment based on new
15 information that alters risk or safety level;

16 (iii) Allow families assigned to family assessment to choose to
17 receive an investigation rather than a family assessment;

18 (iv) Provide a full investigation if a family refuses the initial
19 family assessment;

20 (v) Provide voluntary services to families based on the results
21 of the initial family assessment. If a family refuses voluntary
22 services, and the department cannot identify specific facts related
23 to risk or safety that warrant assignment to investigation under this
24 chapter, and there is not a history of reports of child abuse or
25 neglect related to the family, then the department must close the
26 family assessment response case. However, if at any time the
27 department identifies risk or safety factors that warrant an
28 investigation under this chapter, then the family assessment response
29 case must be reassigned to investigation;

30 (vi) Conduct an investigation, and not a family assessment, in
31 response to an allegation that, the department determines based on
32 the intake assessment:

33 (A) (~~Poses a risk of "imminent harm" consistent with the~~
34 ~~definition provided in RCW 13.34.050, which includes,~~) Indicates a
35 child's health, safety, and welfare will be seriously endangered if
36 not taken into custody for reasons including, but ((is)) not limited
37 to, sexual abuse and sexual exploitation of the child as defined in
38 this chapter;

39 (B) Poses a serious threat of substantial harm to a child;

1 (C) Constitutes conduct involving a criminal offense that has, or
2 is about to occur, in which the child is the victim;

3 (D) The child is an abandoned child as defined in RCW 13.34.030;

4 (E) The child is an adjudicated dependent child as defined in RCW
5 13.34.030, or the child is in a facility that is licensed, operated,
6 or certified for care of children by the department under chapter
7 74.15 RCW.

8 (c) In addition, the department may use a family assessment
9 response to assess for and provide prevention and family services and
10 programs, as defined in RCW 26.44.020, for the following children and
11 their families, consistent with requirements under the federal family
12 first prevention services act and this section:

13 (i) A child who is a candidate for foster care, as defined in RCW
14 26.44.020; and

15 (ii) A child who is in foster care and who is pregnant,
16 parenting, or both.

17 (d) The department may not be held civilly liable for the
18 decision to respond to an allegation of child abuse or neglect by
19 using the family assessment response under this section unless the
20 state or its officers, agents, or employees acted with reckless
21 disregard.

22 ~~((12))~~ (13) (a) For reports of alleged abuse or neglect that are
23 accepted for investigation by the department, the investigation shall
24 be conducted within time frames established by the department in
25 rule. In no case shall the investigation extend longer than ninety
26 days from the date the report is received, unless the investigation
27 is being conducted under a written protocol pursuant to RCW 26.44.180
28 and a law enforcement agency or prosecuting attorney has determined
29 that a longer investigation period is necessary. At the completion of
30 the investigation, the department shall make a finding that the
31 report of child abuse or neglect is founded or unfounded.

32 (b) If a court in a civil or criminal proceeding, considering the
33 same facts or circumstances as are contained in the report being
34 investigated by the department, makes a judicial finding by a
35 preponderance of the evidence or higher that the subject of the
36 pending investigation has abused or neglected the child, the
37 department shall adopt the finding in its investigation.

38 ~~((13))~~ (14) For reports of alleged abuse or neglect that are
39 responded to through family assessment response, the department
40 shall:

1 (a) Provide the family with a written explanation of the
2 procedure for assessment of the child and the family and its
3 purposes;

4 (b) Collaborate with the family to identify family strengths,
5 resources, and service needs, and develop a service plan with the
6 goal of reducing risk of harm to the child and improving or restoring
7 family well-being;

8 (c) Complete the family assessment response within forty-five
9 days of receiving the report(~~(; however,)~~) except as follows:

10 (I) Upon parental agreement, the family assessment response
11 period may be extended up to one hundred twenty days. The
12 department's extension of the family assessment response period must
13 be operated within the department's appropriations;

14 (II) For cases in which the department elects to use a family
15 assessment response as authorized under subsection (12)(c) of this
16 section, and upon agreement of the child's parent, legal guardian,
17 legal custodian, or relative placement, the family assessment
18 response period may be extended up to one year. The department's
19 extension of the family assessment response must be operated within
20 the department's appropriations.

21 (d) Offer services to the family in a manner that makes it clear
22 that acceptance of the services is voluntary;

23 (e) Implement the family assessment response in a consistent and
24 cooperative manner;

25 (f) Have the parent or guardian agree to participate in services
26 before services are initiated. The department shall inform the
27 parents of their rights under family assessment response, all of
28 their options, and the options the department has if the parents do
29 not agree to participate in services.

30 (~~(14)~~) (15)(a) In conducting an investigation or family
31 assessment of alleged abuse or neglect, the department or law
32 enforcement agency:

33 (i) May interview children. If the department determines that the
34 response to the allegation will be family assessment response, the
35 preferred practice is to request a parent's, guardian's, or
36 custodian's permission to interview the child before conducting the
37 child interview unless doing so would compromise the safety of the
38 child or the integrity of the assessment. The interviews may be
39 conducted on school premises, at day-care facilities, at the child's
40 home, or at other suitable locations outside of the presence of

1 parents. If the allegation is investigated, parental notification of
2 the interview must occur at the earliest possible point in the
3 investigation that will not jeopardize the safety or protection of
4 the child or the course of the investigation. Prior to commencing the
5 interview the department or law enforcement agency shall determine
6 whether the child wishes a third party to be present for the
7 interview and, if so, shall make reasonable efforts to accommodate
8 the child's wishes. Unless the child objects, the department or law
9 enforcement agency shall make reasonable efforts to include a third
10 party in any interview so long as the presence of the third party
11 will not jeopardize the course of the investigation; and

12 (ii) Shall have access to all relevant records of the child in
13 the possession of mandated reporters and their employees.

14 (b) The Washington state school directors' association shall
15 adopt a model policy addressing protocols when an interview, as
16 authorized by this subsection, is conducted on school premises. In
17 formulating its policy, the association shall consult with the
18 department and the Washington association of sheriffs and police
19 chiefs.

20 ~~((15))~~ (16) If a report of alleged abuse or neglect is founded
21 and constitutes the third founded report received by the department
22 within the last twelve months involving the same child or family, the
23 department shall promptly notify the office of the family and
24 children's ombuds of the contents of the report. The department shall
25 also notify the ombuds of the disposition of the report.

26 ~~((16))~~ (17) In investigating and responding to allegations of
27 child abuse and neglect, the department may conduct background checks
28 as authorized by state and federal law.

29 ~~((17))~~ (18) (a) The department shall maintain investigation
30 records and conduct timely and periodic reviews of all founded cases
31 of abuse and neglect. The department shall maintain a log of
32 screened-out nonabusive cases.

33 (b) In the family assessment response, the department shall not
34 make a finding as to whether child abuse or neglect occurred. No one
35 shall be named as a perpetrator and no investigative finding shall be
36 entered in the department's child abuse or neglect database.

37 ~~((18))~~ (19) The department shall use a risk assessment process
38 when investigating alleged child abuse and neglect referrals. The
39 department shall present the risk factors at all hearings in which

1 the placement of a dependent child is an issue. Substance abuse must
2 be a risk factor.

3 ~~((19))~~ (20) Upon receipt of a report of alleged abuse or
4 neglect the law enforcement agency may arrange to interview the
5 person making the report and any collateral sources to determine if
6 any malice is involved in the reporting.

7 ~~((20))~~ (21) Upon receiving a report of alleged abuse or neglect
8 involving a child under the court's jurisdiction under chapter 13.34
9 RCW, the department shall promptly notify the child's guardian ad
10 litem of the report's contents. The department shall also notify the
11 guardian ad litem of the disposition of the report. For purposes of
12 this subsection, "guardian ad litem" has the meaning provided in RCW
13 13.34.030.

14 ~~((21))~~ (22) The department shall make efforts as soon as
15 practicable to determine the military status of parents whose
16 children are subject to abuse or neglect allegations. If the
17 department determines that a parent or guardian is in the military,
18 the department shall notify a department of defense family advocacy
19 program that there is an allegation of abuse and neglect that is
20 screened in and open for investigation that relates to that military
21 parent or guardian.

22 ~~((22))~~ (23) The department shall make available on its public
23 web site a downloadable and printable poster that includes the
24 reporting requirements included in this section. The poster must be
25 no smaller than eight and one-half by eleven inches with all
26 information on one side. The poster must be made available in both
27 the English and Spanish languages. Organizations that include
28 employees or volunteers subject to the reporting requirements of this
29 section must clearly display this poster in a common area. At a
30 minimum, this poster must include the following:

- 31 (a) Who is required to report child abuse and neglect;
- 32 (b) The standard of knowledge to justify a report;
- 33 (c) The definition of reportable crimes;
- 34 (d) Where to report suspected child abuse and neglect; and
- 35 (e) What should be included in a report and the appropriate
36 timing.

