

2 **E2SSB 6255** - H COMM AMD TO HS COMM AMD (H4391.1) **ADOPTED 3-3-94**
3 By Committee on Appropriations

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5 On page 2, after line 33 of the amendment, strike all material
6 through "guardian." on page 15, line 34, and insert the following:

7 "(9) "Preventive services" means family preservation services, as
8 defined in RCW 74.14C.010, and other reasonably available services
9 capable of preventing the need for out-of-home placement while
10 protecting the child.

11 **Sec. 2.** RCW 13.34.120 and 1993 c 412 s 8 are each amended to read
12 as follows:

13 (1) To aid the court in its decision on disposition, a social
14 study, consisting of a written evaluation of matters relevant to the
15 disposition of the case, shall be made by the person or agency filing
16 the petition. The study shall include all social records and may also
17 include facts relating to the child's cultural heritage, and shall be
18 made available to the court. The court shall consider the social file,
19 social study, guardian ad litem report, the court-appointed special
20 advocates report, if any, and any reports filed by a party at the
21 disposition hearing in addition to evidence produced at the fact-
22 finding hearing. At least ten working days before the disposition
23 hearing, the department shall mail to the parent and his or her
24 attorney a copy of the agency's social study and proposed service plan,
25 which shall be in writing or in a form understandable to the parents or
26 custodians. In addition, the department shall provide an opportunity
27 for parents to review and comment on the plan at the community service
28 office. If the parents disagree with the agency's plan or any part
29 thereof, the parents shall submit to the court at least twenty-four
30 hours before the hearing, in writing, or signed oral statement, an
31 alternative plan to correct the problems which led to the finding of
32 dependency. This section shall not interfere with the right of the
33 parents or custodians to submit oral arguments regarding the
34 disposition plan at the hearing.

35 (2) In addition to the requirements set forth in subsection (1) of
36 this section, a predisposition study to the court in cases of

1 dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall
2 contain the following information:

3 (a) A statement of the specific harm or harms to the child that
4 intervention is designed to alleviate;

5 (b) A description of the specific programs, for both the parents
6 and child, that are needed in order to prevent serious harm to the
7 child; the reasons why such programs are likely to be useful; the
8 availability of any proposed services; and the agency's overall plan
9 for ensuring that the services will be delivered;

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

19 (d) A statement of the likely harms the child will suffer as a
20 result of removal. This section should include an exploration of the
21 nature of the parent-child attachment and the meaning of separation and
22 loss to both the parents and the child;

23 (e) A description of the steps that will be taken to minimize harm
24 to the child that may result if separation occurs; and

25 (f) Behavior that will be expected before determination that
26 supervision of the family or placement is no longer necessary.

27 **Sec. 3.** RCW 74.14C.070 and 1992 c 214 s 9 are each amended to read
28 as follows:

29 After July 1, 1993, the secretary of social and health services, or
30 the secretary's regional designee, may transfer funds appropriated for
31 foster care services to purchase family preservation services and other
32 preventive services for children at imminent risk of foster care
33 placement. The secretary shall notify the appropriate committees of
34 the senate and house of representatives of any transfers under this
35 section. The secretary shall include caseload, expenditure, cost
36 avoidance, identified improvements to the foster care system, and
37 outcome data related to the transfer in the notification.

1 **Sec. 4.** RCW 13.34.130 and 1992 c 145 s 14 are each amended to read
2 as follows:

3 If, after a fact-finding hearing pursuant to RCW 13.34.110, (~~as~~
4 ~~now or hereafter amended,~~) it has been proven by a preponderance of
5 the evidence that the child is dependent within the meaning of RCW
6 13.34.030(~~(+2)~~); after consideration of the predisposition report
7 prepared pursuant to RCW 13.34.110 and after a disposition hearing has
8 been held pursuant to RCW 13.34.110, the court shall enter an order of
9 disposition pursuant to this section.

