
SENATE BILL 5826

State of Washington

66th Legislature

2019 Regular Session

By Senators Darneille, O'Ban, Kuderer, and Nguyen; by request of Department of Children, Youth, and Families

Read first time 02/05/19. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to implementing the family first prevention
2 services act, P.L. 115-123, regarding expansion of services to
3 children and families; amending RCW 13.34.025, 26.44.030, 74.14C.020,
4 74.15.020, 13.34.065, 13.34.130, 13.34.138, and 13.34.145; reenacting
5 and amending RCW 13.34.030, 26.44.020, 74.13.020, and 74.13.031;
6 adding new sections to chapter 13.34 RCW; adding a new section to
7 chapter 26.44 RCW; adding a new section to chapter 74.13 RCW; and
8 providing an effective date.

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

10 **Sec. 1.** RCW 13.34.025 and 2018 c 284 s 1 are each amended to
11 read as follows:

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

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

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

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

7 (2) The department shall coordinate within the administrations of
8 the department, and with contracted service providers, to ensure that
9 parents in dependency proceedings under this chapter receive priority
10 access to remedial services recommended by the department in its
11 social study or ordered by the court for the purpose of correcting
12 any parental deficiencies identified in the dependency proceeding
13 that are capable of being corrected in the foreseeable future.
14 Services may also be provided to caregivers other than the parents as
15 identified in RCW 13.34.138.

16 (a) For purposes of this chapter, remedial services are those
17 services defined in the federal adoption and safe families act as
18 (~~time-limited~~) family reunification services that facilitate the
19 reunification of the child safely and appropriately within a timely
20 fashion. Remedial services include individual, group, and family
21 counseling; substance abuse treatment services; mental health
22 services; assistance to address domestic violence; services designed
23 to provide temporary child care and therapeutic services for
24 families; and transportation to or from any of the above services and
25 activities.

26 (b) The department shall provide funds for remedial services if
27 the parent is unable to pay to the extent funding is appropriated in
28 the operating budget or otherwise available to the department for
29 such specific services. As a condition for receiving funded remedial
30 services, the court may inquire into the parent's ability to pay for
31 all or part of such services or may require that the parent make
32 appropriate applications for funding to alternative funding sources
33 for such services.

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

39 (d) This section does not create an entitlement to services and
40 does not create judicial authority to order the provision of services

1 except for the specific purpose of making reasonable efforts to
2 remedy parental deficiencies identified in a dependency proceeding
3 under this chapter.

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

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Abandoned" means when the child's parent, guardian, or other
9 custodian has expressed, either by statement or conduct, an intent to
10 forego, for an extended period, parental rights or responsibilities
11 despite an ability to exercise such rights and responsibilities. If
12 the court finds that the petitioner has exercised due diligence in
13 attempting to locate the parent, no contact between the child and the
14 child's parent, guardian, or other custodian for a period of three
15 months creates a rebuttable presumption of abandonment, even if there
16 is no expressed intent to abandon.

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

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

19 (b) Any individual age eighteen to twenty-one years who is
20 eligible to receive and who elects to receive the extended foster
21 care services authorized under RCW 74.13.031. A youth who remains
22 dependent and who receives extended foster care services under RCW
23 74.13.031 shall not be considered a "child" under any other statute
24 or for any other purpose.

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

32 (4) "Department" means the department of children, youth, and
33 families.

34 (5) "Dependency guardian" means the person, nonprofit
35 corporation, or Indian tribe appointed by the court pursuant to this
36 chapter for the limited purpose of assisting the court in the
37 supervision of the dependency.

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

39 (a) Has been abandoned;

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

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

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

9 (7) "Developmental disability" means a disability attributable to
10 intellectual disability, cerebral palsy, epilepsy, autism, or another
11 neurological or other condition of an individual found by the
12 secretary of the department of social and health services to be
13 closely related to an intellectual disability or to require treatment
14 similar to that required for individuals with intellectual
15 disabilities, which disability originates before the individual
16 attains age eighteen, which has continued or can be expected to
17 continue indefinitely, and which constitutes a substantial limitation
18 to the individual.

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

21 (9) "Extended foster care services" means residential and other
22 support services the department is authorized to provide under RCW
23 74.13.031. These services may include placement in licensed,
24 relative, or otherwise approved care, or supervised independent
25 living settings; assistance in meeting basic needs; independent
26 living services; medical assistance; and counseling or treatment.

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

33 (11) "Guardian ad litem" means a person, appointed by the court
34 to represent the best interests of a child in a proceeding under this
35 chapter, or in any matter which may be consolidated with a proceeding
36 under this chapter. A "court-appointed special advocate" appointed by
37 the court to be the guardian ad litem for the child, or to perform
38 substantially the same duties and functions as a guardian ad litem,
39 shall be deemed to be guardian ad litem for all purposes and uses of
40 this chapter.

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

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

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

17 (a) Receiving one of the following types of public assistance:
18 Temporary assistance for needy families, aged, blind, or disabled
19 assistance benefits, medical care services under RCW 74.09.035,
20 pregnant women assistance benefits, poverty-related veterans'
21 benefits, food stamps or food stamp benefits transferred
22 electronically, refugee resettlement benefits, medicaid, or
23 supplemental security income; or

24 (b) Involuntarily committed to a public mental health facility;
25 or

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

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

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

35 (16) "Out-of-home care" means placement in a foster family home
36 or group care facility licensed pursuant to chapter 74.15 RCW or
37 placement in a home, other than that of the child's parent, guardian,
38 or legal custodian, not required to be licensed pursuant to chapter
39 74.15 RCW.

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

7 (18) "Prevention and family services and programs" means specific
8 mental health prevention and treatment services, substance abuse
9 prevention and treatment services, and in-home parent skill-based
10 programs that qualify for federal funding under the federal family
11 first prevention services act, P.L. 115-123. For purposes of this
12 chapter, prevention and family services and programs are not remedial
13 services or family reunification services as described in RCW
14 13.34.025(2).

15 (19) "((Preventive)) Prevention services" means preservation
16 services, as defined in chapter 74.14C RCW, and other reasonably
17 available services, including housing assistance, capable of
18 preventing the need for out-of-home placement while protecting the
19 child. Prevention services include, but are not limited to,
20 prevention and family services and programs as defined in this
21 section.

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

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

29 (a) Any blood relative, including those of half-blood, and
30 including first cousins, second cousins, nephews or nieces, and
31 persons of preceding generations as denoted by prefixes of grand,
32 great, or great-great;

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

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

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

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

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

10 ~~((19))~~ (22) "Shelter care" means temporary physical care in a
11 facility licensed pursuant to RCW 74.15.030 or in a home not required
12 to be licensed pursuant to RCW 74.15.030.

13 ~~((20))~~ (23) "Sibling" means a child's birth brother, birth
14 sister, adoptive brother, adoptive sister, half-brother, or half-
15 sister, or as defined by the law or custom of the Indian child's
16 tribe for an Indian child as defined in RCW 13.38.040.