37 **Sec. 7.** RCW 74.13.020 and 2018 c 284 s 36, 2018 c 58 s 51, and
38 2018 c 34 s 3 are each reenacted and amended to read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "Case management" means convening family meetings,
4 developing, revising, and monitoring implementation of any case plan
5 or individual service and safety plan, coordinating and monitoring
6 services needed by the child and family, caseworker-child visits,
7 family visits, and the assumption of court-related duties, excluding
8 legal representation, including preparing court reports, attending
9 judicial hearings and permanency hearings, and ensuring that the
10 child is progressing toward permanency within state and federal
11 mandates, including the Indian child welfare act.

12 (2) "Child" means:

13 (a) A person less than eighteen years of age; or

14 (b) A person age eighteen to twenty-one years who is eligible to
15 receive the extended foster care services authorized under RCW
16 74.13.031.

17 (3) "Child protective services" has the same meaning as in RCW
18 26.44.020.

19 (4) "Child welfare services" means social services including
20 voluntary and in-home services, out-of-home care, case management,
21 and adoption services which strengthen, supplement, or substitute
22 for, parental care and supervision for the purpose of:

23 (a) Preventing or remedying, or assisting in the solution of
24 problems which may result in families in conflict, or the neglect,
25 abuse, exploitation, or criminal behavior of children;

26 (b) Protecting and caring for dependent, abused, or neglected
27 children;

28 (c) Assisting children who are in conflict with their parents,
29 and assisting parents who are in conflict with their children, with
30 services designed to resolve such conflicts;

31 (d) Protecting and promoting the welfare of children, including
32 the strengthening of their own homes where possible, or, where
33 needed;

34 (e) Providing adequate care of children away from their homes in
35 foster family homes or day care or other child care agencies or
36 facilities.

37 "Child welfare services" does not include child protection
38 services.

39 (5) "Child who is a candidate for foster care" means a child who
40 the department identifies as being at imminent risk of entering

1 foster care but who can remain safely in the child's home or in a
2 kinship placement as long as services or programs that are necessary
3 to prevent entry of the child into foster care are provided, and
4 includes but is not limited to a child whose adoption or guardianship
5 arrangement is at risk of a disruption or dissolution that would
6 result in a foster care placement. The term includes a child for whom
7 there is reasonable cause to believe that any of the following
8 circumstances exist:

9 (a) The child has been abandoned by the parent as defined in RCW
10 13.34.030 and the child's health, safety, and welfare is seriously
11 endangered as a result;

12 (b) The child has been abused or neglected as defined in chapter
13 26.44 RCW and the child's health, safety, and welfare is seriously
14 endangered as a result;

15 (c) There is no parent capable of meeting the child's needs such
16 that the child is in circumstances that constitute a serious danger
17 to the child's development;

18 (d) The child is otherwise at imminent risk of harm.

19 (6) "Department" means the department of children, youth, and
20 families.

21 ~~((+6))~~ (7) "Extended foster care services" means residential and
22 other support services the department is authorized to provide to
23 dependent children. These services include, but are not limited to,
24 placement in licensed, relative, or otherwise approved care, or
25 supervised independent living settings; assistance in meeting basic
26 needs; independent living services; medical assistance; and
27 counseling or treatment.

28 ~~((+7))~~ (8) "Family assessment" means a comprehensive assessment
29 of child safety, risk of subsequent child abuse or neglect, and
30 family strengths and needs that is applied to a child abuse or
31 neglect report. Family assessment does not include a determination as
32 to whether child abuse or neglect occurred, but does determine the
33 need for services to address the safety of the child and the risk of
34 subsequent maltreatment.

35 ~~((+8))~~ (9) "Medical condition" means, for the purposes of
36 qualifying for extended foster care services, a physical or mental
37 health condition as documented by any licensed health care provider
38 regulated by a disciplining authority under RCW 18.130.040.

1 ~~((9))~~ (10) "Nonminor dependent" means any individual age
2 eighteen to twenty-one years who is participating in extended foster
3 care services authorized under RCW 74.13.031.

4 ~~((10))~~ (11) "Out-of-home care services" means services provided
5 after the shelter care hearing to or for children in out-of-home
6 care, as that term is defined in RCW 13.34.030, and their families,
7 including the recruitment, training, and management of foster
8 parents, the recruitment of adoptive families, and the facilitation
9 of the adoption process, family reunification, independent living,
10 emergency shelter, residential group care, and foster care, including
11 relative placement.

12 ~~((11))~~ (12) "Performance-based contracting" means the
13 structuring of all aspects of the procurement of services around the
14 purpose of the work to be performed and the desired results with the
15 contract requirements set forth in clear, specific, and objective
16 terms with measurable outcomes. Contracts shall also include
17 provisions that link the performance of the contractor to the level
18 and timing of reimbursement.

19 ~~((12))~~ (13) "Permanency services" means long-term services
20 provided to secure a child's safety, permanency, and well-being,
21 including foster care services, family reunification services,
22 adoption services, and preparation for independent living services.

23 ~~((13))~~ (14) "Prevention and family services and programs" means
24 specific mental health prevention and treatment services, substance
25 abuse prevention and treatment services, and in-home parent skill-
26 based programs that qualify for federal funding under the federal
27 family first prevention services act, P.L. 115-123. For purposes of
28 this chapter, prevention and family services and programs are not
29 remedial services or family reunification services as described in
30 RCW 13.34.025(2).

31 (15) "Primary prevention services" means services which are
32 designed and delivered for the primary purpose of enhancing child and
33 family well-being and are shown, by analysis of outcomes, to reduce
34 the risk to the likelihood of the initial need for child welfare
35 services.

36 ~~((14))~~ (16) "Secretary" means the secretary of the department.

37 ~~((15))~~ (17) "Supervised independent living" includes, but is
38 not limited to, apartment living, room and board arrangements,
39 college or university dormitories, and shared roommate settings.

1 Supervised independent living settings must be approved by the
2 department or the court.

3 ~~((16))~~ (18) "Unsupervised" has the same meaning as in RCW
4 43.43.830.

5 ~~((17))~~ (19) "Voluntary placement agreement" means, for the
6 purposes of extended foster care services, a written voluntary
7 agreement between a nonminor dependent who agrees to submit to the
8 care and authority of the department for the purposes of
9 participating in the extended foster care program.

10 **Sec. 8.** RCW 74.13.031 and 2018 c 284 s 37, 2018 c 80 s 1, and
11 2018 c 34 s 5 are each reenacted and amended to read as follows:

12 (1) The department shall develop, administer, supervise, and
13 monitor a coordinated and comprehensive plan that establishes, aids,
14 and strengthens services for the protection and care of runaway,
15 dependent, or neglected children.

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

28 (3) The department shall investigate complaints of any recent act
29 or failure to act on the part of a parent or caretaker that results
30 in death, serious physical or emotional harm, or sexual abuse or
31 exploitation, or that presents an imminent risk of serious harm, and
32 on the basis of the findings of such investigation, offer child
33 welfare services in relation to the problem to such parents, legal
34 custodians, or persons serving in loco parentis, and/or bring the
35 situation to the attention of an appropriate court, or another
36 community agency. An investigation is not required of nonaccidental
37 injuries which are clearly not the result of a lack of care or
38 supervision by the child's parents, legal custodians, or persons
39 serving in loco parentis. If the investigation reveals that a crime

1 against a child may have been committed, the department shall notify
2 the appropriate law enforcement agency.

3 (4) As provided in RCW 26.44.030(11), the department may respond
4 to a report of child abuse or neglect by using the family assessment
5 response.

6 (5) The department shall offer, on a voluntary basis, family
7 reconciliation services to families who are in conflict.

8 (6) The department shall monitor placements of children in out-
9 of-home care and in-home dependencies to assure the safety, well-
10 being, and quality of care being provided is within the scope of the
11 intent of the legislature as defined in RCW 74.13.010 and 74.15.010.
12 Under this section children in out-of-home care and in-home
13 dependencies and their caregivers shall receive a private and
14 individual face-to-face visit each month. The department shall
15 randomly select no less than ten percent of the caregivers currently
16 providing care to receive one unannounced face-to-face visit in the
17 caregiver's home per year. No caregiver will receive an unannounced
18 visit through the random selection process for two consecutive years.
19 If the caseworker makes a good faith effort to conduct the
20 unannounced visit to a caregiver and is unable to do so, that month's
21 visit to that caregiver need not be unannounced. The department is
22 encouraged to group monthly visits to caregivers by geographic area
23 so that in the event an unannounced visit cannot be completed, the
24 caseworker may complete other required monthly visits. The department
25 shall use a method of random selection that does not cause a fiscal
26 impact to the department.