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

12 (a) Order a disposition other than removal of the child from his or
13 her home, which shall provide a program designed to alleviate the
14 immediate danger to the child, to mitigate or cure any damage the child
15 has already suffered, and to aid the parents so that the child will not
16 be endangered in the future. In selecting a program, the court should
17 choose those services that least interfere with family autonomy,
18 provided that the services are adequate to protect the child.

19 (b) Order that the child be removed from his or her home and
20 ordered into the custody, control, and care of a relative or the
21 department of social and health services or a licensed child placing
22 agency for placement in a foster family home or group care facility
23 licensed pursuant to chapter 74.15 RCW or in a home not required to be
24 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable
25 cause to believe that the safety or welfare of the child would be
26 jeopardized or that efforts to reunite the parent and child will be
27 hindered, such child shall be placed with a grandparent, brother,
28 sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom
29 the child has a relationship and is comfortable, and who is willing and
30 available to care for the child. An order for out-of-home placement
31 may be made only if the court finds that reasonable efforts have been
32 made to prevent or eliminate the need for removal of the child from the
33 child's home and to make it possible for the child to return home,
34 specifying the services that have been provided to the child and the
35 child's parent, guardian, or legal custodian, and that preventive
36 services have been offered or provided and have failed to prevent the
37 need for out-of-home placement, unless the health, safety, and welfare
38 of the child cannot be protected adequately in the home, and that:

1 (i) There is no parent or guardian available to care for such
2 child;

3 (ii) The parent, guardian, or legal custodian is not willing to
4 take custody of the child;

5 (iii) A manifest danger exists that the child will suffer serious
6 abuse or neglect if the child is not removed from the home and an order
7 under RCW 26.44.063 would not protect the child from danger; or

8 (iv) The extent of the child's disability is such that the parent,
9 guardian, or legal custodian is unable to provide the necessary care
10 for the child and the parent, guardian, or legal custodian has
11 determined that the child would benefit from placement outside of the
12 home.

13 (2) If the court has ordered a child removed from his or her home
14 pursuant to subsection (1)(b) of this section, the court may order that
15 a petition seeking termination of the parent and child relationship be
16 filed if the court finds it is recommended by the supervising agency,
17 that it is in the best interests of the child and that it is not
18 reasonable to provide further services to reunify the family because
19 the existence of aggravated circumstances make it unlikely that
20 services will effectuate the return of the child to the child's parents
21 in the near future. In determining whether aggravated circumstances
22 exist, the court shall consider one or more of the following:

23 (a) Conviction of the parent of rape of the child in the first,
24 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
25 9A.44.079;

26 (b) Conviction of the parent of criminal mistreatment of the child
27 in the first or second degree as defined in RCW 9A.42.020 and
28 9A.42.030;

29 (c) Conviction of the parent of one of the following assault
30 crimes, when the child is the victim: Assault in the first or second
31 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child
32 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

33 (d) Conviction of the parent of murder, manslaughter, or homicide
34 by abuse of the child's other parent, sibling, or another child;

35 (e) A finding by a court that a parent is a sexually violent
36 predator as defined in RCW 71.09.020;

37 (f) Failure of the parent to complete available treatment ordered
38 under this chapter or the equivalent laws of another state, where such
39 failure has resulted in a prior termination of parental rights to

1 another child and the parent has failed to effect significant change in
2 the interim.

3 (3) Whenever a child is ordered removed from the child's home, the
4 agency charged with his or her care shall provide the court with:

5 (a) (~~(A permanent plan of care that may include one of the~~
6 ~~following: Return of the child to the home of the child's parent,~~
7 ~~adoption, guardianship, or long term placement with a relative or in~~
8 ~~foster care with a written agreement.)) A permanency plan of care that
9 shall identify one of the following outcomes as a primary goal and may
10 identify additional outcomes as alternative goals: Return of the child
11 to the home of the child's parent, guardian, or legal custodian;
12 adoption; guardianship; or long-term relative or foster care, until the
13 child is age eighteen, with a written agreement between the parties and
14 the care provider.~~

15 (b) Unless the court has ordered, pursuant to subsection (2) of
16 this section, that a termination petition be filed, a specific plan as
17 to where the child will be placed, what steps will be taken to return
18 the child home, and what actions the agency will take to maintain
19 parent-child ties. All aspects of the plan shall include the goal of
20 achieving permanence for the child.