17 ~~((21))~~ (24) "Social study" means a written evaluation of
18 matters relevant to the disposition of the case ~~((and shall contain~~
19 ~~the following information:~~

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

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

29 ~~(c) If removal is recommended, a full description of the reasons~~
30 ~~why the child cannot be protected adequately in the home, including a~~
31 ~~description of any previous efforts to work with the parents and the~~
32 ~~child in the home; the in-home treatment programs that have been~~
33 ~~considered and rejected; the preventive services, including housing~~
34 ~~assistance, that have been offered or provided and have failed to~~
35 ~~prevent the need for out-of-home placement, unless the health,~~
36 ~~safety, and welfare of the child cannot be protected adequately in~~
37 ~~the home; and the parents' attitude toward placement of the child;~~

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

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

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

9 ((~~22~~)) (25) "Supervised independent living" includes, but is
10 not limited to, apartment living, room and board arrangements,
11 college or university dormitories, and shared roommate settings.
12 Supervised independent living settings must be approved by the
13 department or the court.

14 ((~~23~~)) (26) "Voluntary placement agreement" means, for the
15 purposes of extended foster care services, a written voluntary
16 agreement between a nonminor dependent who agrees to submit to the
17 care and authority of the department for the purposes of
18 participating in the extended foster care program.

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.34

2 RCW to read as follows:

3 A social study as defined in this chapter must contain the
4 following information:

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

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

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

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

26 (b) As long as the child remains placed in a qualified
27 residential treatment program and the department anticipates that the
28 child will remain in this placement for at least sixty days, or if
29 the child has already been in this placement for at least sixty days,
30 the social study must also include the following information
31 sufficient for the juvenile court to determine at each status hearing
32 concerning the child:

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

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

38 (iii) Whether the placement is consistent with the child's
39 permanency plan;

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

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

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

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

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

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

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

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

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

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

36 (4) "Child protective services" means those services provided by
37 the department designed to protect children from child abuse and
38 neglect and safeguard such children from future abuse and neglect,
39 and conduct investigations of child abuse and neglect reports.

1 Investigations may be conducted regardless of the location of the
2 alleged abuse or neglect. Child protective services includes referral
3 to services to ameliorate conditions that endanger the welfare of
4 children, the coordination of necessary programs and services
5 relevant to the prevention, intervention, and treatment of child
6 abuse and neglect, and services to children to ensure that each child
7 has a permanent home. In determining whether protective services
8 should be provided, the department shall not decline to provide such
9 services solely because of the child's unwillingness or developmental
10 inability to describe the nature and severity of the abuse or
11 neglect.

12 (5) "Child protective services section" means the child
13 protective services section of the department.

14 (6) "Child who is a candidate for foster care" means a child who
15 the department identifies as being at imminent risk of entering
16 foster care and for whom there is reasonable cause to believe that
17 any of the following circumstances exist:

18 (a) The child has been abandoned by the parent as defined in RCW
19 13.34.030 and the child's health, safety, and welfare is seriously
20 endangered as a result;

21 (b) The child has been abused or neglected as defined in chapter
22 26.44 RCW and the child's health, safety, and welfare is seriously
23 endangered as a result;

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

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

28 (7) "Children's advocacy center" means a child-focused facility
29 in good standing with the state chapter for children's advocacy
30 centers and that coordinates a multidisciplinary process for the
31 investigation, prosecution, and treatment of sexual and other types
32 of child abuse. Children's advocacy centers provide a location for
33 forensic interviews and coordinate access to services such as, but
34 not limited to, medical evaluations, advocacy, therapy, and case
35 review by multidisciplinary teams within the context of county
36 protocols as defined in RCW 26.44.180 and 26.44.185.

37 ~~((7))~~ (8) "Clergy" means any regularly licensed or ordained
38 minister, priest, or rabbi of any church or religious denomination,
39 whether acting in an individual capacity or as an employee or agent
40 of any public or private organization or institution.

1 (~~(8)~~) (9) "Court" means the superior court of the state of
2 Washington, juvenile department.

3 (~~(9)~~) (10) "Department" means the department of children,
4 youth, and families.

5 (~~(10)~~) (11) "Family assessment" means a comprehensive
6 assessment of child safety, risk of subsequent child abuse or
7 neglect, and family strengths and needs that is applied to a child
8 abuse or neglect report. Family assessment does not include a
9 determination as to whether child abuse or neglect occurred, but does
10 determine the need for services to address the safety of the child
11 and the risk of subsequent maltreatment.

12 (~~(11)~~) (12) "Family assessment response" means a way of
13 responding to certain reports of child abuse or neglect made under
14 this chapter using a differential response approach to child
15 protective services. The family assessment response shall focus on
16 the safety of the child, the integrity and preservation of the
17 family, and shall assess the status of the child and the family in
18 terms of risk of abuse and neglect including the parent's or
19 guardian's or other caretaker's capacity and willingness to protect
20 the child and, if necessary, plan and arrange the provision of
21 services to reduce the risk and otherwise support the family. No one
22 is named as a perpetrator, and no investigative finding is entered in
23 the record as a result of a family assessment.

24 (~~(12)~~) (13) "Founded" means the determination following an
25 investigation by the department that, based on available information,
26 it is more likely than not that child abuse or neglect did occur.

27 (~~(13)~~) (14) "Inconclusive" means the determination following an
28 investigation by the department of social and health services, prior
29 to October 1, 2008, that based on available information a decision
30 cannot be made that more likely than not, child abuse or neglect did
31 or did not occur.

32 (~~(14)~~) (15) "Institution" means a private or public hospital or
33 any other facility providing medical diagnosis, treatment, or care.

34 (~~(15)~~) (16) "Law enforcement agency" means the police
35 department, the prosecuting attorney, the state patrol, the director
36 of public safety, or the office of the sheriff.

37 (~~(16)~~) (17) "Malice" or "maliciously" means an intent, wish, or
38 design to intimidate, annoy, or injure another person. Such malice
39 may be inferred from an act done in willful disregard of the rights
40 of another, or an act wrongfully done without just cause or excuse,

1 or an act or omission of duty betraying a willful disregard of social
2 duty.

3 ~~((17))~~ (18) "Negligent treatment or maltreatment" means an act
4 or a failure to act, or the cumulative effects of a pattern of
5 conduct, behavior, or inaction, that evidences a serious disregard of
6 consequences of such magnitude as to constitute a clear and present
7 danger to a child's health, welfare, or safety, including but not
8 limited to conduct prohibited under RCW 9A.42.100. When considering
9 whether a clear and present danger exists, evidence of a parent's
10 substance abuse as a contributing factor to negligent treatment or
11 maltreatment shall be given great weight. The fact that siblings
12 share a bedroom is not, in and of itself, negligent treatment or
13 maltreatment. Poverty, homelessness, or exposure to domestic violence
14 as defined in RCW 26.50.010 that is perpetrated against someone other
15 than the child does not constitute negligent treatment or
16 maltreatment in and of itself.

17 ~~((18))~~ (19) "Pharmacist" means any registered pharmacist under
18 chapter 18.64 RCW, whether acting in an individual capacity or as an
19 employee or agent of any public or private organization or
20 institution.