27 The department shall conduct the monthly visits with children and
28 caregivers to whom it is providing child welfare services.

29 (7) The department shall have authority to accept custody of
30 children from parents and to accept custody of children from juvenile
31 courts, where authorized to do so under law, to provide child welfare
32 services including placement for adoption, to provide for the routine
33 and necessary medical, dental, and mental health care, or necessary
34 emergency care of the children, and to provide for the physical care
35 of such children and make payment of maintenance costs if needed.
36 Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no
37 private adoption agency which receives children for adoption from the
38 department shall discriminate on the basis of race, creed, or color
39 when considering applications in their placement for adoption.

1 (8) The department shall have authority to provide temporary
2 shelter to children who have run away from home and who are admitted
3 to crisis residential centers.

4 (9) The department shall have authority to purchase care for
5 children.

6 (10) The department shall establish a children's services
7 advisory committee which shall assist the secretary in the
8 development of a partnership plan for utilizing resources of the
9 public and private sectors, and advise on all matters pertaining to
10 child welfare, licensing of child care agencies, adoption, and
11 services related thereto. At least one member shall represent the
12 adoption community.

13 (11)(a) The department shall provide continued extended foster
14 care services to nonminor dependents who are:

15 (i) Enrolled in a secondary education program or a secondary
16 education equivalency program;

17 (ii) Enrolled and participating in a postsecondary academic or
18 postsecondary vocational education program;

19 (iii) Participating in a program or activity designed to promote
20 employment or remove barriers to employment;

21 (iv) Engaged in employment for eighty hours or more per month; or

22 (v) Not able to engage in any of the activities described in
23 (a)(i) through (iv) of this subsection due to a documented medical
24 condition.

25 (b) To be eligible for extended foster care services, the
26 nonminor dependent must have been dependent at the time that he or
27 she reached age eighteen years. If the dependency case of the
28 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she
29 may receive extended foster care services pursuant to a voluntary
30 placement agreement under RCW 74.13.336 or pursuant to an order of
31 dependency issued by the court under RCW 13.34.268. A nonminor
32 dependent whose dependency case was dismissed by the court may
33 request extended foster care services before reaching age twenty-one
34 years. Eligible nonminor dependents may unenroll and reenroll in
35 extended foster care through a voluntary placement agreement an
36 unlimited number of times between ages eighteen and twenty-one.

37 (c) The department shall develop and implement rules regarding
38 youth eligibility requirements.

39 (d) The department shall make efforts to ensure that extended
40 foster care services maximize medicaid reimbursements. This must

1 include the department ensuring that health and mental health
2 extended foster care providers participate in medicaid, unless the
3 condition of the extended foster care youth requires specialty care
4 that is not available among participating medicaid providers or there
5 are no participating medicaid providers in the area. The department
6 shall coordinate other services to maximize federal resources and the
7 most cost-efficient delivery of services to extended foster care
8 youth.

9 (e) The department shall allow a youth who has received extended
10 foster care services, but lost his or her eligibility, to reenter the
11 extended foster care program an unlimited number of times through a
12 voluntary placement agreement when he or she meets the eligibility
13 criteria again.

14 (12) The department shall have authority to provide adoption
15 support benefits, or relative guardianship subsidies on behalf of
16 youth ages eighteen to twenty-one years who achieved permanency
17 through adoption or a relative guardianship at age sixteen or older
18 and who meet the criteria described in subsection (11) of this
19 section.

20 (13) The department shall refer cases to the division of child
21 support whenever state or federal funds are expended for the care and
22 maintenance of a child, including a child with a developmental
23 disability who is placed as a result of an action under chapter 13.34
24 RCW, unless the department finds that there is good cause not to
25 pursue collection of child support against the parent or parents of
26 the child. Cases involving individuals age eighteen through twenty
27 shall not be referred to the division of child support unless
28 required by federal law.

29 (14) The department shall have authority within funds
30 appropriated for foster care services to purchase care for Indian
31 children who are in the custody of a federally recognized Indian
32 tribe or tribally licensed child-placing agency pursuant to parental
33 consent, tribal court order, or state juvenile court order. The
34 purchase of such care is exempt from the requirements of chapter
35 74.13B RCW and may be purchased from the federally recognized Indian
36 tribe or tribally licensed child-placing agency, and shall be subject
37 to the same eligibility standards and rates of support applicable to
38 other children for whom the department purchases care.

39 Notwithstanding any other provision of RCW 13.32A.170 through
40 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section

1 all services to be provided by the department under subsections (4),
2 (7), and (8) of this section, subject to the limitations of these
3 subsections, may be provided by any program offering such services
4 funded pursuant to Titles II and III of the federal juvenile justice
5 and delinquency prevention act of 1974.

6 (15) Within amounts appropriated for this specific purpose, the
7 department shall provide preventive services to families with
8 children that prevent or shorten the duration of an out-of-home
9 placement.

10 (16) The department shall have authority to provide independent
11 living services to youths, including individuals who have attained
12 eighteen years of age, and have not attained (~~twenty-one~~) twenty-
13 three years of age, who are or have been in (~~foster~~) the
14 department's care and custody, or who are or were nonminor
15 dependents.

16 (17) The department shall consult at least quarterly with foster
17 parents, including members of the foster parent association of
18 Washington state, for the purpose of receiving information and
19 comment regarding how the department is performing the duties and
20 meeting the obligations specified in this section and RCW 74.13.250
21 regarding the recruitment of foster homes, reducing foster parent
22 turnover rates, providing effective training for foster parents, and
23 administering a coordinated and comprehensive plan that strengthens
24 services for the protection of children. Consultation shall occur at
25 the regional and statewide levels.

26 (18)(a) The department shall, within current funding levels,
27 place on its public web site a document listing the duties and
28 responsibilities the department has to a child subject to a
29 dependency petition including, but not limited to, the following:

30 (i) Reasonable efforts, including the provision of services,
31 toward reunification of the child with his or her family;

32 (ii) Sibling visits subject to the restrictions in RCW
33 13.34.136(2)(b)(ii);

34 (iii) Parent-child visits;

35 (iv) Statutory preference for placement with a relative or other
36 suitable person, if appropriate; and

37 (v) Statutory preference for an out-of-home placement that allows
38 the child to remain in the same school or school district, if
39 practical and in the child's best interests.

1 (b) The document must be prepared in conjunction with a
2 community-based organization and must be updated as needed.

3 (19)(a) The department shall have the authority to purchase legal
4 representation for parents or kinship caregivers, or both, of
5 children who are at risk of being dependent, or who are dependent, to
6 establish or modify a parenting plan under RCW 13.34.155 or chapter
7 26.09 or 26.26 RCW or secure orders establishing other relevant civil
8 legal relationships authorized by law, when it is necessary for the
9 child's safety, permanence, or well-being. The department's purchase
10 of legal representation for kinship caregivers must be within the
11 department's appropriations. This subsection does not create an
12 entitlement to legal representation purchased by the department and
13 does not create judicial authority to order the department to
14 purchase legal representation for a parent or kinship caregiver. Such
15 determinations are solely within the department's discretion. The
16 term "kinship caregiver" as used in this section means a caregiver
17 who meets the definition of "kin" in RCW 74.13.600(1), unless the
18 child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C.
19 Sec. 1903. For an Indian child as defined in RCW 13.38.040 and 25
20 U.S.C. Sec. 1903, the term "kinship caregiver" as used in this
21 section means a caregiver who is an "extended family member" as
22 defined in RCW 13.38.040(8).

23 (b) The department is encouraged to work with the office of
24 public defense parent representation program and the office of civil
25 legal aid to develop a cost-effective system for providing effective
26 civil legal representation for parents and kinship caregivers if it
27 exercises its authority under this subsection.

28 **Sec. 9.** RCW 74.14C.020 and 1996 c 240 s 3 are each amended to
29 read as follows:

30 (1) Intensive family preservation services shall have all of the
31 following characteristics:

32 (a) Services are provided by specially trained service providers
33 who have received at least forty hours of training from recognized
34 intensive in-home services experts. Service providers deliver the
35 services in the family's home, and other environments of the family,
36 such as their neighborhood or schools;

37 (b) Caseload size averages two families per service provider
38 unless paraprofessional services are utilized, in which case a

1 provider may, but is not required to, handle an average caseload of
2 five families;

3 (c) The services to the family are provided by a single service
4 provider who may be assisted by paraprofessional workers, with backup
5 providers identified to provide assistance as necessary;

6 (d) Services are available to the family within twenty-four hours
7 following receipt of a referral to the program; and

8 (e) Except as provided in subsection (4) of this section,
9 duration of service is limited to a maximum of forty days, unless
10 paraprofessional workers are used, in which case the duration of
11 services is limited to a maximum of ninety days. The department may
12 authorize an additional provision of service through an exception to
13 policy when the department and provider agree that additional
14 services are needed.

