
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6255

AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1994 Regular Session

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, 13.34.120, 74.14C.070,
3 13.34.130, 13.34.145, 13.34.231, 13.34.232, 13.34.233, 13.34.234, and
4 13.34.236.

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

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

8 For purposes of this chapter:

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

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

1 order, such time periods shall be included when calculating the length
2 of a child's current placement episode.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 parents or custodians to submit oral arguments regarding the
2 disposition plan at the hearing.

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

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

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

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

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

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

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

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

33 After July 1, 1993, the secretary of social and health services, or
34 the secretary's regional designee, may transfer funds appropriated for
35 foster care services to purchase family preservation services and other
36 preventive services for children at imminent risk of foster care
37 placement. The secretary shall notify the appropriate committees of
38 the senate and house of representatives of any transfers under this

1 section. The secretary shall include caseload, expenditure, cost
2 avoidance, identified improvements to the foster care system, and
3 outcome data related to the transfer in the notification.

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

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

13 (1) The court shall order one of the following dispositions of the
14 case:

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

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

1 services have been offered or provided and have failed to prevent the
2 need for out-of-home placement, unless the health, safety, and welfare
3 of the child cannot be protected adequately in the home, and that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (iv) The agency charged with supervising a child in placement shall
39 provide all reasonable services that are available within the agency,

1 or within the community, or those services which the department of
2 social and health services has existing contracts to purchase. It
3 shall report to the court if it is unable to provide such services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (3) Whenever a child is removed from the home of a dependency
8 guardian or long-term relative or foster care provider, and the child
9 is not returned to the home of the parent, guardian, or legal custodian
10 but is placed in out-of-home care, a permanency planning hearing shall
11 take place no later than twelve or eighteen months, as provided in
12 subsection (2) of this section, following the date of removal unless,
13 prior to the hearing, the child returns to the home of the dependency
14 guardian or long-term care provider, the child is placed in the home of
15 the parent, guardian, or legal custodian, an adoption decree or
16 guardianship order is entered, or the dependency is dismissed.

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

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

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

34 (ii) Modify the permanency plan, and order implementation of the
35 modified plan; and

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

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

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

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

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

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

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

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

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

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

6 (1) The child has been found to be a dependent child under RCW
7 13.34.030(~~(+2)~~);

8 (2) A dispositional order has been entered pursuant to RCW
9 13.34.130;

10 (3) The child has been removed or will, at the time of the hearing,
11 have been removed from the custody of the parent for a period of at
12 least six months pursuant to a finding of dependency under RCW
13 13.34.030(~~(+2)~~);

14 (4) The services ordered under RCW 13.34.130 have been offered or
15 provided and all necessary services, reasonably available, capable of
16 correcting the parental deficiencies within the foreseeable future have
17 been offered or provided;

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

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

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

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

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

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

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

1 (d) Specify an appropriate frequency of visitation between the
2 parent and the child; and

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

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

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

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

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

14 (c) Consent to necessary health and surgical care and sign a
15 release of health care information to appropriate authorities, pursuant
16 to law;

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

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

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

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

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

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

33 (1) Any party may ((seek a modification of the)) request the court
34 to modify or terminate a dependency guardianship order under RCW
35 13.34.150. Notice of any motion to modify or terminate the
36 guardianship shall be served on all other parties, including any agency
37 that was responsible for supervising the child's placement at the time
38 the guardianship petition was filed. Notice shall in all cases be

1 served upon the department of social and health services. If the
2 department was not previously a party to the guardianship proceeding,
3 the department shall nevertheless have the right to initiate a
4 proceeding to modify or terminate a guardianship and the right to
5 intervene at any stage of such a proceeding.

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

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

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

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

35 Establishment of a dependency guardianship under RCW 13.34.231 and
36 13.34.232 does not preclude ((a)) the dependency guardian from
37 receiving foster care payments.

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

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

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

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