21 ~~((19))~~ (20) "Practitioner of the healing arts" or
22 "practitioner" means a person licensed by this state to practice
23 podiatric medicine and surgery, optometry, chiropractic, nursing,
24 dentistry, osteopathic medicine and surgery, or medicine and surgery
25 or to provide other health services. The term "practitioner" includes
26 a duly accredited Christian Science practitioner. A person who is
27 being furnished Christian Science treatment by a duly accredited
28 Christian Science practitioner will not be considered, for that
29 reason alone, a neglected person for the purposes of this chapter.

30 ~~((20))~~ (21) "Prevention and family services and programs" means
31 specific mental health prevention and treatment services, substance
32 abuse prevention and treatment services, and in-home parent skill-
33 based programs that qualify for federal funding under the federal
34 family first prevention services act, P.L. 115-123. For purposes of
35 this chapter, prevention and family services and programs are not
36 remedial services or family reunification services as described in
37 RCW 13.34.025(2).

38 (22) "Professional school personnel" include, but are not limited
39 to, teachers, counselors, administrators, child care facility
40 personnel, and school nurses.

1 (~~(21)~~) (23) "Psychologist" means any person licensed to
2 practice psychology under chapter 18.83 RCW, whether acting in an
3 individual capacity or as an employee or agent of any public or
4 private organization or institution.

5 (~~(22)~~) (24) "Screened-out report" means a report of alleged
6 child abuse or neglect that the department has determined does not
7 rise to the level of a credible report of abuse or neglect and is not
8 referred for investigation.

9 (~~(23)~~) (25) "Sexual exploitation" includes: (a) Allowing,
10 permitting, or encouraging a child to engage in prostitution by any
11 person; or (b) allowing, permitting, encouraging, or engaging in the
12 obscene or pornographic photographing, filming, or depicting of a
13 child by any person.

14 (~~(24)~~) (26) "Sexually aggressive youth" means a child who is
15 defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

16 (~~(25)~~) (27) "Social service counselor" means anyone engaged in
17 a professional capacity during the regular course of employment in
18 encouraging or promoting the health, welfare, support, or education
19 of children, or providing social services to adults or families,
20 including mental health, drug and alcohol treatment, and domestic
21 violence programs, whether in an individual capacity, or as an
22 employee or agent of any public or private organization or
23 institution.

24 (~~(26)~~) (28) "Unfounded" means the determination following an
25 investigation by the department that available information indicates
26 that, more likely than not, child abuse or neglect did not occur, or
27 that there is insufficient evidence for the department to determine
28 whether the alleged child abuse did or did not occur.

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

31 (1)(a) When any practitioner, county coroner or medical examiner,
32 law enforcement officer, professional school personnel, registered or
33 licensed nurse, social service counselor, psychologist, pharmacist,
34 employee of the department of children, youth, and families, licensed
35 or certified child care providers or their employees, employee of the
36 department of social and health services, juvenile probation officer,
37 placement and liaison specialist, responsible living skills program
38 staff, HOPE center staff, state family and children's ombuds or any
39 volunteer in the ombuds's office, or host home program has reasonable

1 cause to believe that a child has suffered abuse or neglect, he or
2 she shall report such incident, or cause a report to be made, to the
3 proper law enforcement agency or to the department as provided in RCW
4 26.44.040.

5 (b) When any person, in his or her official supervisory capacity
6 with a nonprofit or for-profit organization, has reasonable cause to
7 believe that a child has suffered abuse or neglect caused by a person
8 over whom he or she regularly exercises supervisory authority, he or
9 she shall report such incident, or cause a report to be made, to the
10 proper law enforcement agency, provided that the person alleged to
11 have caused the abuse or neglect is employed by, contracted by, or
12 volunteers with the organization and coaches, trains, educates, or
13 counsels a child or children or regularly has unsupervised access to
14 a child or children as part of the employment, contract, or voluntary
15 service. No one shall be required to report under this section when
16 he or she obtains the information solely as a result of a privileged
17 communication as provided in RCW 5.60.060.

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

20 For the purposes of this subsection, the following definitions
21 apply:

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

28 (ii) "Organization" includes a sole proprietor, partnership,
29 corporation, limited liability company, trust, association, financial
30 institution, governmental entity, other than the federal government,
31 and any other individual or group engaged in a trade, occupation,
32 enterprise, governmental function, charitable function, or similar
33 activity in this state whether or not the entity is operated as a
34 nonprofit or for-profit entity.

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

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

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

2 (c) The reporting requirement also applies to department of
3 corrections personnel who, in the course of their employment, observe
4 offenders or the children with whom the offenders are in contact. If,
5 as a result of observations or information received in the course of
6 his or her employment, any department of corrections personnel has
7 reasonable cause to believe that a child has suffered abuse or
8 neglect, he or she shall report the incident, or cause a report to be
9 made, to the proper law enforcement agency or to the department as
10 provided in RCW 26.44.040.

11 (d) The reporting requirement shall also apply to any adult who
12 has reasonable cause to believe that a child who resides with them,
13 has suffered severe abuse, and is able or capable of making a report.
14 For the purposes of this subsection, "severe abuse" means any of the
15 following: Any single act of abuse that causes physical trauma of
16 sufficient severity that, if left untreated, could cause death; any
17 single act of sexual abuse that causes significant bleeding, deep
18 bruising, or significant external or internal swelling; or more than
19 one act of physical abuse, each of which causes bleeding, deep
20 bruising, significant external or internal swelling, bone fracture,
21 or unconsciousness.

22 (e) The reporting requirement also applies to guardians ad litem,
23 including court-appointed special advocates, appointed under Titles
24 11 and 13 RCW and this title, who in the course of their
25 representation of children in these actions have reasonable cause to
26 believe a child has been abused or neglected.

27 (f) The reporting requirement in (a) of this subsection also
28 applies to administrative and academic or athletic department
29 employees, including student employees, of institutions of higher
30 education, as defined in RCW 28B.10.016, and of private institutions
31 of higher education.

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

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

1 the reporting requirement of subsection (1) of this section does
2 apply.

3 (3) Any other person who has reasonable cause to believe that a
4 child has suffered abuse or neglect may report such incident to the
5 proper law enforcement agency or to the department as provided in RCW
6 26.44.040.

7 (4) The department, upon receiving a report of an incident of
8 alleged abuse or neglect pursuant to this chapter, involving a child
9 who has died or has had physical injury or injuries inflicted upon
10 him or her other than by accidental means or who has been subjected
11 to alleged sexual abuse, shall report such incident to the proper law
12 enforcement agency, including military law enforcement, if
13 appropriate. In emergency cases, where the child's welfare is
14 endangered, the department shall notify the proper law enforcement
15 agency within twenty-four hours after a report is received by the
16 department. In all other cases, the department shall notify the law
17 enforcement agency within seventy-two hours after a report is
18 received by the department. If the department makes an oral report, a
19 written report must also be made to the proper law enforcement agency
20 within five days thereafter.