15 (2) Family preservation services shall have all of the following
16 characteristics:

17 (a) Services are delivered primarily in the family home or
18 community;

19 (b) Services are committed to reinforcing the strengths of the
20 family and its members and empowering the family to solve problems
21 and become self-sufficient;

22 (c) Services are committed to providing support to families
23 through community organizations including but not limited to school,
24 church, cultural, ethnic, neighborhood, and business;

25 (d) Services are available to the family within forty-eight hours
26 of referral unless an exception is noted in the file;

27 (e) Except as provided in subsection (4) of this section,
28 duration of service is limited to a maximum of six months, unless the
29 department requires additional follow-up on an individual case basis;
30 ((and))

31 (f) Caseload size no more than ten families per service provider,
32 which can be adjusted when paraprofessional workers are used or
33 required by the department; and

34 (g) Support and retain foster families so they can provide
35 quality family based settings for children in foster care.

36 (3) Preservation services shall include the following
37 characteristics:

38 (a) Services protect the child and strengthen the family;

39 (b) Service providers have the authority and discretion to spend
40 funds, up to a maximum amount specified by the department, to help

1 families obtain necessary food, shelter, or clothing, or to purchase
2 other goods or services that will enhance the effectiveness of
3 intervention;

4 (c) Services are available to the family twenty-four hours a day
5 and seven days a week;

6 (d) Services enhance parenting skills, family and personal self-
7 sufficiency, functioning of the family, and reduce stress on
8 families; and

9 (e) Services help families locate and use additional assistance
10 including, but not limited to, the development and maintenance of
11 community support systems, counseling and treatment services,
12 housing, child care, education, job training, emergency cash grants,
13 state and federally funded public assistance, and other basic support
14 services.

15 (4) The department may offer or provide family preservation
16 services or preservation services to families as remedial services
17 pursuant to proceedings brought under chapter 13.34 RCW. If the
18 department elects to do so, these services are not considered
19 remedial services as defined in chapter 13.34 RCW, and the department
20 may extend the duration of such services for a period of up to
21 fifteen months following the return home of a child under chapter
22 13.34 RCW. The purpose for extending the duration of these services
23 is to, whenever possible, facilitate safe and timely reunification of
24 the family and to ensure the strength and stability of the
25 reunification.

26 **Sec. 10.** RCW 74.15.020 and 2018 c 284 s 67 are each amended to
27 read as follows:

28 The definitions in this section apply throughout this chapter and
29 RCW 74.13.031 unless the context clearly requires otherwise.

30 (1) "Agency" means any person, firm, partnership, association,
31 corporation, or facility which receives children, expectant mothers,
32 or persons with developmental disabilities for control, care, or
33 maintenance outside their own homes, or which places, arranges the
34 placement of, or assists in the placement of children, expectant
35 mothers, or persons with developmental disabilities for foster care
36 or placement of children for adoption, and shall include the
37 following irrespective of whether there is compensation to the agency
38 or to the children, expectant mothers, or persons with developmental
39 disabilities for services rendered:

1 (a) "Child-placing agency" means an agency which places a child
2 or children for temporary care, continued care, or for adoption;

3 (b) "Community facility" means a group care facility operated for
4 the care of juveniles committed to the department under RCW
5 13.40.185. A county detention facility that houses juveniles
6 committed to the department under RCW 13.40.185 pursuant to a
7 contract with the department is not a community facility;

8 (c) "Crisis residential center" means an agency which is a
9 temporary protective residential facility operated to perform the
10 duties specified in chapter 13.32A RCW, in the manner provided in RCW
11 43.185C.295 through 43.185C.310;

12 (d) "Emergency respite center" is an agency that may be commonly
13 known as a crisis nursery, that provides emergency and crisis care
14 for up to seventy-two hours to children who have been admitted by
15 their parents or guardians to prevent abuse or neglect. Emergency
16 respite centers may operate for up to twenty-four hours a day, and
17 for up to seven days a week. Emergency respite centers may provide
18 care for children ages birth through seventeen, and for persons
19 eighteen through twenty with developmental disabilities who are
20 admitted with a sibling or siblings through age seventeen. Emergency
21 respite centers may not substitute for crisis residential centers or
22 HOPE centers, or any other services defined under this section, and
23 may not substitute for services which are required under chapter
24 13.32A or 13.34 RCW;

25 (e) "Foster-family home" means an agency which regularly provides
26 care on a twenty-four hour basis to one or more children, expectant
27 mothers, or persons with developmental disabilities in the family
28 abode of the person or persons under whose direct care and
29 supervision the child, expectant mother, or person with a
30 developmental disability is placed;

31 (f) "Group-care facility" means an agency, other than a foster-
32 family home, which is maintained and operated for the care of a group
33 of children on a twenty-four hour basis. "Group care facility"
34 includes but is not limited to:

35 (i) Qualified residential treatment programs as defined in RCW
36 13.34.030;

37 (ii) Facilities specializing in providing prenatal, post-partum,
38 or parenting supports for youth; and

1 (iii) Facilities providing high-quality residential care and
2 supportive services to children who are, or who are at risk of
3 becoming, victims of sex trafficking;

4 (g) "HOPE center" means an agency licensed by the secretary to
5 provide temporary residential placement and other services to street
6 youth. A street youth may remain in a HOPE center for thirty days
7 while services are arranged and permanent placement is coordinated.
8 No street youth may stay longer than thirty days unless approved by
9 the department and any additional days approved by the department
10 must be based on the unavailability of a long-term placement option.
11 A street youth whose parent wants him or her returned to home may
12 remain in a HOPE center until his or her parent arranges return of
13 the youth, not longer. All other street youth must have court
14 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
15 up to thirty days;

16 (h) "Maternity service" means an agency which provides or
17 arranges for care or services to expectant mothers, before or during
18 confinement, or which provides care as needed to mothers and their
19 infants after confinement;

20 (i) "Resource and assessment center" means an agency that
21 provides short-term emergency and crisis care for a period up to
22 seventy-two hours, excluding Saturdays, Sundays, and holidays to
23 children who have been removed from their parent's or guardian's care
24 by child protective services or law enforcement;

25 (j) "Responsible living skills program" means an agency licensed
26 by the secretary that provides residential and transitional living
27 services to persons ages sixteen to eighteen who are dependent under
28 chapter 13.34 RCW and who have been unable to live in his or her
29 legally authorized residence and, as a result, the minor lived
30 outdoors or in another unsafe location not intended for occupancy by
31 the minor. Dependent minors ages fourteen and fifteen may be eligible
32 if no other placement alternative is available and the department
33 approves the placement;

34 (k) "Service provider" means the entity that operates a community
35 facility.

36 (2) "Agency" shall not include the following:

37 (a) Persons related to the child, expectant mother, or person
38 with developmental disability in the following ways:

39 (i) Any blood relative, including those of half-blood, and
40 including first cousins, second cousins, nephews or nieces, and

1 persons of preceding generations as denoted by prefixes of grand,
2 great, or great-great;

3 (ii) Stepfather, stepmother, stepbrother, and stepsister;

4 (iii) A person who legally adopts a child or the child's parent
5 as well as the natural and other legally adopted children of such
6 persons, and other relatives of the adoptive parents in accordance
7 with state law;

8 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
9 this subsection (2), even after the marriage is terminated;

10 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
11 subsection (2), of any half sibling of the child; or

12 (vi) Extended family members, as defined by the law or custom of
13 the Indian child's tribe or, in the absence of such law or custom, a
14 person who has reached the age of eighteen and who is the Indian
15 child's grandparent, aunt or uncle, brother or sister, brother-in-law
16 or sister-in-law, niece or nephew, first or second cousin, or
17 stepparent who provides care in the family abode on a twenty-four-
18 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

19 (b) Persons who are legal guardians of the child, expectant
20 mother, or persons with developmental disabilities;

21 (c) Persons who care for a neighbor's or friend's child or
22 children, with or without compensation, where the parent and person
23 providing care on a twenty-four-hour basis have agreed to the
24 placement in writing and the state is not providing any payment for
25 the care;

26 (d) A person, partnership, corporation, or other entity that
27 provides placement or similar services to exchange students or
28 international student exchange visitors or persons who have the care
29 of an exchange student in their home;

30 (e) A person, partnership, corporation, or other entity that
31 provides placement or similar services to international children who
32 have entered the country by obtaining visas that meet the criteria
33 for medical care as established by the United States citizenship and
34 immigration services, or persons who have the care of such an
35 international child in their home;

