
HOUSE BILL 1858

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Brown, Romero, Foreman, Leonard, Lemmon, Mielke, Karahalios, Brough, Long, Kessler, Patterson and Mastin

Read first time 02/12/93. Referred to Committee on Human Services.

1 AN ACT Relating to periodic case review for children in substitute
2 care; amending RCW 13.70.110 and 13.70.140; and reenacting and amending
3 RCW 13.70.005.

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

5 **Sec. 1.** RCW 13.70.005 and 1991 c 363 s 14 and 1991 c 127 s 2 are
6 each reenacted and amended to read as follows:

7 Periodic case review of all children in substitute care (~~shall~~)
8 may be provided in counties designated by the office of the
9 administrator for the courts, in accordance with this chapter (~~and~~
10 ~~within funding provided by the legislature~~)).

11 The administrator for the courts shall coordinate and assist,
12 within available funds, in the administration of (~~the~~) local citizen
13 review boards (~~pilot program~~) created by this chapter.

14 **Sec. 2.** RCW 13.70.110 and 1991 c 127 s 5 are each amended to read
15 as follows:

16 (1) This section shall apply to cases where a child has been placed
17 in substitute care pursuant to a proceeding under chapter 13.34 RCW.

1 (2) Within forty-five days following commencement of the placement
2 episode, the court shall assign the child's case to a board and forward
3 to the board a copy of the dependency petition and any shelter care or
4 dependency disposition orders which have been entered in the case by
5 the court.

6 (3) The board shall review the case plan for each child whose case
7 is assigned to the board by the court. The review shall take place at
8 times set by the board. The first review shall occur within ninety
9 days following commencement of the placement episode. The second
10 review shall occur within six months following commencement of the
11 placement episode. The ~~((next))~~ final board review shall occur within
12 one year after commencement of the placement episode. ~~((Within
13 eighteen months following commencement of the placement episode, a
14 permanency planning hearing shall be held before the court in
15 accordance with RCW 13.34.145. Thereafter, the court shall assign the
16 child's case for a board review or a court review hearing pursuant to
17 RCW 13.34.130(5). A board review or a court review hearing shall take
18 place at least once every six months until the child is no longer
19 within the jurisdiction of the court or no longer in substitute care or
20 until a guardianship order or adoption decree is entered. After the
21 permanency planning hearing, a court review hearing must occur at least
22 once a year as provided in RCW 13.34.130. The board shall review any
23 case where a petition to terminate parental rights has been denied, and
24 such review shall occur as soon as practical but no later than forty-
25 five days after the denial.))~~

26 (4) The board shall prepare written findings and recommendations
27 with respect to:

28 (a) Whether reasonable efforts were made before the placement to
29 prevent or eliminate the need for removal of the child from the home,
30 including whether consideration was given to removing the alleged
31 offender, rather than the child, from the home;

32 (b) Whether reasonable efforts have been made subsequent to the
33 placement to make it possible for the child to be returned home;

34 (c) 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 (d) Whether there is a continuing need for placement and whether
38 the placement is appropriate;

39 (e) Whether there has been compliance with the case plan;

1 (f) Whether progress has been made toward alleviating the need for
2 placement;

3 (g) A likely date by which the child may be returned home or other
4 permanent plan of care may be implemented; and

5 (h) Other problems, solutions, or alternatives the board determines
6 should be explored.

7 (5) Within ten working days following the review, the board shall
8 send a copy of its findings and recommendations to the parents and
9 their attorneys, the child's custodians and their attorneys, mature
10 children and their attorneys, other attorneys or guardians ad litem
11 appointed by the court to represent children, the department and other
12 child placement agencies directly responsible for supervising the
13 child's placement, and any prosecuting attorney or attorney general
14 actively involved in the case. If the child is an Indian as defined in
15 the Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., a copy of
16 the board's findings and recommendations shall also be sent to the
17 child's Indian tribe.

18 (6) If the department is unable or unwilling to implement the board
19 recommendations, the department shall submit to the board, within ten
20 working days after receipt of the findings and recommendations, an
21 implementation report setting forth the reasons why the department is
22 unable or unwilling to implement the board's recommendations. The
23 report will also set forth the case plan which the department intends
24 to implement.

25 (7) Within forty-five days following the review, the board shall
26 either:

27 (a) Schedule the case for further review by the board; or

28 (b) Submit to the court the board's findings and recommendations
29 and the department's implementation reports, if any. If the board's
30 recommendations are different from the existing court-ordered case
31 plan, the board shall also file with the court a motion for a review
32 hearing.

33 (8) Within ten days of receipt of the board's written findings and
34 recommendations and the department's implementation report, if any, the
35 court shall review the findings and recommendations and implementation
36 reports, if any. The court may on its own motion schedule a review
37 hearing.

38 (9) Unless modified by subsequent court order, the court-ordered
39 case plan and court orders that are in effect at the time that a board

1 reviews a case shall remain in full force and effect. Board findings
2 and recommendations are advisory only and do not in any way modify
3 existing court orders or court-ordered case plans.

4 (10) The findings and recommendations of the board and the
5 department's implementation report, if any, shall become part of the
6 department's case file and the court social file pertaining to the
7 child.

8 (11) Nothing in this section shall limit or otherwise modify the
9 rights of any party to a dependency proceeding to request and receive
10 a court review hearing pursuant to the provisions of chapter 13.34 RCW
11 or applicable court rules.

12 **Sec. 3.** RCW 13.70.140 and 1989 1st ex.s. c 17 s 16 are each
13 amended to read as follows:

14 (~~For cases which are subject to the foster care citizen review~~
15 ~~board pilot project under RCW 13.70.005, a court review hearing shall~~
16 ~~occur no later than eighteen months following commencement of the~~
17 ~~child's placement episode.)) A permanency planning hearing shall be
18 held before the court in accordance with RCW 13.34.145. Thereafter,
19 court review hearings shall occur at least once every ((year)) six
20 months, under RCW 13.34.130(5), until the child is no longer within the
21 jurisdiction of the court or the child returns home or a guardianship
22 order or adoption decree is entered. The court may review the case
23 more frequently upon the court's own motion or upon the request of any
24 party to the proceeding (~~or the citizen review board assigned to the~~
25 ~~child's case)).~~~~

--- END ---