21 (5) Any law enforcement agency receiving a report of an incident
22 of alleged abuse or neglect pursuant to this chapter, involving a
23 child who has died or has had physical injury or injuries inflicted
24 upon him or her other than by accidental means, or who has been
25 subjected to alleged sexual abuse, shall report such incident in
26 writing as provided in RCW 26.44.040 to the proper county prosecutor
27 or city attorney for appropriate action whenever the law enforcement
28 agency's investigation reveals that a crime may have been committed.
29 The law enforcement agency shall also notify the department of all
30 reports received and the law enforcement agency's disposition of
31 them. In emergency cases, where the child's welfare is endangered,
32 the law enforcement agency shall notify the department within twenty-
33 four hours. In all other cases, the law enforcement agency shall
34 notify the department within seventy-two hours after a report is
35 received by the law enforcement agency.

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

1 (7) The department may conduct ongoing case planning and
2 consultation with those persons or agencies required to report under
3 this section, with consultants designated by the department, and with
4 designated representatives of Washington Indian tribes if the client
5 information exchanged is pertinent to cases currently receiving child
6 protective services. Upon request, the department shall conduct such
7 planning and consultation with those persons required to report under
8 this section if the department determines it is in the best interests
9 of the child. Information considered privileged by statute and not
10 directly related to reports required by this section must not be
11 divulged without a valid written waiver of the privilege.

12 (8) Any case referred to the department by a physician licensed
13 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
14 opinion that child abuse, neglect, or sexual assault has occurred and
15 that the child's safety will be seriously endangered if returned
16 home, the department shall file a dependency petition unless a second
17 licensed physician of the parents' choice believes that such expert
18 medical opinion is incorrect. If the parents fail to designate a
19 second physician, the department may make the selection. If a
20 physician finds that a child has suffered abuse or neglect but that
21 such abuse or neglect does not constitute imminent danger to the
22 child's health or safety, and the department agrees with the
23 physician's assessment, the child may be left in the parents' home
24 while the department proceeds with reasonable efforts to remedy
25 parenting deficiencies.

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

30 (10) Upon receiving a report that a child is a candidate for
31 foster care as defined in RCW 26.44.020, the department may provide
32 prevention and family services and programs to the child's parents,
33 guardian, or caregiver. The department may not be held civilly liable
34 for the decision regarding whether to provide prevention and family
35 services and programs, or for the provision of those services and
36 programs, for a child determined to be a candidate for foster care.

37 (11) Upon receiving a report of alleged abuse or neglect, the
38 department shall make reasonable efforts to learn the name, address,
39 and telephone number of each person making a report of abuse or
40 neglect under this section. The department shall provide assurances

1 of appropriate confidentiality of the identification of persons
2 reporting under this section. If the department is unable to learn
3 the information required under this subsection, the department shall
4 only investigate cases in which:

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

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

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

12 (~~(11)~~) (12)(a) Upon receiving a report of alleged abuse or
13 neglect, the department shall use one of the following discrete
14 responses to reports of child abuse or neglect that are screened in
15 and accepted for departmental response:

16 (i) Investigation; or

17 (ii) Family assessment.

18 (b) In making the response in (a) of this subsection the
19 department shall:

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

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

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

31 (iv) Provide a full investigation if a family refuses the initial
32 family assessment;

33 (v) Provide voluntary services to families based on the results
34 of the initial family assessment. If a family refuses voluntary
35 services, and the department cannot identify specific facts related
36 to risk or safety that warrant assignment to investigation under this
37 chapter, and there is not a history of reports of child abuse or
38 neglect related to the family, then the department must close the
39 family assessment response case. However, if at any time the
40 department identifies risk or safety factors that warrant an

1 investigation under this chapter, then the family assessment response
2 case must be reassigned to investigation;

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

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

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

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

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

16 (E) The child is an adjudicated dependent child as defined in RCW
17 13.34.030, or the child is in a facility that is licensed, operated,
18 or certified for care of children by the department under chapter
19 74.15 RCW.

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

25 (i) A child who is a candidate for foster care, as defined in RCW
26 26.44.020; and

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

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

34 ~~((12))~~ (13)(a) For reports of alleged abuse or neglect that are
35 accepted for investigation by the department, the investigation shall
36 be conducted within time frames established by the department in
37 rule. In no case shall the investigation extend longer than ninety
38 days from the date the report is received, unless the investigation
39 is being conducted under a written protocol pursuant to RCW 26.44.180
40 and a law enforcement agency or prosecuting attorney has determined

1 that a longer investigation period is necessary. At the completion of
2 the investigation, the department shall make a finding that the
3 report of child abuse or neglect is founded or unfounded.

4 (b) If a court in a civil or criminal proceeding, considering the
5 same facts or circumstances as are contained in the report being
6 investigated by the department, makes a judicial finding by a
7 preponderance of the evidence or higher that the subject of the
8 pending investigation has abused or neglected the child, the
9 department shall adopt the finding in its investigation.

10 ~~((13))~~ (14) For reports of alleged abuse or neglect that are
11 responded to through family assessment response, the department
12 shall:

13 (a) Provide the family with a written explanation of the
14 procedure for assessment of the child and the family and its
15 purposes;

16 (b) Collaborate with the family to identify family strengths,
17 resources, and service needs, and develop a service plan with the
18 goal of reducing risk of harm to the child and improving or restoring
19 family well-being;

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

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

26 (II) For cases in which the department elects to use a family
27 assessment response as authorized under subsection (12)(c) of this
28 section, and upon agreement of the child's parent, legal guardian,
29 legal custodian, or relative placement, the family assessment
30 response period may be extended up to one year. The department's
31 extension of the family assessment response must be operated within
32 the department's appropriations.

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

35 (e) Implement the family assessment response in a consistent and
36 cooperative manner;

37 (f) Have the parent or guardian agree to participate in services
38 before services are initiated. The department shall inform the
39 parents of their rights under family assessment response, all of

1 their options, and the options the department has if the parents do
2 not agree to participate in services.

3 ~~((14))~~ (15)(a) In conducting an investigation or family
4 assessment of alleged abuse or neglect, the department or law
5 enforcement agency:

6 (i) May interview children. If the department determines that the
7 response to the allegation will be family assessment response, the
8 preferred practice is to request a parent's, guardian's, or
9 custodian's permission to interview the child before conducting the
10 child interview unless doing so would compromise the safety of the
11 child or the integrity of the assessment. The interviews may be
12 conducted on school premises, at day-care facilities, at the child's
13 home, or at other suitable locations outside of the presence of
14 parents. If the allegation is investigated, parental notification of
15 the interview must occur at the earliest possible point in the
16 investigation that will not jeopardize the safety or protection of
17 the child or the course of the investigation. Prior to commencing the
18 interview the department or law enforcement agency shall determine
19 whether the child wishes a third party to be present for the
20 interview and, if so, shall make reasonable efforts to accommodate
21 the child's wishes. Unless the child objects, the department or law
22 enforcement agency shall make reasonable efforts to include a third
23 party in any interview so long as the presence of the third party
24 will not jeopardize the course of the investigation; and

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

27 (b) The Washington state school directors' association shall
28 adopt a model policy addressing protocols when an interview, as
29 authorized by this subsection, is conducted on school premises. In
30 formulating its policy, the association shall consult with the
31 department and the Washington association of sheriffs and police
32 chiefs.