36 (f) Schools, including boarding schools, which are engaged
37 primarily in education, operate on a definite school year schedule,
38 follow a stated academic curriculum, accept only school-age children
39 and do not accept custody of children;

1 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
2 performing functions defined in chapter 70.41 RCW, nursing homes
3 licensed under chapter 18.51 RCW and assisted living facilities
4 licensed under chapter 18.20 RCW;

5 (h) Licensed physicians or lawyers;

6 (i) Facilities approved and certified under chapter 71A.22 RCW;

7 (j) Any agency having been in operation in this state ten years
8 prior to June 8, 1967, and not seeking or accepting moneys or
9 assistance from any state or federal agency, and is supported in part
10 by an endowment or trust fund;

11 (k) Persons who have a child in their home for purposes of
12 adoption, if the child was placed in such home by a licensed child-
13 placing agency, an authorized public or tribal agency or court or if
14 a replacement report has been filed under chapter 26.33 RCW and the
15 placement has been approved by the court;

16 (l) An agency operated by any unit of local, state, or federal
17 government or an agency licensed by an Indian tribe pursuant to RCW
18 74.15.190;

19 (m) A maximum or medium security program for juvenile offenders
20 operated by or under contract with the department;

21 (n) An agency located on a federal military reservation, except
22 where the military authorities request that such agency be subject to
23 the licensing requirements of this chapter;

24 (o) A host home program, and host home, operated by a tax exempt
25 organization for youth not in the care of or receiving services from
26 the department, if that program: (i) Recruits and screens potential
27 homes in the program, including performing background checks on
28 individuals over the age of eighteen residing in the home through the
29 Washington state patrol or equivalent law enforcement agency and
30 performing physical inspections of the home; (ii) screens and
31 provides case management services to youth in the program; (iii)
32 obtains a notarized permission slip or limited power of attorney from
33 the parent or legal guardian of the youth authorizing the youth to
34 participate in the program and the authorization is updated every six
35 months when a youth remains in a host home longer than six months;
36 (iv) obtains insurance for the program through an insurance provider
37 authorized under Title 48 RCW; (v) provides mandatory reporter and
38 confidentiality training; and (vi) registers with the secretary of
39 state as provided in RCW 24.03.550. A host home is a private home
40 that volunteers to host youth in need of temporary placement that is

1 associated with a host home program. Any host home program that
2 receives local, state, or government funding shall report the
3 following information to the office of homeless youth prevention and
4 protection programs annually by December 1st of each year: The number
5 of children the program served, why the child was placed with a host
6 home, and where the child went after leaving the host home, including
7 but not limited to returning to the parents, running away, reaching
8 the age of majority, or becoming a dependent of the state. A host
9 home program shall not receive more than one hundred thousand dollars
10 per year of public funding, including local, state, and federal
11 funding. A host home shall not receive any local, state, or
12 government funding.

13 (3) "Department" means the department of children, youth, and
14 families.

15 (4) "Juvenile" means a person under the age of twenty-one who has
16 been sentenced to a term of confinement under the supervision of the
17 department under RCW 13.40.185.

18 (5) "Performance-based contracts" or "contracting" means the
19 structuring of all aspects of the procurement of services around the
20 purpose of the work to be performed and the desired results with the
21 contract requirements set forth in clear, specific, and objective
22 terms with measurable outcomes. Contracts may also include provisions
23 that link the performance of the contractor to the level and timing
24 of the reimbursement.

25 (6) "Probationary license" means a license issued as a
26 disciplinary measure to an agency that has previously been issued a
27 full license but is out of compliance with licensing standards.

28 (7) "Requirement" means any rule, regulation, or standard of care
29 to be maintained by an agency.

30 (8) "Secretary" means the secretary of the department.

31 (9) "Street youth" means a person under the age of eighteen who
32 lives outdoors or in another unsafe location not intended for
33 occupancy by the minor and who is not residing with his or her parent
34 or at his or her legally authorized residence.

35 (10) "Transitional living services" means at a minimum, to the
36 extent funds are available, the following:

37 (a) Educational services, including basic literacy and
38 computational skills training, either in local alternative or public
39 high schools or in a high school equivalency program that leads to
40 obtaining a high school equivalency degree;

1 (b) Assistance and counseling related to obtaining vocational
2 training or higher education, job readiness, job search assistance,
3 and placement programs;

4 (c) Counseling and instruction in life skills such as money
5 management, home management, consumer skills, parenting, health care,
6 access to community resources, and transportation and housing
7 options;

8 (d) Individual and group counseling; and

9 (e) Establishing networks with federal agencies and state and
10 local organizations such as the United States department of labor,
11 employment and training administration programs including the
12 workforce innovation and opportunity act which administers private
13 industry councils and the job corps; vocational rehabilitation; and
14 volunteer programs.

15 **Sec. 11.** RCW 13.34.065 and 2018 c 284 s 4 are each amended to
16 read as follows:

17 (1)(a) When a child is taken into custody, the court shall hold a
18 shelter care hearing within seventy-two hours, excluding Saturdays,
19 Sundays, and holidays. The primary purpose of the shelter care
20 hearing is to determine whether the child can be immediately and
21 safely returned home while the adjudication of the dependency is
22 pending.

23 (b) Any parent, guardian, or legal custodian who for good cause
24 is unable to attend the shelter care hearing may request that a
25 subsequent shelter care hearing be scheduled. The request shall be
26 made to the clerk of the court where the petition is filed prior to
27 the initial shelter care hearing. Upon the request of the parent, the
28 court shall schedule the hearing within seventy-two hours of the
29 request, excluding Saturdays, Sundays, and holidays. The clerk shall
30 notify all other parties of the hearing by any reasonable means.

31 (2)(a) If it is likely that the child will remain in shelter care
32 longer than seventy-two hours, the department shall submit a
33 recommendation to the court as to the further need for shelter care
34 in all cases in which the child will remain in shelter care longer
35 than the seventy-two hour period. In all other cases, the
36 recommendation shall be submitted by the juvenile court probation
37 counselor.

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

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

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

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

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

10 (iii) If the parent, guardian, or custodian is not represented by
11 counsel, the right to be represented. If the parent, guardian, or
12 custodian is indigent, the court shall appoint counsel as provided in
13 RCW 13.34.090; and

14 (b) If a parent, guardian, or legal custodian desires to waive
15 the shelter care hearing, the court shall determine, on the record
16 and with the parties present, whether such waiver is knowing and
17 voluntary. A parent may not waive his or her right to the shelter
18 care hearing unless he or she appears in court and the court
19 determines that the waiver is knowing and voluntary. Regardless of
20 whether the court accepts the parental waiver of the shelter care
21 hearing, the court must provide notice to the parents of their rights
22 required under (a) of this subsection and make the finding required
23 under subsection (4) of this section.

24 (4) At the shelter care hearing the court shall examine the need
25 for shelter care and inquire into the status of the case. The
26 paramount consideration for the court shall be the health, welfare,
27 and safety of the child. At a minimum, the court shall inquire into
28 the following:

29 (a) Whether the notice required under RCW 13.34.062 was given to
30 all known parents, guardians, or legal custodians of the child. The
31 court shall make an express finding as to whether the notice required
32 under RCW 13.34.062 was given to the parent, guardian, or legal
33 custodian. If actual notice was not given to the parent, guardian, or
34 legal custodian and the whereabouts of such person is known or can be
35 ascertained, the court shall order the department to make reasonable
36 efforts to advise the parent, guardian, or legal custodian of the
37 status of the case, including the date and time of any subsequent
38 hearings, and their rights under RCW 13.34.090;

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

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

6 (d) What services were provided to the family to prevent or
7 eliminate the need for removal of the child from the child's home. If
8 the dependency petition or other information before the court alleges
9 that homelessness or the lack of suitable housing was a significant
10 factor contributing to the removal of the child, the court shall
11 inquire as to whether housing assistance was provided to the family
12 to prevent or eliminate the need for removal of the child or
13 children;

14 (e) Is the placement proposed by the department the least
15 disruptive and most family-like setting that meets the needs of the
16 child;

17 (f) Whether it is in the best interest of the child to remain
18 enrolled in the school, developmental program, or child care the
19 child was in prior to placement and what efforts have been made to
20 maintain the child in the school, program, or child care if it would
21 be in the best interest of the child to remain in the same school,
22 program, or child care;

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

24 (h) Whether the child is or may be an Indian child as defined in
25 RCW 13.38.040, whether the provisions of the federal Indian child
26 welfare act or chapter 13.38 RCW apply, and whether there is
27 compliance with the federal Indian child welfare act and chapter
28 13.38 RCW, including notice to the child's tribe;

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

33 (j) Whether any orders for examinations, evaluations, or
34 immediate services are needed. The court may not order a parent to
35 undergo examinations, evaluation, or services at the shelter care
36 hearing unless the parent agrees to the examination, evaluation, or
37 service;

38 (k) The terms and conditions for parental, sibling, and family
39 visitation.

