
SECOND SUBSTITUTE SENATE BILL 6255

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Talmadge, Wojahn, Haugen, Winsley and McAuliffe; by request of Attorney General)

Read first time 02/08/94.

1 AN ACT Relating to permanency planning and guardianship for
2 dependent children; and amending RCW 13.34.030, 13.34.130, 13.34.145,
3 13.34.231, 13.34.232, 13.34.233, 13.34.234, and 13.34.236.

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

5 **Sec. 1.** RCW 13.34.030 and 1993 c 241 s 1 are each amended to read
6 as follows:

7 For purposes of this chapter:

8 (1) "Child" and "juvenile" means any individual under the age of
9 eighteen years((+)).

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

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

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

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

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

13 (c) Who has no parent, guardian, or custodian capable of adequately
14 caring for the child, such that the child is in circumstances which
15 constitute a danger of substantial damage to the child's psychological
16 or physical development; or

17 (d) Who has a developmental disability, as defined in RCW
18 71A.10.020 and whose parent, guardian, or legal custodian together with
19 the department determines that services appropriate to the child's
20 needs can not be provided in the home. However, (a), (b), and (c) of
21 this subsection may still be applied if other reasons for removal of
22 the child from the home exist(~~(+)~~).

23 (~~(+3)~~) (5) "Guardian" means the person or agency that: (a) Has
24 been appointed as the guardian of a child in a legal proceeding other
25 than a proceeding under this chapter; and (b) has the legal right to
26 custody of the child pursuant to such appointment. The term "guardian"
27 shall not include a "dependency guardian" appointed pursuant to a
28 proceeding under this chapter.

29 (6) "Guardian ad litem" means a person, appointed by the court to
30 represent the best interest of a child in a proceeding under this
31 chapter, or in any matter which may be consolidated with a proceeding
32 under this chapter. A "court-appointed special advocate" appointed by
33 the court to be the guardian ad litem for the child, or to perform
34 substantially the same duties and functions as a guardian ad litem,
35 shall be deemed to be guardian ad litem for all purposes and uses of
36 this chapter(~~(+)~~).

37 (~~(+4)~~) (7) "Guardian ad litem program" means a court-authorized
38 volunteer program, which is or may be established by the superior court
39 of the county in which such proceeding is filed, to manage all aspects

1 of volunteer guardian ad litem representation for children alleged or
2 found to be dependent. Such management shall include but is not
3 limited to: Recruitment, screening, training, supervision, assignment,
4 and discharge of volunteers.

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

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

11 If, after a fact-finding hearing pursuant to RCW 13.34.110, (~~as~~
12 ~~now or hereafter amended,~~) it has been proven by a preponderance of
13 the evidence that the child is dependent within the meaning of RCW
14 13.34.030(~~(+2)~~); after consideration of the predisposition report
15 prepared pursuant to RCW 13.34.110 and after a disposition hearing has
16 been held pursuant to RCW 13.34.110, the court shall enter an order of
17 disposition pursuant to this section.

18 (1) The court shall order one of the following dispositions of the
19 case:

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

27 (b) Order that the child be removed from his or her home and
28 ordered into the custody, control, and care of a relative or the
29 department of social and health services or a licensed child placing
30 agency for placement in a foster family home or group care facility
31 licensed pursuant to chapter 74.15 RCW or in a home not required to be
32 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable
33 cause to believe that the safety or welfare of the child would be
34 jeopardized or that efforts to reunite the parent and child will be
35 hindered, such child shall be placed with a grandparent, brother,
36 sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom
37 the child has a relationship and is comfortable, and who is willing and
38 available to care for the child. An order for out-of-home placement

1 may be made only if the court finds that reasonable efforts have been
2 made to prevent or eliminate the need for removal of the child from the
3 child's home and to make it possible for the child to return home,
4 specifying the services that have been provided to the child and the
5 child's parent, guardian, or legal custodian, and that:

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

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

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

13 (iv) The extent of the child's disability is such that the parent,
14 guardian, or legal custodian is unable to provide the necessary care
15 for the child and the parent, guardian, or legal custodian has
16 determined that the child would benefit from placement outside of the
17 home.

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

28 (a) Conviction of the parent of rape of the child in the first,
29 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
30 9A.44.079;

31 (b) Conviction of the parent of criminal mistreatment of the child
32 in the first or second degree as defined in RCW 9A.42.020 and
33 9A.42.030;

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (5) Except for children whose cases are reviewed by a citizen
33 review board under chapter 13.70 RCW, the status of all children found
34 to be dependent shall be reviewed by the court at least every six
35 months from the beginning date of the placement episode or the date
36 dependency is established, whichever is first, at a hearing in which it
37 shall be determined whether court supervision should continue. The
38 review shall include findings regarding the agency and parental

1 completion of disposition plan requirements, and if necessary, revised
2 permanency time limits.

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

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

12 (i) Whether reasonable services have been provided to or offered to
13 the parties to facilitate reunion, specifying the services provided or
14 offered;

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

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

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

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

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

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

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

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

33 **Sec. 3.** RCW 13.34.145 and 1993 c 412 s 1 are each amended to read
34 as follows:

35 (1) ~~((In all cases where a child has been placed in substitute care
36 for at least fifteen months, the agency having custody of the child
37 shall prepare a permanency plan and present it in a hearing held before~~

1 the court no later than eighteen months following commencement of the
2 placement episode.