33 ~~((15))~~ (16) If a report of alleged abuse or neglect is founded
34 and constitutes the third founded report received by the department
35 within the last twelve months involving the same child or family, the
36 department shall promptly notify the office of the family and
37 children's ombuds of the contents of the report. The department shall
38 also notify the ombuds of the disposition of the report.

1 (~~(16)~~) (17) In investigating and responding to allegations of
2 child abuse and neglect, the department may conduct background checks
3 as authorized by state and federal law.

4 (~~(17)~~) (18)(a) The department shall maintain investigation
5 records and conduct timely and periodic reviews of all founded cases
6 of abuse and neglect. The department shall maintain a log of
7 screened-out nonabusive cases.

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

12 (~~(18)~~) (19) The department shall use a risk assessment process
13 when investigating alleged child abuse and neglect referrals. The
14 department shall present the risk factors at all hearings in which
15 the placement of a dependent child is an issue. Substance abuse must
16 be a risk factor.

17 (~~(19)~~) (20) Upon receipt of a report of alleged abuse or
18 neglect the law enforcement agency may arrange to interview the
19 person making the report and any collateral sources to determine if
20 any malice is involved in the reporting.

21 (~~(20)~~) (21) Upon receiving a report of alleged abuse or neglect
22 involving a child under the court's jurisdiction under chapter 13.34
23 RCW, the department shall promptly notify the child's guardian ad
24 litem of the report's contents. The department shall also notify the
25 guardian ad litem of the disposition of the report. For purposes of
26 this subsection, "guardian ad litem" has the meaning provided in RCW
27 13.34.030.

28 (~~(21)~~) (22) The department shall make efforts as soon as
29 practicable to determine the military status of parents whose
30 children are subject to abuse or neglect allegations. If the
31 department determines that a parent or guardian is in the military,
32 the department shall notify a department of defense family advocacy
33 program that there is an allegation of abuse and neglect that is
34 screened in and open for investigation that relates to that military
35 parent or guardian.

36 (~~(22)~~) (23) The department shall make available on its public
37 web site a downloadable and printable poster that includes the
38 reporting requirements included in this section. The poster must be
39 no smaller than eight and one-half by eleven inches with all
40 information on one side. The poster must be made available in both

1 the English and Spanish languages. Organizations that include
2 employees or volunteers subject to the reporting requirements of this
3 section must clearly display this poster in a common area. At a
4 minimum, this poster must include the following:

- 5 (a) Who is required to report child abuse and neglect;
- 6 (b) The standard of knowledge to justify a report;
- 7 (c) The definition of reportable crimes;
- 8 (d) Where to report suspected child abuse and neglect; and
- 9 (e) What should be included in a report and the appropriate
10 timing.

11 **Sec. 7.** RCW 74.13.020 and 2018 c 284 s 36, 2018 c 58 s 51, and
12 2018 c 34 s 3 are each reenacted and amended to read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

15 (1) "Case management" means convening family meetings,
16 developing, revising, and monitoring implementation of any case plan
17 or individual service and safety plan, coordinating and monitoring
18 services needed by the child and family, caseworker-child visits,
19 family visits, and the assumption of court-related duties, excluding
20 legal representation, including preparing court reports, attending
21 judicial hearings and permanency hearings, and ensuring that the
22 child is progressing toward permanency within state and federal
23 mandates, including the Indian child welfare act.

24 (2) "Child" means:

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

26 (b) A person age eighteen to twenty-one years who is eligible to
27 receive the extended foster care services authorized under RCW
28 74.13.031.

29 (3) "Child protective services" has the same meaning as in RCW
30 26.44.020.

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

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

38 (b) Protecting and caring for dependent, abused, or neglected
39 children;

1 (c) Assisting children who are in conflict with their parents,
2 and assisting parents who are in conflict with their children, with
3 services designed to resolve such conflicts;

4 (d) Protecting and promoting the welfare of children, including
5 the strengthening of their own homes where possible, or, where
6 needed;

7 (e) Providing adequate care of children away from their homes in
8 foster family homes or day care or other child care agencies or
9 facilities.

10 "Child welfare services" does not include child protection
11 services.

12 (5) "Child who is a candidate for foster care" means a child who
13 the department identifies as being at imminent risk of entering
14 foster care and for whom there is reasonable cause to believe that
15 any of the following circumstances exist:

16 (a) The child has been abandoned by the parent as defined in RCW
17 13.34.030 and the child's health, safety, and welfare is seriously
18 endangered as a result;

19 (b) The child has been abused or neglected as defined in chapter
20 26.44 RCW and the child's health, safety, and welfare is seriously
21 endangered as a result;

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

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

26 (6) "Department" means the department of children, youth, and
27 families.

28 ((+6)) (7) "Extended foster care services" means residential and
29 other support services the department is authorized to provide to
30 dependent children. These services include, but are not limited to,
31 placement in licensed, relative, or otherwise approved care, or
32 supervised independent living settings; assistance in meeting basic
33 needs; independent living services; medical assistance; and
34 counseling or treatment.

35 ((+7)) (8) "Family assessment" means a comprehensive assessment
36 of child safety, risk of subsequent child abuse or neglect, and
37 family strengths and needs that is applied to a child abuse or
38 neglect report. Family assessment does not include a determination as
39 to whether child abuse or neglect occurred, but does determine the

1 need for services to address the safety of the child and the risk of
2 subsequent maltreatment.

3 ~~((8))~~ (9) "Medical condition" means, for the purposes of
4 qualifying for extended foster care services, a physical or mental
5 health condition as documented by any licensed health care provider
6 regulated by a disciplining authority under RCW 18.130.040.

7 ~~((9))~~ (10) "Nonminor dependent" means any individual age
8 eighteen to twenty-one years who is participating in extended foster
9 care services authorized under RCW 74.13.031.

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

18 ~~((11))~~ (12) "Performance-based 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 shall also include
23 provisions that link the performance of the contractor to the level
24 and timing of reimbursement.

25 ~~((12))~~ (13) "Permanency services" means long-term services
26 provided to secure a child's safety, permanency, and well-being,
27 including foster care services, family reunification services,
28 adoption services, and preparation for independent living services.

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

37 (15) "Primary prevention services" means services which are
38 designed and delivered for the primary purpose of enhancing child and
39 family well-being and are shown, by analysis of outcomes, to reduce

1 the risk to the likelihood of the initial need for child welfare
2 services.

3 ~~((14))~~ (16) "Secretary" means the secretary of the department.

4 ~~((15))~~ (17) "Supervised independent living" includes, but is
5 not limited to, apartment living, room and board arrangements,
6 college or university dormitories, and shared roommate settings.
7 Supervised independent living settings must be approved by the
8 department or the court.

9 ~~((16))~~ (18) "Unsupervised" has the same meaning as in RCW
10 43.43.830.

11 ~~((17))~~ (19) "Voluntary placement agreement" means, for the
12 purposes of extended foster care services, a written voluntary
13 agreement between a nonminor dependent who agrees to submit to the
14 care and authority of the department for the purposes of
15 participating in the extended foster care program.

