

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1858**

Chapter 505, Laws of 1993

(partial veto)

53rd Legislature  
1993 Regular Session

PERIODIC CASE REVIEW OF CHILDREN IN SUBSTITUTE CARE--REVISIONS

EFFECTIVE DATE: 7/25/93

Passed by the House April 21, 1993  
Yeas 93 Nays 0

BRIAN EBERSOLE  
**Speaker of the  
House of Representatives**

Passed by the Senate April 17, 1993  
Yeas 43 Nays 0

JOEL PRITCHARD  
**President of the Senate**

Approved May 18, 1993, with the  
exception of section 3, which is  
vetoed.

MIKE LOWRY  
**Governor of the State of Washington**

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1858** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON  
**Chief Clerk**

FILED

May 18, 1993 - 2:36 p.m.

**Secretary of State  
State of Washington**

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HOUSE BILL 1858

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AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

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 13.70.100, 13.70.110, and 13.70.140; reenacting and  
3 amending RCW 13.70.005; and adding a new section to chapter 74.14A RCW.

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 13.70.100 and 1989 1st ex.s. c 17 s 12 are each  
15 amended to read as follows:

16            (1) This section shall apply to cases where a child has been placed  
17 in substitute care pursuant to written parental consent and a  
18 dependency petition has not been filed under chapter 13.34 RCW. If a

1 dependency petition is subsequently filed and the child's placement in  
2 substitute care continues pursuant to a court order entered in a  
3 proceeding under chapter 13.34 RCW, the provisions set forth in RCW  
4 13.70.110 shall apply.

5 (2) Within thirty days following commencement of the placement  
6 episode, the department shall send a copy of the written parental  
7 consent to the juvenile court with jurisdiction over the geographical  
8 area in which the child resides.

9 (3) Within forty-five days following commencement of the placement  
10 episode, the court shall assign the child's case to a board and forward  
11 to the board a copy of the written parental consent to placement.

12 (4) The board shall review the case plan for each child in  
13 substitute care whose case is assigned to the board by the court. The  
14 review shall take place at times set by the board. The first review  
15 shall occur within ninety days following commencement of the placement  
16 episode. The second review shall occur within six months following  
17 commencement of the placement episode. The ~~((next))~~ final board review  
18 shall occur ~~((within one year following commencement of the placement  
19 episode))~~ no later than six months following the second review unless  
20 the child is no longer in substitute care or unless a guardianship  
21 order or adoption decree is entered.

22 (5) The board shall prepare written findings and recommendations  
23 with respect to:

24 (a) Whether reasonable efforts were made before the placement to  
25 prevent or eliminate the need for removal of the child from the home;

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

28 (c) Whether the child has been placed in the least-restrictive  
29 setting appropriate to the child's needs, including whether  
30 consideration has been given to placement with the child's relatives;

31 (d) Whether there is a continuing need for and whether the  
32 placement is appropriate;

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

34 (f) Whether progress has been made toward alleviating the need for  
35 placement;

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

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

1 (6) Within ten working days following the review, the board shall  
2 send a copy of its findings and recommendations to the child's parents  
3 and their attorneys, the child's custodians and their attorneys, mature  
4 children and their attorneys, and the department and other child  
5 placement agencies directly responsible for supervising the child's  
6 placement. If the child is an Indian as defined in the Indian child  
7 welfare act, 25 U.S.C. 1901 et seq., a copy of the board's findings and  
8 recommendations shall also be sent to the child's Indian tribe.

9 (7) If the department is unable or unwilling to implement the board  
10 recommendations, the department shall submit to the board, within ten  
11 working days after receipt of the findings and recommendations, an  
12 implementation report setting forth the reasons why the department is  
13 unable or unwilling to implement the board's recommendations. The  
14 report will also set forth the case plan which the department intends  
15 to implement.

16 (8) The court shall not review the findings and recommendations of  
17 the board in cases where the child has been placed in substitute care  
18 with signed parental consent unless a dependency petition has been  
19 filed and the child has been taken into custody under RCW 13.34.050.

20 *\*Sec. 3. RCW 13.70.110 and 1991 c 127 s 5 are each amended to read*  
21 *as follows:*

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

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

29 *(3) The board shall review the case plan for each child whose case*  
30 *is assigned to the board by the court. The review shall take place at*  
31 *times set by the board. The first review shall occur (~~within ninety~~*  
32 *days following commencement of the placement episode)) no later than*  
33 *six months following the second review unless the child is no longer*  
34 *within the jurisdiction of the court, no longer in substitute care, or*  
35 *a guardianship order or adoption decree is entered. The second review*  
36 *shall occur within six months following commencement of the placement*  
37 *episode. The (~~next~~) final board review shall occur within one year*  
38 *after commencement of the placement episode. (~~Within eighteen months~~*

1 following commencement of the placement episode, a permanency planning  
2 hearing shall be held before the court in accordance with RCW  
3 13.34.145. Thereafter, the court shall assign the child's case for a  
4 board review or a court review hearing pursuant to RCW 13.34.130(5).  
5 A board review or a court review hearing shall take place at least once  
6 every six months until the child is no longer within the jurisdiction  
7 of the court or no longer in substitute care or until a guardianship  
8 order or adoption decree is entered. After the permanency planning  
9 hearing, a court review hearing must occur at least once a year as  
10 provided in RCW 13.34.130. The board shall review any case where a  
11 petition to terminate parental rights has been denied, and such review  
12 shall occur as soon as practical but no later than forty five days  
13 after the denial.))