21 (i) The agency plan shall specify what services the parents will be
22 offered in order to enable them to resume custody, what requirements
23 the parents must meet in order to resume custody, and a time limit for
24 each service plan and parental requirement.

25 (ii) The agency shall be required to encourage the maximum parent-
26 child contact possible, including regular visitation and participation
27 by the parents in the care of the child while the child is in
28 placement. Visitation may be limited or denied only if the court
29 determines that such limitation or denial is necessary to protect the
30 child's health, safety, or welfare.

31 (iii) A child shall be placed as close to the child's home as
32 possible, preferably in the child's own neighborhood, unless the court
33 finds that placement at a greater distance is necessary to promote the
34 child's or parents' well-being.

35 (iv) The agency charged with supervising a child in placement shall
36 provide all reasonable services that are available within the agency,
37 or within the community, or those services which the department of
38 social and health services has existing contracts to purchase. It
39 shall report to the court if it is unable to provide such services.

1 (c) If the court has ordered, pursuant to subsection (2) of this
2 section, that a termination petition be filed, a specific plan as to
3 where the child will be placed, what steps will be taken to achieve
4 permanency for the child, services to be offered or provided to the
5 child, and, if visitation would be in the best interests of the child,
6 a recommendation to the court regarding visitation between parent and
7 child pending a fact-finding hearing on the termination petition. The
8 agency shall not be required to develop a plan of services for the
9 parents or provide services to the parents.

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

27 (5) Except for children whose cases are reviewed by a citizen
28 review board under chapter 13.70 RCW, the status of all children found
29 to be dependent shall be reviewed by the court at least every six
30 months from the beginning date of the placement episode or the date
31 dependency is established, whichever is first, at a hearing in which it
32 shall be determined whether court supervision should continue. The
33 review shall include findings regarding the agency and parental
34 completion of disposition plan requirements, and if necessary, revised
35 permanency time limits.

36 (a) A child shall not be returned home at the review hearing unless
37 the court finds that a reason for removal as set forth in this section
38 no longer exists. The parents, guardian, or legal custodian shall
39 report to the court the efforts they have made to correct the

1 conditions which led to removal. If a child is returned, casework
2 supervision shall continue for a period of six months, at which time
3 there shall be a hearing on the need for continued intervention.

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

6 (i) Whether reasonable services have been provided to or offered to
7 the parties to facilitate reunion, specifying the services provided or
8 offered;

9 (ii) Whether the child has been placed in the least-restrictive
10 setting appropriate to the child's needs, including whether
11 consideration has been given to placement with the child's relatives;

12 (iii) Whether there is a continuing need for placement and whether
13 the placement is appropriate;

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

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

18 (vi) Whether the parents have visited the child and any reasons why
19 visitation has not occurred or has been infrequent;

20 (vii) Whether additional services are needed to facilitate the
21 return of the child to the child's parents; if so, the court shall
22 order that reasonable services be offered specifying such services; and

23 (viii) The projected date by which the child will be returned home
24 or other permanent plan of care will be implemented.

25 (c) The court at the review hearing may order that a petition
26 seeking termination of the parent and child relationship be filed.