16 **Sec. 8.** RCW 74.13.031 and 2018 c 284 s 37, 2018 c 80 s 1, and
17 2018 c 34 s 5 are each reenacted and amended to read as follows:

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

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

34 (3) The department shall investigate complaints of any recent act
35 or failure to act on the part of a parent or caretaker that results
36 in death, serious physical or emotional harm, or sexual abuse or
37 exploitation, or that presents an imminent risk of serious harm, and
38 on the basis of the findings of such investigation, offer child
39 welfare services in relation to the problem to such parents, legal

1 custodians, or persons serving in loco parentis, and/or bring the
2 situation to the attention of an appropriate court, or another
3 community agency. An investigation is not required of nonaccidental
4 injuries which are clearly not the result of a lack of care or
5 supervision by the child's parents, legal custodians, or persons
6 serving in loco parentis. If the investigation reveals that a crime
7 against a child may have been committed, the department shall notify
8 the appropriate law enforcement agency.

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

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

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

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

35 (7) The department shall have authority to accept custody of
36 children from parents and to accept custody of children from juvenile
37 courts, where authorized to do so under law, to provide child welfare
38 services including placement for adoption, to provide for the routine
39 and necessary medical, dental, and mental health care, or necessary
40 emergency care of the children, and to provide for the physical care

1 of such children and make payment of maintenance costs if needed.
2 Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no
3 private adoption agency which receives children for adoption from the
4 department shall discriminate on the basis of race, creed, or color
5 when considering applications in their placement for adoption.

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

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

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

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

20 (i) Enrolled in a secondary education program or a secondary
21 education equivalency program;

22 (ii) Enrolled and participating in a postsecondary academic or
23 postsecondary vocational education program;

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

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

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

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

1 extended foster care through a voluntary placement agreement an
2 unlimited number of times between ages eighteen and twenty-one.

3 (c) The department shall develop and implement rules regarding
4 youth eligibility requirements.

5 (d) The department shall make efforts to ensure that extended
6 foster care services maximize medicaid reimbursements. This must
7 include the department ensuring that health and mental health
8 extended foster care providers participate in medicaid, unless the
9 condition of the extended foster care youth requires specialty care
10 that is not available among participating medicaid providers or there
11 are no participating medicaid providers in the area. The department
12 shall coordinate other services to maximize federal resources and the
13 most cost-efficient delivery of services to extended foster care
14 youth.

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

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

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

35 (14) The department shall have authority within funds
36 appropriated for foster care services to purchase care for Indian
37 children who are in the custody of a federally recognized Indian
38 tribe or tribally licensed child-placing agency pursuant to parental
39 consent, tribal court order, or state juvenile court order. The
40 purchase of such care is exempt from the requirements of chapter

1 74.13B RCW and may be purchased from the federally recognized Indian
2 tribe or tribally licensed child-placing agency, and shall be subject
3 to the same eligibility standards and rates of support applicable to
4 other children for whom the department purchases care.

5 Notwithstanding any other provision of RCW 13.32A.170 through
6 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section
7 all services to be provided by the department under subsections (4),
8 (7), and (8) of this section, subject to the limitations of these
9 subsections, may be provided by any program offering such services
10 funded pursuant to Titles II and III of the federal juvenile justice
11 and delinquency prevention act of 1974.

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

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

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

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

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

38 (ii) Sibling visits subject to the restrictions in RCW
39 13.34.136(2)(b)(ii);

40 (iii) Parent-child visits;

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

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

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

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

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

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

35 (1) Intensive family preservation services shall have all of the
36 following characteristics:

37 (a) Services are provided by specially trained service providers
38 who have received at least forty hours of training from recognized
39 intensive in-home services experts. Service providers deliver the

1 services in the family's home, and other environments of the family,
2 such as their neighborhood or schools;

3 (b) Caseload size averages two families per service provider
4 unless paraprofessional services are utilized, in which case a
5 provider may, but is not required to, handle an average caseload of
6 five families;

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

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

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

19 (2) Family preservation services shall have all of the following
20 characteristics:

21 (a) Services are delivered primarily in the family home or
22 community;

23 (b) Services are committed to reinforcing the strengths of the
24 family and its members and empowering the family to solve problems
25 and become self-sufficient;

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

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

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

34 ((and))

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

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

1 (3) Preservation services shall include the following
2 characteristics:

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

4 (b) Service providers have the authority and discretion to spend
5 funds, up to a maximum amount specified by the department, to help
6 families obtain necessary food, shelter, or clothing, or to purchase
7 other goods or services that will enhance the effectiveness of
8 intervention;

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

11 (d) Services enhance parenting skills, family and personal self-
12 sufficiency, functioning of the family, and reduce stress on
13 families; and

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

20 (4) The department may offer or provide family preservation
21 services or preservation services to families as remedial services
22 pursuant to proceedings brought under chapter 13.34 RCW. If the
23 department elects to do so, these services are not considered
24 remedial services as defined in chapter 13.34 RCW, and the department
25 may extend the duration of such services for a period of up to
26 fifteen months following the return home of a child under chapter
27 13.34 RCW. The purpose for extending the duration of these services
28 is to, whenever possible, facilitate safe and timely reunification of
29 the family and to ensure the strength and stability of the
30 reunification.

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

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

35 (1) "Agency" means any person, firm, partnership, association,
36 corporation, or facility which receives children, expectant mothers,
37 or persons with developmental disabilities for control, care, or
38 maintenance outside their own homes, or which places, arranges the
39 placement of, or assists in the placement of children, expectant

1 mothers, or persons with developmental disabilities for foster care
2 or placement of children for adoption, and shall include the
3 following irrespective of whether there is compensation to the agency
4 or to the children, expectant mothers, or persons with developmental
5 disabilities for services rendered:

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

8 (b) "Community facility" means a group care facility operated for
9 the care of juveniles committed to the department under RCW
10 13.40.185. A county detention facility that houses juveniles
11 committed to the department under RCW 13.40.185 pursuant to a
12 contract with the department is not a community facility;

13 (c) "Crisis residential center" means an agency which is a
14 temporary protective residential facility operated to perform the
15 duties specified in chapter 13.32A RCW, in the manner provided in RCW
16 43.185C.295 through 43.185C.310;

17 (d) "Emergency respite center" is an agency that may be commonly
18 known as a crisis nursery, that provides emergency and crisis care
19 for up to seventy-two hours to children who have been admitted by
20 their parents or guardians to prevent abuse or neglect. Emergency
21 respite centers may operate for up to twenty-four hours a day, and
22 for up to seven days a week. Emergency respite centers may provide
23 care for children ages birth through seventeen, and for persons
24 eighteen through twenty with developmental disabilities who are
25 admitted with a sibling or siblings through age seventeen. Emergency
26 respite centers may not substitute for crisis residential centers or
27 HOPE centers, or any other services defined under this section, and
28 may not substitute for services which are required under chapter
29 13.32A or 13.34 RCW;

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

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

1 (i) Qualified residential treatment programs as defined in RCW
2 13.34.030;

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

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

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

20 (h) "Maternity service" means an agency which provides or
21 arranges for care or services to expectant mothers, before or during
22 confinement, or which provides care as needed to mothers and their
23 infants after confinement;

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

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

38 (k) "Service provider" means the entity that operates a community
39 facility.