14 (4) The board shall prepare written findings and recommendations  
15 with respect to:

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

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

22 (c) Whether the child has been placed in the least-restrictive  
23 setting appropriate to the child's needs, including whether  
24 consideration has been given to placement with the child's relatives;

25 (d) Whether there is a continuing need for placement and whether  
26 the placement is appropriate;

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

28 (f) Whether progress has been made toward alleviating the need for  
29 placement;

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

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

34 (5) Within ten working days following the review, the board shall  
35 send a copy of its findings and recommendations to the parents and  
36 their attorneys, the child's custodians and their attorneys, mature  
37 children and their attorneys, other attorneys or guardians ad litem  
38 appointed by the court to represent children, the department and other  
39 child placement agencies directly responsible for supervising the

1 child's placement, and any prosecuting attorney or attorney general  
2 actively involved in the case. If the child is an Indian as defined in  
3 the Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., a copy of  
4 the board's findings and recommendations shall also be sent to the  
5 child's Indian tribe.

6 (6) If the department is unable or unwilling to implement the board  
7 recommendations, the department shall submit to the board, within ten  
8 working days after receipt of the findings and recommendations, an  
9 implementation report setting forth the reasons why the department is  
10 unable or unwilling to implement the board's recommendations. The  
11 report will also set forth the case plan which the department intends  
12 to implement.

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

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

16 (b) Submit to the court the board's findings and recommendations  
17 and the department's implementation reports, if any. If the board's  
18 recommendations are different from the existing court-ordered case  
19 plan, the board shall also file with the court a motion for a review  
20 hearing.

21 (8) Within ten days of receipt of the board's written findings and  
22 recommendations and the department's implementation report, if any, the  
23 court shall review the findings and recommendations and implementation  
24 reports, if any. The court may on its own motion schedule a review  
25 hearing.

26 (9) Unless modified by subsequent court order, the court-ordered  
27 case plan and court orders that are in effect at the time that a board  
28 reviews a case shall remain in full force and effect. Board findings  
29 and recommendations are advisory only and do not in any way modify  
30 existing court orders or court-ordered case plans.

31 (10) The findings and recommendations of the board and the  
32 department's implementation report, if any, shall become part of the  
33 department's case file and the court social file pertaining to the  
34 child.

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

39 \*Sec. 3 was vetoed, see message at end of chapter.

1       **Sec. 4.** RCW 13.70.140 and 1989 1st ex.s. c 17 s 16 are each  
2 amended to read as follows:

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

15       NEW SECTION. **Sec. 5.** A new section is added to chapter 74.14A RCW  
16 to read as follows:

17       The secretary shall:

18       (1)(a) Consult with relevant qualified professionals to develop a  
19 set of minimum guidelines to be used for identifying all children who  
20 are in a state-assisted support system, whether at-home or out-of-home,  
21 who are likely to need long-term care or assistance, because they face  
22 physical, emotional, medical, mental, or other long-term challenges.

23       (b) The guidelines must, at a minimum, consider the following  
24 criteria for identifying children in need of long-term care or  
25 assistance:

26       (i) Placement within the foster care system for two years or more;

27       (ii) Multiple foster care placements;

28       (iii) Repeated unsuccessful efforts to be placed with a permanent  
29 adoptive family;

30       (iv) Chronic behavioral or educational problems;

31       (v) Repetitive criminal acts or offenses;

32       (vi) Failure to comply with court-ordered disciplinary actions and  
33 other imposed guidelines of behavior, including drug and alcohol  
34 rehabilitation; and

35       (vii) Chronic physical, emotional, medical, mental, or other  
36 similar conditions necessitating long-term care or assistance;

37       (2) Develop programs that are necessary for the long-term care of  
38 children and youth that are identified for the purposes of this

1 section. Programs must: (a) Effectively address the educational,  
2 physical, emotional, mental, and medical needs of children and youth;  
3 and (b) incorporate an array of family support options, to individual  
4 needs and choices of the child and family. The programs must be ready  
5 for implementation by January 1, 1995;

6 (3) Conduct an evaluation of all children currently within the  
7 foster care agency caseload to identify those children who meet the  
8 criteria set forth in this section. The evaluation shall be completed  
9 by January 1, 1994. All children entering the foster care system after  
10 January 1, 1994, must be evaluated for identification of long-term  
11 needs within thirty days of placement;

12 (4) Study and develop a comprehensive plan for the evaluation and  
13 identification of all children and youth in need of long-term care or  
14 assistance, including, but not limited to, the mentally ill,  
15 developmentally disabled, medically fragile, seriously emotionally or  
16 behaviorally disabled, and physically impaired;

17 (5) Study and develop a plan for the children and youth in need of  
18 long-term care or assistance to ensure the coordination of services  
19 between the department's divisions and between other state agencies who  
20 are involved with the child or youth.

21 (6) Study and develop guidelines for transitional services, between  
22 long-term care programs, based on the person's age or mental, physical,  
23 emotional, or medical condition; and

24 (7) Study and develop a statutory proposal for the emancipation of  
25 minors and report its findings and recommendations to the legislature  
26 by January 1, 1994.

Passed the House April 21, 1993.

Passed the Senate April 17, 1993.

Approved by the Governor May 18, 1993, with the exception of  
certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1993.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 3,  
3 House Bill No. 1858, entitled:

4 "AN ACT Relating to periodic case review for children in substitute  
5 care;"

6 House Bill No. 1858 is important legislation which authorizes  
7 designated counties to provide periodic case review of children in  
8 foster care and provides for the development of long-term care programs  
9 for foster care children. However, section 3 of this bill contains a  
10 drafting error which makes that section impossible to perform and



1 technically out of compliance with federal requirements for foster care  
2 funding. I have therefore vetoed section 3 of House Bill No. 1858.

3 With the exception of section 3, House Bill No. 1858 is approved."