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

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

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

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

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

16 (b) If the court does not release the child to his or her parent,
17 guardian, or legal custodian, the court shall order placement with a
18 relative or other suitable person as described in RCW
19 13.34.130(1)(b), unless there is reasonable cause to believe the
20 health, safety, or welfare of the child would be jeopardized or that
21 the efforts to reunite the parent and child will be hindered. If such
22 relative or other suitable person appears otherwise suitable and
23 competent to provide care and treatment, the fingerprint-based
24 background check need not be completed before placement, but as soon
25 as possible after placement. The court must also determine whether
26 placement with the relative or other suitable person is in the
27 child's best interests. The relative or other suitable person must be
28 willing and available to:

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

31 (ii) Facilitate the child's visitation with siblings, if such
32 visitation is part of the department's plan or is ordered by the
33 court; and

34 (iii) Cooperate with the department in providing necessary
35 background checks and home studies.

36 (c) If the child was not initially placed with a relative or
37 other suitable person, and the court does not release the child to
38 his or her parent, guardian, or legal custodian, the department shall
39 make reasonable efforts to locate a relative or other suitable person
40 pursuant to RCW 13.34.060(1). In determining placement, the court

1 shall weigh the child's length of stay and attachment to the current
2 provider in determining what is in the best interest of the child.

3 (d) If a relative or other suitable person is not available, the
4 court shall order continued shelter care and shall set forth its
5 reasons for the order. If the court orders placement of the child
6 with a person not related to the child and not licensed to provide
7 foster care, the placement is subject to all terms and conditions of
8 this section that apply to relative placements.

9 (e) Any placement with a relative, or other suitable person
10 approved by the court pursuant to this section, shall be contingent
11 upon cooperation with the department's or agency's case plan and
12 compliance with court orders related to the care and supervision of
13 the child including, but not limited to, court orders regarding
14 parent-child contacts, sibling contacts, and any other conditions
15 imposed by the court. Noncompliance with the case plan or court order
16 is grounds for removal of the child from the home of the relative or
17 other suitable person, subject to review by the court.

18 (f) If the child is placed in a qualified residential treatment
19 program as defined in this chapter, the court shall, within sixty
20 days of placement, hold a hearing to:

21 (i) Consider the assessment required under section 3 of this act
22 and submitted as part of the department's social study, and any
23 related documentation;

24 (ii) Determine whether placement in foster care can meet the
25 child's needs or if placement in another available placement setting
26 best meets the child's needs in the least restrictive environment;
27 and

28 (iii) Approve or disapprove the child's placement in the
29 qualified residential treatment program.

30 (g) Uncertainty by a parent, guardian, legal custodian, relative,
31 or other suitable person that the alleged abuser has in fact abused
32 the child shall not, alone, be the basis upon which a child is
33 removed from the care of a parent, guardian, or legal custodian under
34 (a) of this subsection, nor shall it be a basis, alone, to preclude
35 placement with a relative or other suitable person under (b) of this
36 subsection.

37 (6) (a) A shelter care order issued pursuant to this section shall
38 include the requirement for a case conference as provided in RCW
39 13.34.067. However, if the parent is not present at the shelter care
40 hearing, or does not agree to the case conference, the court shall

1 not include the requirement for the case conference in the shelter
2 care order.

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

7 (c) The court may order another conference, case staffing, or
8 hearing as an alternative to the case conference required under RCW
9 13.34.067 so long as the conference, case staffing, or hearing
10 ordered by the court meets all requirements under RCW 13.34.067,
11 including the requirement of a written agreement specifying the
12 services to be provided to the parent.

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

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

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

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

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

33 **Sec. 12.** RCW 13.34.130 and 2018 c 284 s 10 are each amended to
34 read as follows:

35 If, after a fact-finding hearing pursuant to RCW 13.34.110, it
36 has been proven by a preponderance of the evidence that the child is
37 dependent within the meaning of RCW 13.34.030 after consideration of
38 the social study prepared pursuant to RCW 13.34.110 and after a

1 disposition hearing has been held pursuant to RCW 13.34.110, the
2 court shall enter an order of disposition pursuant to this section.

3 (1) The court shall order one of the following dispositions of
4 the case:

5 (a) Order a disposition that maintains the child in his or her
6 home, which shall provide a program designed to alleviate the
7 immediate danger to the child, to mitigate or cure any damage the
8 child has already suffered, and to aid the parents so that the child
9 will not be endangered in the future. In determining the disposition,
10 the court should choose services to assist the parents in maintaining
11 the child in the home, including housing assistance, if appropriate,
12 that least interfere with family autonomy and are adequate to protect
13 the child.

14 (b)(i) Order the child to be removed from his or her home and
15 into the custody, control, and care of a relative or other suitable
16 person, the department, or agency responsible for supervision of the
17 child's placement. If the court orders that the child be placed with
18 a caregiver over the objections of the parent or the department, the
19 court shall articulate, on the record, his or her reasons for
20 ordering the placement. The court may not order an Indian child, as
21 defined in RCW 13.38.040, to be removed from his or her home unless
22 the court finds, by clear and convincing evidence including testimony
23 of qualified expert witnesses, that the continued custody of the
24 child by the parent or Indian custodian is likely to result in
25 serious emotional or physical damage to the child.

26 (ii) The department has the authority to place the child, subject
27 to review and approval by the court (A) with a relative as defined in
28 RCW 74.15.020(2)(a), (B) in the home of another suitable person if
29 the child or family has a preexisting relationship with that person,
30 and the person has completed all required criminal history background
31 checks and otherwise appears to the department to be suitable and
32 competent to provide care for the child, or (C) in a foster family
33 home or group care facility licensed pursuant to chapter 74.15 RCW.

34 (iii) The department may also consider placing the child, subject
35 to review and approval by the court, with a person with whom the
36 child's sibling or half-sibling is residing or a person who has
37 adopted the sibling or half-sibling of the child being placed as long
38 as the person has completed all required criminal history background
39 checks and otherwise appears to the department to be competent to
40 provide care for the child.

1 (2) Absent good cause, the department shall follow the wishes of
2 the natural parent regarding the placement of the child in accordance
3 with RCW 13.34.260.

4 (3) The department may only place a child with a person not
5 related to the child as defined in RCW 74.15.020(2)(a), including a
6 placement provided for in subsection (1)(b)(iii) of this section,
7 when the court finds that such placement is in the best interest of
8 the child. Unless there is reasonable cause to believe that the
9 health, safety, or welfare of the child would be jeopardized or that
10 efforts to reunite the parent and child will be hindered, the child
11 shall be placed with a person who is willing, appropriate, and
12 available to care for the child, and who is: (I) Related to the child
13 as defined in RCW 74.15.020(2)(a) with whom the child has a
14 relationship and is comfortable; or (II) a suitable person as
15 described in subsection (1)(b) of this section. The court shall
16 consider the child's existing relationships and attachments when
17 determining placement.

18 (4) If the child is placed in a qualified residential treatment
19 program as defined in this chapter, the court shall, within sixty
20 days of placement, hold a hearing to:

21 (i) Consider the assessment required under section 3 of this act
22 and submitted as part of the department's social study, and any
23 related documentation;

24 (ii) Determine whether placement in foster care can meet the
25 child's needs or if placement in another available placement setting
26 best meets the child's needs in the least restrictive environment;
27 and

28 (iii) Approve or disapprove the child's placement in the
29 qualified residential treatment program.

30 (5) When placing an Indian child in out-of-home care, the
31 department shall follow the placement preference characteristics in
32 RCW 13.38.180.

33 ~~((5))~~ (6) Placement of the child with a relative or other
34 suitable person as described in subsection (1)(b) of this section
35 shall be given preference by the court. An order for out-of-home
36 placement may be made only if the court finds that reasonable efforts
37 have been made to prevent or eliminate the need for removal of the
38 child from the child's home and to make it possible for the child to
39 return home, specifying the services, including housing assistance,
40 that have been provided to the child and the child's parent,

1 guardian, or legal custodian, and that (~~preventive~~) prevention
2 services have been offered or provided and have failed to prevent the
3 need for out-of-home placement, unless the health, safety, and
4 welfare of the child cannot be protected adequately in the home, and
5 that:

6 (a) There is no parent or guardian available to care for such
7 child;

8 (b) The parent, guardian, or legal custodian is not willing to
9 take custody of the child; or

10 (c) The court finds, by clear, cogent, and convincing evidence, a
11 manifest danger exists that the child will suffer serious abuse or
12 neglect if the child is not removed from the home and an order under
13 RCW 26.44.063 would not protect the child from danger.

