

2 **E2SSB 6255** - CONF REPT  
3 By Conference Committee

4 ADOPTED 3/9/94

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 13.34.030 and 1993 c 241 s 1 are each amended to read  
8 as follows:

9 For purposes of this chapter:

10 (1) "Child" and "juvenile" means any individual under the age of  
11 eighteen years((~~+~~)).

12 (2) "Current placement episode" means the period of time that  
13 begins with the most recent date that the child was removed from the  
14 home of the parent, guardian, or legal custodian for purposes of  
15 placement in out-of-home care and continues until the child returns  
16 home, an adoption decree or guardianship order is entered, or the  
17 dependency is dismissed, whichever occurs soonest. If the most recent  
18 date of removal occurred prior to the filing of a dependency petition  
19 under this chapter or after filing but prior to entry of a disposition  
20 order, such time periods shall be included when calculating the length  
21 of a child's current placement episode.

22 (3) "Dependency guardian" means the person, nonprofit corporation,  
23 or Indian tribe appointed by the court pursuant to RCW 13.34.232 for  
24 the limited purpose of assisting the court in the supervision of the  
25 dependency.

26 (4) "Dependent child" means any child:

27 (a) Who has been abandoned; that is, where the child's parent,  
28 guardian, or other custodian has evidenced either by statement or  
29 conduct, a settled intent to forego, for an extended period, all  
30 parental rights or all parental responsibilities despite an ability to  
31 do so;

32 (b) Who is abused or neglected as defined in chapter 26.44 RCW by  
33 a person legally responsible for the care of the child;

34 (c) Who has no parent, guardian, or custodian capable of adequately  
35 caring for the child, such that the child is in circumstances which

1 constitute a danger of substantial damage to the child's psychological  
2 or physical development; or

3 (d) Who has a developmental disability, as defined in RCW  
4 71A.10.020 and whose parent, guardian, or legal custodian together with  
5 the department determines that services appropriate to the child's  
6 needs can not be provided in the home. However, (a), (b), and (c) of  
7 this subsection may still be applied if other reasons for removal of  
8 the child from the home exist((÷)).

9 ((+3)) (5) "Guardian" means the person or agency that: (a) Has  
10 been appointed as the guardian of a child in a legal proceeding other  
11 than a proceeding under this chapter; and (b) has the legal right to  
12 custody of the child pursuant to such appointment. The term "guardian"  
13 shall not include a "dependency guardian" appointed pursuant to a  
14 proceeding under this chapter.

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

23 ((+4)) (7) "Guardian ad litem program" means a court-authorized  
24 volunteer program, which is or may be established by the superior court  
25 of the county in which such proceeding is filed, to manage all aspects  
26 of volunteer guardian ad litem representation for children alleged or  
27 found to be dependent. Such management shall include but is not  
28 limited to: Recruitment, screening, training, supervision, assignment,  
29 and discharge of volunteers.

30 (8) "Out-of-home care" means placement in a foster family home or  
31 group care facility licensed pursuant to chapter 74.15 RCW or placement  
32 in a home, other than that of the child's parent, guardian, or legal  
33 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

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

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

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

25       (2) In addition to the requirements set forth in subsection (1) of  
26 this section, a predisposition study to the court in cases of  
27 dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall  
28 contain the following information:

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

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

36       (c) If removal is recommended, a full description of the reasons  
37 why the child cannot be protected adequately in the home, including a  
38 description of any previous efforts to work with the parents and the  
39 child in the home; the in-home treatment programs which have been

1 considered and rejected; the preventive services that have been offered  
2 or provided and have failed to prevent the need for out-of-home  
3 placement, unless the health, safety, and welfare of the child cannot  
4 be protected adequately in the home; and the parents' attitude toward  
5 placement of the child;

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

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

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

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

16 After July 1, 1993, the secretary of social and health services, or  
17 the secretary's regional designee, may transfer funds appropriated for  
18 foster care services to purchase family preservation services and other  
19 preventive services for children at imminent risk of foster care  
20 placement. The secretary shall notify the appropriate committees of  
21 the senate and house of representatives of any transfers under this  
22 section. The secretary shall include caseload, expenditure, cost  
23 avoidance, identified improvements to the foster care system, and  
24 outcome data related to the transfer in the notification.