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

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

3 (i) Any blood relative, including those of half-blood, and
4 including first cousins, second cousins, nephews or nieces, and
5 persons of preceding generations as denoted by prefixes of grand,
6 great, or great-great;

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

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

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

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

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

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

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

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

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

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

5 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
6 performing functions defined in chapter 70.41 RCW, nursing homes
7 licensed under chapter 18.51 RCW and assisted living facilities
8 licensed under chapter 18.20 RCW;

9 (h) Licensed physicians or lawyers;

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

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

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

20 (l) An agency operated by any unit of local, state, or federal
21 government or an agency licensed by an Indian tribe pursuant to RCW
22 74.15.190;

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

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

28 (o) A host home program, and host home, operated by a tax exempt
29 organization for youth not in the care of or receiving services from
30 the department, if that program: (i) Recruits and screens potential
31 homes in the program, including performing background checks on
32 individuals over the age of eighteen residing in the home through the
33 Washington state patrol or equivalent law enforcement agency and
34 performing physical inspections of the home; (ii) screens and
35 provides case management services to youth in the program; (iii)
36 obtains a notarized permission slip or limited power of attorney from
37 the parent or legal guardian of the youth authorizing the youth to
38 participate in the program and the authorization is updated every six
39 months when a youth remains in a host home longer than six months;
40 (iv) obtains insurance for the program through an insurance provider

1 authorized under Title 48 RCW; (v) provides mandatory reporter and
2 confidentiality training; and (vi) registers with the secretary of
3 state as provided in RCW 24.03.550. A host home is a private home
4 that volunteers to host youth in need of temporary placement that is
5 associated with a host home program. Any host home program that
6 receives local, state, or government funding shall report the
7 following information to the office of homeless youth prevention and
8 protection programs annually by December 1st of each year: The number
9 of children the program served, why the child was placed with a host
10 home, and where the child went after leaving the host home, including
11 but not limited to returning to the parents, running away, reaching
12 the age of majority, or becoming a dependent of the state. A host
13 home program shall not receive more than one hundred thousand dollars
14 per year of public funding, including local, state, and federal
15 funding. A host home shall not receive any local, state, or
16 government funding.

17 (3) "Department" means the department of children, youth, and
18 families.

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

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

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

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

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

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

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

1 (a) Educational services, including basic literacy and
2 computational skills training, either in local alternative or public
3 high schools or in a high school equivalency program that leads to
4 obtaining a high school equivalency degree;

5 (b) Assistance and counseling related to obtaining vocational
6 training or higher education, job readiness, job search assistance,
7 and placement programs;

8 (c) Counseling and instruction in life skills such as money
9 management, home management, consumer skills, parenting, health care,
10 access to community resources, and transportation and housing
11 options;

12 (d) Individual and group counseling; and

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

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

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

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

35 (2)(a) If it is likely that the child will remain in shelter care
36 longer than seventy-two hours, the department shall submit a
37 recommendation to the court as to the further need for shelter care
38 in all cases in which the child will remain in shelter care longer
39 than the seventy-two hour period. In all other cases, the

1 recommendation shall be submitted by the juvenile court probation
2 counselor.

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

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

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

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

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

14 (iii) If the parent, guardian, or custodian is not represented by
15 counsel, the right to be represented. If the parent, guardian, or
16 custodian is indigent, the court shall appoint counsel as provided in
17 RCW 13.34.090; and

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

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

33 (a) Whether the notice required under RCW 13.34.062 was given to
34 all known parents, guardians, or legal custodians of the child. The
35 court shall make an express finding as to whether the notice required
36 under RCW 13.34.062 was given to the parent, guardian, or legal
37 custodian. If actual notice was not given to the parent, guardian, or
38 legal custodian and the whereabouts of such person is known or can be
39 ascertained, the court shall order the department to make reasonable
40 efforts to advise the parent, guardian, or legal custodian of the

1 status of the case, including the date and time of any subsequent
2 hearings, and their rights under RCW 13.34.090;

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

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

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

18 (e) Is the placement proposed by the department the least
19 disruptive and most family-like setting that meets the needs of the
20 child;

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

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

28 (h) Whether the child is or may be an Indian child as defined in
29 RCW 13.38.040, whether the provisions of the federal Indian child
30 welfare act or chapter 13.38 RCW apply, and whether there is
31 compliance with the federal Indian child welfare act and chapter
32 13.38 RCW, including notice to the child's tribe;

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

37 (j) Whether any orders for examinations, evaluations, or
38 immediate services are needed. The court may not order a parent to
39 undergo examinations, evaluation, or services at the shelter care

1 hearing unless the parent agrees to the examination, evaluation, or
2 service;

3 (k) The terms and conditions for parental, sibling, and family
4 visitation.

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

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

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

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

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

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

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

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

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

1 (c) If the child was not initially placed with a relative or
2 other suitable person, and the court does not release the child to
3 his or her parent, guardian, or legal custodian, the department shall
4 make reasonable efforts to locate a relative or other suitable person
5 pursuant to RCW 13.34.060(1). In determining placement, the court
6 shall weigh the child's length of stay and attachment to the current
7 provider in determining what is in the best interest of the child.

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

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

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

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

29 (ii) Determine whether placement in foster care can meet the
30 child's needs or if placement in another available placement setting
31 best meets the child's needs in the least restrictive environment;
32 and

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

35 (g) Uncertainty by a parent, guardian, legal custodian, relative,
36 or other suitable person that the alleged abuser has in fact abused
37 the child shall not, alone, be the basis upon which a child is
38 removed from the care of a parent, guardian, or legal custodian under
39 (a) of this subsection, nor shall it be a basis, alone, to preclude

1 placement with a relative or other suitable person under (b) of this
2 subsection.

3 (6) (a) A shelter care order issued pursuant to this section shall
4 include the requirement for a case conference as provided in RCW
5 13.34.067. However, if the parent is not present at the shelter care
6 hearing, or does not agree to the case conference, the court shall
7 not include the requirement for the case conference in the shelter
8 care order.

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

13 (c) The court may order another conference, case staffing, or
14 hearing as an alternative to the case conference required under RCW
15 13.34.067 so long as the conference, case staffing, or hearing
16 ordered by the court meets all requirements under RCW 13.34.067,
17 including the requirement of a written agreement specifying the
18 services to be provided to the parent.

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

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

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

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

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

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

3 If, after a fact-finding hearing pursuant to RCW 13.34.110, it
4 has been proven by a preponderance of the evidence that the child is
5 dependent within the meaning of RCW 13.34.030 after consideration of
6 the social study prepared pursuant to RCW 13.34.110 and after a
7 disposition hearing has been held pursuant to RCW 13.34.110, the
8 court shall enter an order of disposition pursuant to this section.

9 (1) The court shall order one of the following dispositions of
10 the case:

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

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

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

1 (iii) The department may also consider placing the child, subject
2 to review and approval by the court, with a person with whom the
3 child's sibling or half-sibling is residing or a person who has
4 adopted the sibling or half-sibling of the child being placed as long
5 as the person has completed all required criminal history background
6 checks and otherwise appears to the department to be competent to
7 provide care for the child.