14 (~~(+6)~~) (7) If the court has ordered a child removed from his or
15 her home pursuant to subsection (1)(b) of this section, the court
16 shall consider whether it is in a child's best interest to be placed
17 with, have contact with, or have visits with siblings.

18 (a) There shall be a presumption that such placement, contact, or
19 visits are in the best interests of the child provided that:

20 (i) The court has jurisdiction over all siblings subject to the
21 order of placement, contact, or visitation pursuant to petitions
22 filed under this chapter or the parents of a child for whom there is
23 no jurisdiction are willing to agree; and

24 (ii) There is no reasonable cause to believe that the health,
25 safety, or welfare of any child subject to the order of placement,
26 contact, or visitation would be jeopardized or that efforts to
27 reunite the parent and child would be hindered by such placement,
28 contact, or visitation. In no event shall parental visitation time be
29 reduced in order to provide sibling visitation.

30 (b) The court may also order placement, contact, or visitation of
31 a child with a stepbrother or stepsister provided that in addition to
32 the factors in (a) of this subsection, the child has a relationship
33 and is comfortable with the stepsibling.

34 (~~(+7)~~) (8) If the court has ordered a child removed from his or
35 her home pursuant to subsection (1)(b) of this section and placed
36 into nonparental or nonrelative care, the court shall order a
37 placement that allows the child to remain in the same school he or
38 she attended prior to the initiation of the dependency proceeding
39 when such a placement is practical and in the child's best interest.

1 ~~((8))~~ (9) If the court has ordered a child removed from his or
2 her home pursuant to subsection (1)(b) of this section, the court may
3 order that a petition seeking termination of the parent and child
4 relationship be filed if the requirements of RCW 13.34.132 are met.

5 ~~((9))~~ (10) If there is insufficient information at the time of
6 the disposition hearing upon which to base a determination regarding
7 the suitability of a proposed placement with a relative or other
8 suitable person, the child shall remain in foster care and the court
9 shall direct the department to conduct necessary background
10 investigations as provided in chapter 74.15 RCW and report the
11 results of such investigation to the court within thirty days.
12 However, if such relative or other person appears otherwise suitable
13 and competent to provide care and treatment, the criminal history
14 background check need not be completed before placement, but as soon
15 as possible after placement. Any placements with relatives or other
16 suitable persons, pursuant to this section, shall be contingent upon
17 cooperation by the relative or other suitable person with the agency
18 case plan and compliance with court orders related to the care and
19 supervision of the child including, but not limited to, court orders
20 regarding parent-child contacts, sibling contacts, and any other
21 conditions imposed by the court. Noncompliance with the case plan or
22 court order shall be grounds for removal of the child from the
23 relative's or other suitable person's home, subject to review by the
24 court.

25 **Sec. 13.** RCW 13.34.138 and 2018 c 284 s 14 are each amended to
26 read as follows:

27 (1) The status of all children found to be dependent shall be
28 reviewed by the court at least every six months from the beginning
29 date of the placement episode or the date dependency is established,
30 whichever is first. The purpose of the hearing shall be to review the
31 progress of the parties and determine whether court supervision
32 should continue.

33 (a) The initial review hearing shall be an in-court review and
34 shall be set six months from the beginning date of the placement
35 episode or no more than ninety days from the entry of the disposition
36 order, whichever comes first. The requirements for the initial review
37 hearing, including the in-court review requirement, shall be
38 accomplished within existing resources.

1 (b) The initial review hearing may be a permanency planning
2 hearing when necessary to meet the time frames set forth in RCW
3 13.34.145(1)(a) or 13.34.134.

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

12 (b) Prior to the child returning home, the department must
13 complete the following:

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

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

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

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

1 the part of the department to provide services, or create judicial
2 authority to order the provision of services to any person other than
3 for the express purposes of this section or RCW 13.34.025 or if the
4 services are unavailable or unsuitable or the person is not eligible
5 for such services.

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

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

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

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

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

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

23 (vi) Within sixty days of the placement of a child in a qualified
24 residential treatment program as defined in this chapter, and at each
25 review hearing thereafter if the child remains in such a program, the
26 following:

27 (A) Whether ongoing assessment of the child's strengths and needs
28 continues to support the determination that the child's needs cannot
29 be met through placement in a foster family home;

30 (B) Whether the child's placement provides the most effective and
31 appropriate level of care in the least restrictive environment;

32 (C) Whether the placement is consistent with the child's
33 permanency plan;

34 (D) What specific treatment or service needs will be met in the
35 placement, and how long the child is expected to need the treatment
36 or services; and

37 (E) What efforts the department has made to prepare the child to
38 return home or be placed with a fit and willing relative as defined
39 in RCW 13.34.030, a Title 13 RCW legal guardian, an adoptive parent,
40 or in a foster family home.

1 (vii) Whether a parent's homelessness or lack of suitable housing
2 is a significant factor delaying permanency for the child by
3 preventing the return of the child to the home of the child's parent
4 and whether housing assistance should be provided by the department;

5 ~~((vii))~~ (viii) Whether the child is in an appropriate placement
6 which adequately meets all physical, emotional, and educational
7 needs;

8 ~~((viii))~~ (ix) Whether preference has been given to placement
9 with the child's relatives if such placement is in the child's best
10 interests;

11 ~~((ix))~~ (x) Whether both in-state and, where appropriate, out-
12 of-state placements have been considered;

13 ~~((x))~~ (xi) Whether the parents have visited the child and any
14 reasons why visitation has not occurred or has been infrequent;

15 ~~((xi))~~ (xii) Whether terms of visitation need to be modified;

16 ~~((xii))~~ (xiii) Whether the court-approved long-term permanent
17 plan for the child remains the best plan for the child;

18 ~~((xiii))~~ (xiv) Whether any additional court orders need to be
19 made to move the case toward permanency; and

20 ~~((xiv))~~ (xv) The projected date by which the child will be
21 returned home or other permanent plan of care will be implemented.

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

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

27 (i) The compliance of the parents with court orders related to
28 the care and supervision of the child, including compliance with the
29 department's case plan; and

30 (ii) The continued participation of the parents, if applicable,
31 in available substance abuse or mental health treatment if substance
32 abuse or mental illness was a contributing factor to the removal of
33 the child.

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

36 (i) Noncompliance by the parents with the department's case plan
37 or court order;

38 (ii) The parent's inability, unwillingness, or failure to
39 participate in available services or treatment for themselves or the

1 child, including substance abuse treatment if a parent's substance
2 abuse was a contributing factor to the abuse or neglect; or

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

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

14 (4) The court's authority to order housing assistance under this
15 chapter is: (a) Limited to cases in which a parent's homelessness or
16 lack of suitable housing is a significant factor delaying permanency
17 for the child and housing assistance would aid the parent in
18 providing an appropriate home for the child; and (b) subject to the
19 availability of funds appropriated for this specific purpose. Nothing
20 in this chapter shall be construed to create an entitlement to
21 housing assistance nor to create judicial authority to order the
22 provision of such assistance to any person or family if the
23 assistance or funding are unavailable or the child or family are not
24 eligible for such assistance.

25 (5) The court shall consider the child's relationship with
26 siblings in accordance with RCW 13.34.130(6).

27 NEW SECTION. **Sec. 14.** A new section is added to chapter 13.34
28 RCW to read as follows:

29 If a child is placed in a qualified residential treatment program
30 as defined in this chapter, the court shall, within sixty days of
31 placement, hold a hearing to:

32 (1) Consider the assessment required under section 3 of this act
33 and submitted as part of the department's social study, and any
34 related documentation;

35 (2) Determine whether placement in foster care can meet the
36 child's needs or if placement in another available placement setting
37 best meets the child's needs in the least restrictive environment;
38 and

1 (3) Approve or disapprove the child's placement in the qualified
2 residential treatment program.

3 **Sec. 15.** RCW 13.34.145 and 2018 c 284 s 15 are each amended to
4 read as follows:

5 (1) The purpose of a permanency planning hearing is to review the
6 permanency plan for the child, inquire into the welfare of the child
7 and progress of the case, and reach decisions regarding the permanent
8 placement of the child.

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

15 (b) Whenever a child is removed from the home of a dependency
16 guardian or long-term relative or foster care provider, and the child
17 is not returned to the home of the parent, guardian, or legal
18 custodian but is placed in out-of-home care, a permanency planning
19 hearing shall take place no later than twelve months, as provided in
20 this section, following the date of removal unless, prior to the
21 hearing, the child returns to the home of the dependency guardian or
22 long-term care provider, the child is placed in the home of the
23 parent, guardian, or legal custodian, an adoption decree,
24 guardianship order, or a permanent custody order is entered, or the
25 dependency is dismissed. Every effort shall be made to provide
26 stability in long-term placement, and to avoid disruption of
27 placement, unless the child is being returned home or it is in the
28 best interest of the child.