27 **Sec. 5.** RCW 13.34.145 and 1993 c 412 s 1 are each amended to read
28 as follows:

29 ~~(1) ((In all cases where a child has been placed in substitute care
30 for at least fifteen months, the agency having custody of the child
31 shall prepare a permanency plan and present it in a hearing held before
32 the court no later than eighteen months following commencement of the
33 placement episode.~~

34 ~~(2) At the permanency planning hearing, the court shall enter
35 findings as required by RCW 13.34.130(5). In addition the court shall:~~

36 ~~(a) Approve a permanency plan which shall include one of the following:
37 Adoption, guardianship, placement of the child in the home of the
38 child's parent, relative placement with written permanency plan, or~~

1 ~~family foster care with written permanency agreement; (b) require~~
2 ~~filing of a petition for termination of parental rights; or (c) dismiss~~
3 ~~the dependency, unless the court finds, based on clear, cogent, and~~
4 ~~convincing evidence, that it is in the best interest of the child to~~
5 ~~continue the dependency beyond eighteen months, based on the permanency~~
6 ~~plan. Extensions may only be granted in increments of twelve months or~~
7 ~~less.)) A permanency plan shall be developed no later than sixty days
8 from the time the supervising agency assumes responsibility for
9 providing services, including placing the child, or at the time of a
10 hearing under RCW 13.34.130, whichever occurs first. The permanency
11 planning process continues until a permanency planning goal is achieved
12 or dependency is dismissed. The planning process shall include
13 reasonable efforts to return the child to the parent's home.~~

14 (a) Whenever a child is placed in out-of-home care pursuant to RCW
15 13.34.130, the agency that has custody of the child shall provide the
16 court with a written permanency plan of care directed towards securing
17 a safe, stable, and permanent home for the child as soon as possible.
18 The plan shall identify one of the following outcomes as the primary
19 goal and may also identify additional outcomes as alternative goals:
20 Return of the child to the home of the child's parent, guardian, or
21 legal custodian; adoption; guardianship; or long-term relative or
22 foster care, until the child is age eighteen, with a written agreement
23 between the parties and the care provider.

24 (b) The identified outcomes and goals of the permanency plan may
25 change over time based upon the circumstances of the particular case.

26 (c) Permanency planning goals should be achieved at the earliest
27 possible date, preferably before the child has been in out-of-home care
28 for fifteen months.

29 (2) A permanency planning hearing shall be held in all cases where
30 a child has remained in out-of-home care for at least fifteen months
31 and an adoption decree or guardianship order has not previously been
32 entered. The hearing shall take place no later than eighteen months
33 following commencement of the current placement episode.

34 (3) Whenever a child is removed from the home of a dependency
35 guardian or long-term relative or foster care provider, and the child
36 is not returned to the home of the parent, guardian, or legal custodian
37 but is placed in out-of-home care, a permanency planning hearing shall
38 take place no later than eighteen months following the date of removal
39 unless, prior to the hearing, the child returns to the home of the

1 dependency guardian or long-term care provider, the child is placed in
2 the home of the parent, guardian, or legal custodian, an adoption
3 decree or guardianship order is entered, or the dependency is
4 dismissed.

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

9 (5) At the permanency planning hearing, the court shall enter
10 findings as required by RCW 13.34.130(5) and shall review the
11 permanency plan prepared by the agency. If a goal of long-term foster
12 or relative care has been achieved prior to the permanency planning
13 hearing, the court shall review the child's status to determine whether
14 the placement and the plan for the child's care remain appropriate. In
15 cases where the primary permanency planning goal has not yet been
16 achieved, the court shall inquire regarding the reasons why the primary
17 goal has not been achieved and determine what needs to be done to make
18 it possible to achieve the primary goal. In all cases, the court
19 shall:

20 (a)(i) Order the permanency plan prepared by the agency to be
21 implemented; or

22 (ii) Modify the permanency plan, and order implementation of the
23 modified plan; and

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

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

29 (6) If the court orders the child returned home, casework
30 supervision shall continue for at least six months, at which time a
31 review hearing shall be held pursuant to RCW 13.34.130(5), and the
32 court shall determine the need for continued intervention.

33 (7) Following the first permanency planning hearing, the court
34 shall hold a further permanency planning hearing in accordance with
35 this section at least once every twelve months until a permanency
36 planning goal is achieved or the dependency is dismissed, whichever
37 occurs first.