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

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

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

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

31 (ii) Determine whether placement in foster care can meet the
32 child's needs or if placement in another available placement setting
33 best meets the child's needs in the least restrictive environment;
34 and

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

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

1 ~~((5))~~ (6) Placement of the child with a relative or other
2 suitable person as described in subsection (1)(b) of this section
3 shall be given preference by the court. An order for out-of-home
4 placement may be made only if the court finds that reasonable efforts
5 have been made to prevent or eliminate the need for removal of the
6 child from the child's home and to make it possible for the child to
7 return home, specifying the services, including housing assistance,
8 that have been provided to the child and the child's parent,
9 guardian, or legal custodian, and that ~~((preventive))~~ prevention
10 services have been offered or provided and have failed to prevent the
11 need for out-of-home placement, unless the health, safety, and
12 welfare of the child cannot be protected adequately in the home, and
13 that:

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

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

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

22 ~~((6))~~ (7) If the court has ordered a child removed from his or
23 her home pursuant to subsection (1)(b) of this section, the court
24 shall consider whether it is in a child's best interest to be placed
25 with, have contact with, or have visits with siblings.

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

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

32 (ii) There is no reasonable cause to believe that the health,
33 safety, or welfare of any child subject to the order of placement,
34 contact, or visitation would be jeopardized or that efforts to
35 reunite the parent and child would be hindered by such placement,
36 contact, or visitation. In no event shall parental visitation time be
37 reduced in order to provide sibling visitation.

38 (b) The court may also order placement, contact, or visitation of
39 a child with a stepbrother or stepsister provided that in addition to

1 the factors in (a) of this subsection, the child has a relationship
2 and is comfortable with the stepsibling.

3 ~~((7))~~ (8) If the court has ordered a child removed from his or
4 her home pursuant to subsection (1)(b) of this section and placed
5 into nonparental or nonrelative care, the court shall order a
6 placement that allows the child to remain in the same school he or
7 she attended prior to the initiation of the dependency proceeding
8 when such a placement is practical and in the child's best interest.

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

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

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

35 (1) The status of all children found to be dependent shall be
36 reviewed by the court at least every six months from the beginning
37 date of the placement episode or the date dependency is established,
38 whichever is first. The purpose of the hearing shall be to review the

1 progress of the parties and determine whether court supervision
2 should continue.

3 (a) The initial review hearing shall be an in-court review and
4 shall be set six months from the beginning date of the placement
5 episode or no more than ninety days from the entry of the disposition
6 order, whichever comes first. The requirements for the initial review
7 hearing, including the in-court review requirement, shall be
8 accomplished within existing resources.

9 (b) The initial review hearing may be a permanency planning
10 hearing when necessary to meet the time frames set forth in RCW
11 13.34.145(1)(a) or 13.34.134.

12 (2)(a) A child shall not be returned home at the review hearing
13 unless the court finds that a reason for removal as set forth in RCW
14 13.34.130 no longer exists. The parents, guardian, or legal custodian
15 shall report to the court the efforts they have made to correct the
16 conditions which led to removal. If a child is returned, casework
17 supervision by the department shall continue for a period of six
18 months, at which time there shall be a hearing on the need for
19 continued intervention.

20 (b) Prior to the child returning home, the department must
21 complete the following:

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

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

36 (iii) Notify the parent with whom the child is being placed that
37 he or she has an ongoing duty to notify the department of all persons
38 who reside in the home or who may act as a caregiver for the child
39 both prior to the placement of the child in the home and subsequent
40 to the placement of the child in the home as long as the court

1 retains jurisdiction of the dependency proceeding or the department
2 is providing or monitoring either remedial services to the parent or
3 services to ensure the safety of the child to any caregivers.

4 Caregivers may be required to engage in services under this
5 subsection solely for the purpose of ensuring the present and future
6 safety of a child who is a ward of the court. This subsection does
7 not grant party status to any individual not already a party to the
8 dependency proceeding, create an entitlement to services or a duty on
9 the part of the department to provide services, or create judicial
10 authority to order the provision of services to any person other than
11 for the express purposes of this section or RCW 13.34.025 or if the
12 services are unavailable or unsuitable or the person is not eligible
13 for such services.

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

16 (i) Whether the department is making reasonable efforts to
17 provide services to the family and eliminate the need for placement
18 of the child. If additional services, including housing assistance,
19 are needed to facilitate the return of the child to the child's
20 parents, the court shall order that reasonable services be offered
21 specifying such services;

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

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

26 (iv) Whether the services set forth in the case plan and the
27 responsibilities of the parties need to be clarified or modified due
28 to the availability of additional information or changed
29 circumstances;

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

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

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

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

1 (C) Whether the placement is consistent with the child's
2 permanency plan;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (ii) The continued participation of the parents, if applicable,
40 in available substance abuse or mental health treatment if substance

1 abuse or mental illness was a contributing factor to the removal of
2 the child.

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

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

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

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

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

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

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

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

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

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

4 (2) Determine whether placement in foster care can meet the
5 child's needs or if placement in another available placement setting
6 best meets the child's needs in the least restrictive environment;
7 and

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

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

12 (1) The purpose of a permanency planning hearing is to review the
13 permanency plan for the child, inquire into the welfare of the child
14 and progress of the case, and reach decisions regarding the permanent
15 placement of the child.

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

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

36 (c) Permanency planning goals should be achieved at the earliest
37 possible date, preferably before the child has been in out-of-home
38 care for fifteen months. In cases where parental rights have been
39 terminated, the child is legally free for adoption, and adoption has

1 been identified as the primary permanency planning goal, it shall be
2 a goal to complete the adoption within six months following entry of
3 the termination order.

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

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

14 (4) At the permanency planning hearing, the court shall conduct
15 the following inquiry:

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

27 (b) In cases where the primary permanency planning goal has not
28 been achieved, the court shall inquire regarding the reasons why the
29 primary goal has not been achieved and determine what needs to be
30 done to make it possible to achieve the primary goal. The court shall
31 review the permanency plan prepared by the agency and make explicit
32 findings regarding each of the following:

33 (i) The continuing necessity for, and the safety and
34 appropriateness of, the placement;

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

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

1 (iv) The progress toward eliminating the causes for the child's
2 placement outside of his or her home and toward returning the child
3 safely to his or her home or obtaining a permanent placement for the
4 child;

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

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

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

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

20 (C) Being placed for adoption;

21 (D) Being placed with a guardian;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (a) Enter a finding regarding whether the foster parent or
8 relative was informed of the hearing as required in RCW 74.13.280,
9 13.34.215(6), and 13.34.096; and

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

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

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

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

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

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

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

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

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

39 (12) The juvenile court may hear a petition for permanent legal
40 custody when: (a) The court has ordered implementation of a

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

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

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

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

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

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

36 Nothing in this chapter may be construed to limit the
37 department's authority to offer or provide prevention services or
38 primary prevention services as defined in chapters 13.34 and 74.13
39 RCW, respectively.

1 NEW SECTION. **Sec. 17.** A new section is added to chapter 13.34
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 this chapter and chapter
6 74.13 RCW, respectively.

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

9 Nothing in this chapter may be construed to limit the
10 department's authority to offer or provide prevention services or
11 primary prevention services as defined in chapter 13.34 RCW and this
12 chapter, respectively.

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

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