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

27 If, after a fact-finding hearing pursuant to RCW 13.34.110, (~~as~~  
28 ~~now or hereafter amended,~~) it has been proven by a preponderance of  
29 the evidence that the child is dependent within the meaning of RCW  
30 13.34.030(~~(+2)~~); after consideration of the predisposition report  
31 prepared pursuant to RCW 13.34.110 and after a disposition hearing has  
32 been held pursuant to RCW 13.34.110, the court shall enter an order of  
33 disposition pursuant to this section.

34 (1) The court shall order one of the following dispositions of the  
35 case:

36 (a) Order a disposition other than removal of the child from his or  
37 her home, which shall provide a program designed to alleviate the

1 immediate danger to the child, to mitigate or cure any damage the child  
2 has already suffered, and to aid the parents so that the child will not  
3 be endangered in the future. In selecting a program, the court should  
4 choose those services that least interfere with family autonomy,  
5 provided that the services are adequate to protect the child.

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

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

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

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

33 (iv) The extent of the child's disability is such that the parent,  
34 guardian, or legal custodian is unable to provide the necessary care  
35 for the child and the parent, guardian, or legal custodian has  
36 determined that the child would benefit from placement outside of the  
37 home.

38 (2) If the court has ordered a child removed from his or her home  
39 pursuant to subsection (1)(b) of this section, the court may order that

1 a petition seeking termination of the parent and child relationship be  
2 filed if the court finds it is recommended by the supervising agency,  
3 that it is in the best interests of the child and that it is not  
4 reasonable to provide further services to reunify the family because  
5 the existence of aggravated circumstances make it unlikely that  
6 services will effectuate the return of the child to the child's parents  
7 in the near future. In determining whether aggravated circumstances  
8 exist, the court shall consider one or more of the following:

9 (a) Conviction of the parent of rape of the child in the first,  
10 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and  
11 9A.44.079;

12 (b) Conviction of the parent of criminal mistreatment of the child  
13 in the first or second degree as defined in RCW 9A.42.020 and  
14 9A.42.030;

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

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

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

23 (f) Failure of the parent to complete available treatment ordered  
24 under this chapter or the equivalent laws of another state, where such  
25 failure has resulted in a prior termination of parental rights to  
26 another child and the parent has failed to effect significant change in  
27 the interim.

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

30 (a) (~~(A permanent plan of care that may include one of the~~  
31 ~~following: Return of the child to the home of the child's parent,~~  
32 ~~adoption, guardianship, or long term placement with a relative or in~~  
33 ~~foster care with a written agreement.)) A permanency plan of care that  
34 shall identify one of the following outcomes as a primary goal and may  
35 identify additional outcomes as alternative goals: Return of the child  
36 to the home of the child's parent, guardian, or legal custodian;  
37 adoption; guardianship; or long-term relative or foster care, until the  
38 child is age eighteen, with a written agreement between the parties and  
39 the care provider.~~

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

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

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

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

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

26 (c) If the court has ordered, pursuant to subsection (2) of this  
27 section, that a termination petition be filed, a specific plan as to  
28 where the child will be placed, what steps will be taken to achieve  
29 permanency for the child, services to be offered or provided to the  
30 child, and, if visitation would be in the best interests of the child,  
31 a recommendation to the court regarding visitation between parent and  
32 child pending a fact-finding hearing on the termination petition. The  
33 agency shall not be required to develop a plan of services for the  
34 parents or provide services to the parents.