38 (8) Except as otherwise provided in RCW 13.34.235, the status of
39 all dependent children shall continue to be reviewed by the court at

1 least once every six months, in accordance with RCW 13.34.130(5), until
2 the dependency is dismissed. Prior to the second permanency planning
3 hearing, the agency that has custody of the child shall consider
4 whether to file a petition for termination of parental rights.

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

14 (10) The approval of a permanency plan that does not contemplate
15 return of the child to the parent does not relieve the supervising
16 agency of its obligation to provide reasonable services, under this
17 chapter, intended to effectuate the return of the child to the parent,
18 including but not limited to, visitation rights.

19 (11) Nothing in this chapter may be construed to limit the
20 procedural due process rights of any party in a termination or
21 guardianship proceeding filed under this chapter.

22 **Sec. 6.** RCW 13.34.231 and 1981 c 195 s 2 are each amended to read
23 as follows:

24 At the hearing on a dependency guardianship petition, all parties
25 have the right to present evidence and cross examine witnesses. The
26 rules of evidence apply to the conduct of the hearing. A guardianship
27 (~~may~~) shall be established if the court finds by a preponderance of
28 the evidence that:

29 (1) The child has been found to be a dependent child under RCW
30 13.34.030(~~(+2)~~);

31 (2) A dispositional order has been entered pursuant to RCW
32 13.34.130;

33 (3) The child has been removed or will, at the time of the hearing,
34 have been removed from the custody of the parent for a period of at
35 least six months pursuant to a finding of dependency under RCW
36 13.34.030(~~(+2)~~);

37 (4) The services ordered under RCW 13.34.130 have been offered or
38 provided and all necessary services, reasonably available, capable of

1 correcting the parental deficiencies within the foreseeable future have
2 been offered or provided;

3 (5) There is little likelihood that conditions will be remedied so
4 that the child can be returned to the parent in the near future; and

5 (6) A guardianship, rather than termination of the parent-child
6 relationship or continuation of ~~((the child's current dependent
7 status))~~ efforts to return the child to the custody of the parent,
8 would be in the best interest of the ~~((family))~~ child.

9 **Sec. 7.** RCW 13.34.232 and 1993 c 412 s 4 are each amended to read
10 as follows:

11 (1) If the court has made a finding under RCW 13.34.231, it shall
12 enter an order establishing a dependency guardianship for the child.
13 The order shall:

14 ~~((+1))~~ (a) Appoint a person or agency to serve as dependency
15 guardian for the limited purpose of assisting the court to supervise
16 the dependency;

17 ~~((+2))~~ (b) Specify the dependency guardian's rights and
18 responsibilities concerning the care, custody, and control of the
19 child. A dependency guardian shall not have the authority to consent
20 to the child's adoption;

21 ~~((+3))~~ (c) Specify the dependency guardian's authority, if any,
22 to receive, invest, and expend funds, benefits, or property belonging
23 to the child;

24 (d) Specify an appropriate frequency of visitation between the
25 parent and the child; and

26 ~~((+4))~~ (e) Specify the need for any continued involvement of the
27 supervising agency and the nature of that involvement, if any.

28 ~~((The order shall not affect the child's status as a dependent
29 child, and the child shall remain dependent for the duration of the
30 guardianship.))~~

31 (2) Unless the court specifies otherwise in the guardianship order,
32 the dependency guardian shall maintain the physical custody of the
33 child and have the following rights and duties:

34 (a) Protect, discipline, and educate the child;

35 (b) Provide food, clothing, shelter, education as required by law,
36 and routine health care for the child;

1 (c) Consent to necessary health and surgical care and sign a
2 release of health care information to appropriate authorities, pursuant
3 to law;

4 (d) Consent to social and school activities of the child; and

5 (e) Provide an annual written accounting to the court regarding
6 receipt by the dependency guardian of any funds, benefits, or property
7 belonging to the child and expenditures made therefrom.