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

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

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

7 (4) At the permanency planning hearing, the court shall conduct
8 the following inquiry:

9 (a) If a goal of long-term foster or relative care has been
10 achieved prior to the permanency planning hearing, the court shall
11 review the child's status to determine whether the placement and the
12 plan for the child's care remain appropriate. The court shall find,
13 as of the date of the hearing, that the child's placement and plan of
14 care is the best permanency plan for the child and provide compelling
15 reasons why it continues to not be in the child's best interest to
16 (i) return home; (ii) be placed for adoption; (iii) be placed with a
17 legal guardian; or (iv) be placed with a fit and willing relative. If
18 the child is present at the hearing, the court should ask the child
19 about his or her desired permanency outcome.

20 (b) In cases where the primary permanency planning goal has not
21 been achieved, the court shall inquire regarding the reasons why the
22 primary goal has not been achieved and determine what needs to be
23 done to make it possible to achieve the primary goal. The court shall
24 review the permanency plan prepared by the agency and make explicit
25 findings regarding each of the following:

26 (i) The continuing necessity for, and the safety and
27 appropriateness of, the placement;

28 (ii) The extent of compliance with the permanency plan by the
29 department and any other service providers, the child's parents, the
30 child, and the child's guardian, if any;

31 (iii) The extent of any efforts to involve appropriate service
32 providers in addition to department staff in planning to meet the
33 special needs of the child and the child's parents;

34 (iv) The progress toward eliminating the causes for the child's
35 placement outside of his or her home and toward returning the child
36 safely to his or her home or obtaining a permanent placement for the
37 child;

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

1 (vi) If the child has been placed outside of his or her home for
2 fifteen of the most recent twenty-two months, not including any
3 period during which the child was a runaway from the out-of-home
4 placement or the first six months of any period during which the
5 child was returned to his or her home for a trial home visit, the
6 appropriateness of the permanency plan, whether reasonable efforts
7 were made by the department to achieve the goal of the permanency
8 plan, and the circumstances which prevent the child from any of the
9 following:

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

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

13 (C) Being placed for adoption;

14 (D) Being placed with a guardian;

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

17 (F) Being placed in some other alternative permanent placement,
18 including independent living or long-term foster care.

19 (c) Regardless of whether the primary permanency planning goal
20 has been achieved, for a child who remains placed in a qualified
21 residential treatment program as defined in this chapter for at least
22 sixty days, and remains placed there at subsequent permanency
23 planning hearings, the court shall establish in writing:

24 (i) Whether ongoing assessment of the child's strengths and needs
25 continues to support the determination that the child's needs cannot
26 be met through placement in a foster family home;

27 (ii) Whether the child's placement provides the most effective
28 and appropriate level of care in the least restrictive environment;

29 (iii) Whether the placement is consistent with the child's short
30 and long-term goals as stated in the child's permanency plan;

31 (iv) What specific treatment or service needs will be met in the
32 placement, and how long the child is expected to need the treatment
33 or services; and

34 (v) What efforts the department has made to prepare the child to
35 return home or be placed with a fit and willing relative as defined
36 in RCW 13.34.030, a Title 13 RCW legal guardian, an adoptive parent,
37 or in a foster family home.

38 (5) Following this inquiry, at the permanency planning hearing,
39 the court shall order the department to file a petition seeking
40 termination of parental rights if the child has been in out-of-home

1 care for fifteen of the last twenty-two months since the date the
2 dependency petition was filed unless the court makes a good cause
3 exception as to why the filing of a termination of parental rights
4 petition is not appropriate. Any good cause finding shall be reviewed
5 at all subsequent hearings pertaining to the child.

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

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

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

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

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

21 (v) Where a parent has been accepted into a dependency treatment
22 court program or long-term substance abuse or dual diagnoses
23 treatment program and is demonstrating compliance with treatment
24 goals; or

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

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

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

37 (ii) The parent's efforts to communicate and work with the
38 department or other individuals for the purpose of complying with the
39 service plan and repairing, maintaining, or building the parent-child
40 relationship;

1 (iii) A positive response by the parent to the reasonable efforts
2 of the department;

3 (iv) Information provided by individuals or agencies in a
4 reasonable position to assist the court in making this assessment,
5 including but not limited to the parent's attorney, correctional and
6 mental health personnel, or other individuals providing services to
7 the parent;

8 (v) Limitations in the parent's access to family support
9 programs, therapeutic services, and visiting opportunities,
10 restrictions to telephone and mail services, inability to participate
11 in foster care planning meetings, and difficulty accessing lawyers
12 and participating meaningfully in court proceedings; and

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

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

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

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

32 (c) The department shall not discharge a child to an independent
33 living situation before the child is eighteen years of age unless the
34 child becomes emancipated pursuant to chapter 13.64 RCW.

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

38 (a) Enter a finding regarding whether the foster parent or
39 relative was informed of the hearing as required in RCW 74.13.280,
40 13.34.215(6), and 13.34.096; and

1 (b) If the department is recommending a placement other than the
2 child's current placement with a foster parent, relative, or other
3 suitable person, enter a finding as to the reasons for the
4 recommendation for a change in placement.

5 (8) In all cases, at the permanency planning hearing, the court
6 shall:

7 (a) (i) Order the permanency plan prepared by the department to be
8 implemented; or

9 (ii) Modify the permanency plan, and order implementation of the
10 modified plan; and

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

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

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

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

25 (11) If the court orders the child returned home, casework
26 supervision by the department shall continue for at least six months,
27 at which time a review hearing shall be held pursuant to RCW
28 13.34.138, and the court shall determine the need for continued
29 intervention.

30 (12) The juvenile court may hear a petition for permanent legal
31 custody when: (a) The court has ordered implementation of a
32 permanency plan that includes permanent legal custody; and (b) the
33 party pursuing the permanent legal custody is the party identified in
34 the permanency plan as the prospective legal custodian. During the
35 pendency of such proceeding, the court shall conduct review hearings
36 and further permanency planning hearings as provided in this chapter.
37 At the conclusion of the legal guardianship or permanent legal
38 custody proceeding, a juvenile court hearing shall be held for the
39 purpose of determining whether dependency should be dismissed. If a

1 guardianship or permanent custody order has been entered, the
2 dependency shall be dismissed.

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

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

16 (15) The approval of a permanency plan that does not contemplate
17 return of the child to the parent does not relieve the department of
18 its obligation to provide reasonable services, under this chapter,
19 intended to effectuate the return of the child to the parent,
20 including but not limited to, visitation rights. The court shall
21 consider the child's relationships with siblings in accordance with
22 RCW 13.34.130.

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

26 NEW SECTION. **Sec. 16.** A new section is added to chapter 26.44
27 RCW to read as follows:

28 Nothing in this chapter may be construed to limit the
29 department's authority to offer or provide prevention services or
30 primary prevention services as defined in chapters 13.34 and 74.13
31 RCW, respectively.

32 NEW SECTION. **Sec. 17.** A new section is added to chapter 13.34
33 RCW to read as follows:

34 Nothing in this chapter may be construed to limit the
35 department's authority to offer or provide prevention services or
36 primary prevention services as defined in this chapter and chapter
37 74.13 RCW, respectively.

1 NEW SECTION. **Sec. 18.** A new section is added to chapter 74.13
2 RCW to read as follows:

3 Nothing in this chapter may be construed to limit the
4 department's authority to offer or provide prevention services or
5 primary prevention services as defined in chapter 13.34 RCW and this
6 chapter, respectively.

7 NEW SECTION. **Sec. 19.** Sections 3, 4, and 10 through 15 of this
8 act take effect October 1, 2019."

HB 1900 - S COMM AMD

By Committee on Human Services, Reentry & Rehabilitation

ADOPTED 04/11/2019

9 On page 1, line 3 of the title, after "families;" strike the
10 remainder of the title and insert "amending RCW 13.34.025, 26.44.030,
11 74.14C.020, 74.15.020, 13.34.065, 13.34.130, 13.34.138, and
12 13.34.145; reenacting and amending RCW 13.34.030, 26.44.020,
13 74.13.020, and 74.13.031; adding new sections to chapter 13.34 RCW;
14 adding a new section to chapter 26.44 RCW; adding a new section to
15 chapter 74.13 RCW; and providing an effective date."

EFFECT: The definition of "child who is a candidate for foster care" is further defined to include a child that is at imminent risk of entering foster care but who can remain safely in the child's home or in a kinship placement as long as services or programs that are necessary to prevent entry of the child into foster care are provided, and includes but is not limited to a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement.

--- END ---