35 (4) If there is insufficient information at the time of the  
36 disposition hearing upon which to base a determination regarding the  
37 suitability of a proposed placement with a relative, the child shall  
38 remain in foster care and the court shall direct the supervising agency  
39 to conduct necessary background investigations as provided in chapter

1 74.15 RCW and report the results of such investigation to the court  
2 within thirty days. However, if such relative appears otherwise  
3 suitable and competent to provide care and treatment, the criminal  
4 history background check need not be completed before placement, but as  
5 soon as possible after placement. Any placements with relatives,  
6 pursuant to this section, shall be contingent upon cooperation by the  
7 relative with the agency case plan and compliance with court orders  
8 related to the care and supervision of the child including, but not  
9 limited to, court orders regarding parent-child contacts and any other  
10 conditions imposed by the court. Noncompliance with the case plan or  
11 court order shall be grounds for removal of the child from the  
12 relative's home, subject to review by the court.

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

22 (a) A child shall not be returned home at the review hearing unless  
23 the court finds that a reason for removal as set forth in this section  
24 no longer exists. The parents, guardian, or legal custodian shall  
25 report to the court the efforts they have made to correct the  
26 conditions which led to removal. If a child is returned, casework  
27 supervision shall continue for a period of six months, at which time  
28 there shall be a hearing on the need for continued intervention.

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

31 (i) Whether reasonable services have been provided to or offered to  
32 the parties to facilitate reunion, specifying the services provided or  
33 offered;

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

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



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

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

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

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

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

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

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

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

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

23 ~~(a) Approve a permanency plan which shall include one of the following:  
24 Adoption, guardianship, placement of the child in the home of the  
25 child's parent, relative placement with written permanency plan, or  
26 family foster care with written permanency agreement; (b) require  
27 filing of a petition for termination of parental rights; or (c) dismiss  
28 the dependency, unless the court finds, based on clear, cogent, and  
29 convincing evidence, that it is in the best interest of the child to  
30 continue the dependency beyond eighteen months, based on the permanency  
31 plan. Extensions may only be granted in increments of twelve months or  
32 less.)) A permanency plan shall be developed no later than sixty days  
33 from the time the supervising agency assumes responsibility for  
34 providing services, including placing the child, or at the time of a  
35 hearing under RCW 13.34.130, whichever occurs first. The permanency  
36 planning process continues until a permanency planning goal is achieved  
37 or dependency is dismissed. The planning process shall include  
38 reasonable efforts to return the child to the parent's home.~~

1       (a) Whenever a child is placed in out-of-home care pursuant to RCW  
2 13.34.130, the agency that has custody of the child shall provide the  
3 court with a written permanency plan of care directed towards securing  
4 a safe, stable, and permanent home for the child as soon as possible.  
5 The plan shall identify one of the following outcomes as the primary  
6 goal and may also identify additional outcomes as alternative goals:  
7 Return of the child to the home of the child's parent, guardian, or  
8 legal custodian; adoption; guardianship; or long-term relative or  
9 foster care, until the child is age eighteen, with a written agreement  
10 between the parties and the care provider.

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

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

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

22       (b) For children over ten, a permanency planning hearing shall be  
23 held in all cases where the child has remained in out-of-home care for  
24 at least fifteen months and an adoption decree or guardianship order  
25 has not previously been entered. The hearing shall take place no later  
26 than eighteen months following commencement of the current placement  
27 episode.

28       (3) Whenever a child is removed from the home of a dependency  
29 guardian or long-term relative or foster care provider, and the child  
30 is not returned to the home of the parent, guardian, or legal custodian  
31 but is placed in out-of-home care, a permanency planning hearing shall  
32 take place no later than twelve or eighteen months, as provided in  
33 subsection (2) of this section, following the date of removal unless,  
34 prior to the hearing, the child returns to the home of the dependency  
35 guardian or long-term care provider, the child is placed in the home of  
36 the parent, guardian, or legal custodian, an adoption decree or  
37 guardianship order is entered, or the dependency is dismissed.

38       (4) No later than ten working days prior to the permanency planning  
39 hearing, the agency having custody of the child shall submit a written

1 permanency plan to the court and shall mail a copy of the plan to all  
2 parties and their legal counsel, if any.