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

5 ~~(a) Approve a permanency plan which shall include one of the following:
6 Adoption, guardianship, placement of the child in the home of the
7 child's parent, relative placement with written permanency plan, or
8 family foster care with written permanency agreement; (b) require
9 filing of a petition for termination of parental rights; or (c) dismiss
10 the dependency, unless the court finds, based on clear, cogent, and
11 convincing evidence, that it is in the best interest of the child to
12 continue the dependency beyond eighteen months, based on the permanency
13 plan. Extensions may only be granted in increments of twelve months or
14 less.)~~) A permanency plan shall be developed no later than sixty days

15 from the time the supervising agency assumes responsibility for
16 providing services, including placing the child, or at the time of a
17 hearing under RCW 13.34.130, whichever occurs first. The permanency
18 planning process continues until a permanency planning goal is achieved
19 or dependency is dismissed. The planning process shall include
20 reasonable efforts to return the child to the parent's home.

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

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

33 (c) Permanency planning goals should be achieved at the earliest
34 possible date, preferably before the child has been in out-of-home care
35 for nine months.

36 (2) A permanency planning hearing shall be held in all cases where
37 a child has remained in out-of-home care for at least nine months and
38 an adoption decree or guardianship order has not previously been

1 entered. The hearing shall take place no later than twelve months
2 following commencement of the current placement episode.

3 (3) Whenever a child is removed from the home of a dependency
4 guardian or long-term relative or foster care provider, and the child
5 is not returned to the home of the parent, guardian, or legal custodian
6 but is placed in out-of-home care, a permanency planning hearing shall
7 take place no later than twelve months following the date of removal
8 unless, prior to the hearing, the child returns to the home of the
9 dependency guardian or long-term care provider, the child is placed in
10 the home of the parent, guardian, or legal custodian, an adoption
11 decree or guardianship order is entered, or the dependency is
12 dismissed.

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

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

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

30 (ii) Modify the permanency plan, and order implementation of the
31 modified plan; and

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

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

37 (6) If the court orders the child returned home, casework
38 supervision shall continue for at least six months, at which time a

1 review hearing shall be held pursuant to RCW 13.34.130(5), and the
2 court shall determine the need for continued intervention.

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

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

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

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

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

31 **Sec. 4.** RCW 13.34.231 and 1981 c 195 s 2 are each amended to read
32 as follows:

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

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

3 (2) A dispositional order has been entered pursuant to RCW
4 13.34.130;

5 (3) The child has been removed or will, at the time of the hearing,
6 have been removed from the custody of the parent for a period of at
7 least six months pursuant to a finding of dependency under RCW
8 13.34.030(~~((2))~~);

9 (4) The services ordered under RCW 13.34.130 have been offered or
10 provided and all necessary services, reasonably available, capable of
11 correcting the parental deficiencies within the foreseeable future have
12 been offered or provided;

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

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

19 **Sec. 5.** RCW 13.34.232 and 1993 c 412 s 4 are each amended to read
20 as follows:

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

24 ~~((1))~~ (a) Appoint a person or agency to serve as dependency
25 guardian for the limited purpose of assisting the court to supervise
26 the dependency;

27 ~~((2))~~ (b) Specify the dependency guardian's rights and
28 responsibilities concerning the care, custody, and control of the
29 child. A dependency guardian shall not have the authority to consent
30 to the child's adoption;

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

34 (d) Specify an appropriate frequency of visitation between the
35 parent and the child; and

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

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

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

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

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

10 (c) Consent to necessary health and surgical care and sign a
11 release of health care information to appropriate authorities, pursuant
12 to law;

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

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

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

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

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

27 **Sec. 6.** RCW 13.34.233 and 1981 c 195 s 4 are each amended to read
28 as follows:

29 (1) Any party may ((seek a modification of the)) request the court
30 to modify or terminate a dependency guardianship order under RCW
31 13.34.150. Notice of any motion to modify or terminate the
32 guardianship shall be served on all other parties, including any agency
33 that was responsible for supervising the child's placement at the time
34 the guardianship petition was filed. Notice shall in all cases be
35 served upon the department of social and health services. If the
36 department was not previously a party to the guardianship proceeding,
37 the department shall nevertheless have the right to initiate a

1 proceeding to modify or terminate a guardianship and the right to
2 intervene at any stage of such a proceeding.

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

10 (3) Upon entry of an order terminating the guardianship, the
11 dependency guardian shall not have any rights or responsibilities with
12 respect to the child and shall not have legal standing to participate
13 as a party in further dependency proceedings pertaining to the child.
14 The court may allow the child's dependency guardian to attend
15 dependency review proceedings pertaining to the child for the sole
16 purpose of providing information about the child to the court.

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

30 **Sec. 7.** RCW 13.34.234 and 1981 c 195 s 5 are each amended to read
31 as follows:

32 Establishment of a dependency guardianship under RCW 13.34.231 and
33 13.34.232 does not preclude ((a)) the dependency guardian from
34 receiving foster care payments.

35 **Sec. 8.** RCW 13.34.236 and 1981 c 195 s 7 are each amended to read
36 as follows:

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

9 (2) If the preferences of a child's parent were not considered
10 under RCW 13.34.260 as they relate to the proposed dependency guardian,
11 the court may consider such preferences before appointing the
12 dependency guardian.

--- END ---