8 (3) As used in this section, the term "health care" includes, but
9 is not limited to, medical, dental, psychological, and psychiatric care
10 and treatment.

11 (4) The child shall remain dependent for the duration of the
12 guardianship. While the guardianship remains in effect, the dependency
13 guardian shall be a party to any dependency proceedings pertaining to
14 the child.

15 (5) The guardianship shall remain in effect only until the child is
16 eighteen years of age or until the court terminates the guardianship
17 order, whichever occurs sooner.

18 **Sec. 8.** RCW 13.34.233 and 1981 c 195 s 4 are each amended to read
19 as follows:

20 (1) Any party may ((seek a modification of the)) request the court
21 to modify or terminate a dependency guardianship order under RCW
22 13.34.150. Notice of any motion to modify or terminate the
23 guardianship shall be served on all other parties, including any agency
24 that was responsible for supervising the child's placement at the time
25 the guardianship petition was filed. Notice shall in all cases be
26 served upon the department of social and health services. If the
27 department was not previously a party to the guardianship proceeding,
28 the department shall nevertheless have the right to initiate a
29 proceeding to modify or terminate a guardianship and the right to
30 intervene at any stage of such a proceeding.

31 (2) The guardianship may be modified or terminated upon the motion
32 of any party or the department if the court finds by a preponderance of
33 the evidence that there has been a change of circumstances subsequent
34 to the establishment of the guardianship and that it is in the child's
35 best interest to modify or terminate the guardianship. Unless all
36 parties agree to entry of an order modifying or terminating the
37 guardianship, the court shall hold a hearing on the motion.

1 (3) Upon entry of an order terminating the guardianship, the
2 dependency guardian shall not have any rights or responsibilities with
3 respect to the child and shall not have legal standing to participate
4 as a party in further dependency proceedings pertaining to the child.
5 The court may allow the child's dependency guardian to attend
6 dependency review proceedings pertaining to the child for the sole
7 purpose of providing information about the child to the court.

8 (4) Upon entry of an order terminating the guardianship, the child
9 shall remain dependent and the court shall either return the child to
10 the child's parent or order the child into the custody, control, and
11 care of the department of social and health services or a licensed
12 child- placing agency for placement in a foster home or group care
13 facility licensed pursuant to chapter 74.15 RCW or in a home not
14 required to be licensed pursuant to such chapter. The court shall not
15 place a child in the custody of the child's parent unless the court
16 finds that a reason for removal as set forth in RCW 13.34.130 no longer
17 exists and that such placement is in the child's best interest. The
18 court shall thereafter conduct reviews as provided in RCW 13.34.130(5)
19 and, where applicable, shall hold a permanency planning hearing in
20 accordance with RCW 13.34.145.

21 **Sec. 9.** RCW 13.34.234 and 1981 c 195 s 5 are each amended to read
22 as follows:

23 Establishment of a dependency guardianship under RCW 13.34.231 and
24 13.34.232 does not preclude ((a)) the dependency guardian from
25 receiving foster care payments.

26 **Sec. 10.** RCW 13.34.236 and 1981 c 195 s 7 are each amended to read
27 as follows:

28 (1) Any person over the age of twenty-one years who is not
29 otherwise disqualified by this section, any nonprofit corporation, or
30 any Indian tribe may be appointed the dependency guardian of a child
31 under RCW 13.34.232. No person is qualified to serve as a dependency
32 guardian (~~who:—(1) Is of unsound mind; (2) has been convicted of a~~
33 ~~felony or misdemeanor involving moral turpitude; or (3) is a person~~
34 ~~whom the court finds unsuitable~~) unless the person meets the minimum
35 requirements to care for children as provided in RCW 74.15.030.

36 (2) If the preferences of a child's parent were not considered
37 under RCW 13.34.260 as they relate to the proposed dependency guardian,

1 the court shall consider such preferences before appointing the
2 dependency guardian."

--- END ---