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

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

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

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

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

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

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

32 (8) Except as otherwise provided in RCW 13.34.235, the status of  
33 all dependent children shall continue to be reviewed by the court at  
34 least once every six months, in accordance with RCW 13.34.130(5), until  
35 the dependency is dismissed. Prior to the second permanency planning  
36 hearing, the agency that has custody of the child shall consider  
37 whether to file a petition for termination of parental rights.

38 (9) Nothing in this chapter may be construed to limit the ability  
39 of the agency that has custody of the child to file a petition for

1 termination of parental rights or a guardianship petition at any time  
2 following the establishment of dependency. Upon the filing of such a  
3 petition, a fact-finding hearing shall be scheduled and held in  
4 accordance with this chapter unless the agency requests dismissal of  
5 the petition prior to the hearing or unless the parties enter an agreed  
6 order terminating parental rights, establishing guardianship, or  
7 otherwise resolving the matter.

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

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

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

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

23 (1) The child has been found to be a dependent child under RCW  
24 13.34.030~~((+2))~~;

25 (2) A dispositional order has been entered pursuant to RCW  
26 13.34.130;

27 (3) The child has been removed or will, at the time of the hearing,  
28 have been removed from the custody of the parent for a period of at  
29 least six months pursuant to a finding of dependency under RCW  
30 13.34.030~~((+2))~~;

31 (4) The services ordered under RCW 13.34.130 have been offered or  
32 provided and all necessary services, reasonably available, capable of  
33 correcting the parental deficiencies within the foreseeable future have  
34 been offered or provided;

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

37 (6) A guardianship, rather than termination of the parent-child  
38 relationship or continuation of ~~((the child's current dependent~~

1 status)) efforts to return the child to the custody of the parent,  
2 would be in the best interest of the ((family)) child.

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

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

8 ~~((1))~~ (a) Appoint a person or agency to serve as dependency  
9 guardian for the limited purpose of assisting the court to supervise  
10 the dependency;

11 ~~((2))~~ (b) Specify the dependency guardian's rights and  
12 responsibilities concerning the care, custody, and control of the  
13 child. A dependency guardian shall not have the authority to consent  
14 to the child's adoption;

15 ~~((3))~~ (c) Specify the dependency guardian's authority, if any,  
16 to receive, invest, and expend funds, benefits, or property belonging  
17 to the child;

18 (d) Specify an appropriate frequency of visitation between the  
19 parent and the child; and

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

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

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

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

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

31 (c) Consent to necessary health and surgical care and sign a  
32 release of health care information to appropriate authorities, pursuant  
33 to law;

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

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

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

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

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

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

13 (1) Any party may ((seek a modification of the)) request the court  
14 to modify or terminate a dependency guardianship order under RCW  
15 13.34.150. Notice of any motion to modify or terminate the  
16 guardianship shall be served on all other parties, including any agency  
17 that was responsible for supervising the child's placement at the time  
18 the guardianship petition was filed. Notice shall in all cases be  
19 served upon the department of social and health services. If the  
20 department was not previously a party to the guardianship proceeding,  
21 the department shall nevertheless have the right to initiate a  
22 proceeding to modify or terminate a guardianship and the right to  
23 intervene at any stage of such a proceeding.

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

31 (3) Upon entry of an order terminating the guardianship, the  
32 dependency guardian shall not have any rights or responsibilities with  
33 respect to the child and shall not have legal standing to participate  
34 as a party in further dependency proceedings pertaining to the child.  
35 The court may allow the child's dependency guardian to attend  
36 dependency review proceedings pertaining to the child for the sole  
37 purpose of providing information about the child to the court.

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

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

16       Establishment of a dependency guardianship under RCW 13.34.231 and  
17 13.34.232 does not preclude ((a)) the dependency guardian from  
18 receiving foster care payments.

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

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

29       (2) If the preferences of a child's parent were not considered  
30 under RCW 13.34.260 as they relate to the proposed dependency guardian,  
31 the court shall consider such preferences before appointing the  
32 dependency guardian."

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