
SUBSTITUTE SENATE BILL 5480

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Patterson, Hargrove, Long, Eide, Franklin, Shin, McCaslin, Haugen, Goings, Gardner, Prentice, Kline, T. Sheldon, Wojahn, Benton, Spanel, B. Sheldon, Bauer, McAuliffe, Jacobsen, Rossi, Horn, Johnson, West, Winsley, Oke and Rasmussen)

Read first time 03/03/99.

1 AN ACT Relating to drug-affected infants; amending RCW 13.34.030,
2 13.34.070, 74.09.310, 18.71.950, 18.57.920, and 18.79.903; reenacting
3 and amending RCW 13.34.130; adding new sections to chapter 13.34 RCW;
4 creating a new section; and repealing RCW 18.57.930, 18.71.960,
5 18.79.904, 70.96A.330, and 70.96A.340.

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

7 **Sec. 1.** RCW 13.34.030 and 1998 c 130 s 1 are each amended to read
8 as follows:

9 For purposes of this chapter:

10 (1) "Chemical dependency treatment" means a service certified by
11 the department as qualified in helping individuals successfully recover
12 from the nonprescription use of controlled substances. Chemical
13 dependency treatment must include access to family planning.

14 (2) "Child" and "juvenile" means any individual under the age of
15 eighteen years.

16 ((+2+)) (3) "Current placement episode" means the period of time
17 that begins with the most recent date that the child was removed from
18 the home of the parent, guardian, or legal custodian for purposes of
19 placement in out-of-home care and continues until the child returns

1 home, an adoption decree, a permanent custody order, or guardianship
2 order is entered, or the dependency is dismissed, whichever occurs
3 soonest. If the most recent date of removal occurred prior to the
4 filing of a dependency petition under this chapter or after filing but
5 prior to entry of a disposition order, such time periods shall be
6 included when calculating the length of a child's current placement
7 episode.

8 ~~((+3+))~~ (4) "Department" means the department of social and health
9 services.

10 (5) "Dependency finding" means a determination by the court that a
11 child is a dependent child.

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

16 ~~((+4+))~~ (7) "Dependency petition" means a petition filed under this
17 chapter.

18 (8) "Dependent child" means any child:

19 (a) Who has been abandoned; that is, where the child's parent,
20 guardian, or other custodian has expressed either by statement or
21 conduct, an intent to forego, for an extended period, parental rights
22 or parental responsibilities despite an ability to do so. If the court
23 finds that the petitioner has exercised due diligence in attempting to
24 locate the parent, no contact between the child and the child's parent,
25 guardian, or other custodian for a period of three months creates a
26 rebuttable presumption of abandonment, even if there is no expressed
27 intent to abandon;

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

30 (c) Who has no parent, guardian, or custodian capable of adequately
31 caring for the child, such that the child is in circumstances which
32 constitute a danger of substantial damage to the child's psychological
33 or physical development.

34 ~~((+5+))~~ (9) "Drug-affected infant" has the definition created by
35 the department of health in conjunction with the department of social
36 and health services under RCW 13.34.801 and the infant requires
37 treatment for withdrawal from controlled substances the infant was
38 exposed to from the mother's use of nonprescription controlled

1 substances or the infant requires treatment and services related to
2 developmental conditions that extend beyond the point of withdrawal.

3 (10) "Family planning" means the process of limiting or spacing the
4 birth of children, education, counseling, information, and services.
5 "Family planning" does not include pregnancy termination.

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

12 ~~((+6+))~~ (12) "Guardian ad litem" means a person, appointed by the
13 court to represent the best interest of a child in a proceeding under
14 this chapter, or in any matter which may be consolidated with a
15 proceeding under this chapter. A "court-appointed special advocate"
16 appointed by the court to be the guardian ad litem for the child, or to
17 perform substantially the same duties and functions as a guardian ad
18 litem, shall be deemed to be guardian ad litem for all purposes and
19 uses of this chapter.

20 ~~((+7+))~~ (13) "Guardian ad litem program" means a court-authorized
21 volunteer program, which is or may be established by the superior court
22 of the county in which such proceeding is filed, to manage all aspects
23 of volunteer guardian ad litem representation for children alleged or
24 found to be dependent. Such management shall include but is not
25 limited to: Recruitment, screening, training, supervision, assignment,
26 and discharge of volunteers.

27 ~~((+8+))~~ (14) "Newborn infant" means an infant within seven days
28 after birth.

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

33 ~~((+9+))~~ (16) "Preventive services" means preservation services, as
34 defined in chapter 74.14C RCW, and other reasonably available services
35 capable of preventing the need for out-of-home placement while
36 protecting the child.

37 (17) "Test" means use of a medically accepted standard of care for
38 determining whether a newborn infant is a drug-affected infant.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.34 RCW
2 to read as follows:

3 In an effort to reduce the harmful effects of drug-affected
4 infants:

5 (1)(a) A woman's primary health care provider shall:

6 (i) Identify and screen pregnant and lactating women for
7 nonprescription use of controlled substances while pregnant. Screening
8 criteria may include, but is not limited to, the criteria developed by
9 the department of health pursuant to chapter 70.83E RCW;

10 (ii) Convey to the infant's primary health care provider screening
11 findings that would suggest the need for testing of the infant, or
12 conduct the testing;

13 (iii) Inform the birth mother of an infant who tests positive that
14 she can have a tubal ligation at no cost to her within six months
15 following the birth if she is eligible for support under RCW 74.09.310;
16 and

17 (iv) Inform the birth mother of an infant who tests positive of
18 appropriate chemical dependency treatment.

19 (b) The provider shall not be liable for a decision regarding
20 testing or reporting unless the decision amounts to gross negligence or
21 intentional misconduct.

22 (2)(a) The health care provider of a newborn infant shall:

23 (i) Test any infant the provider reasonably believes is drug-
24 affected; and

25 (ii) Notify the department of the name and address of the parent or
26 parents of a drug-affected infant.

27 (b) The provider shall not be liable for a decision regarding
28 testing or reporting unless the decision amounts to gross negligence or
29 intentional misconduct.

30 (3) The department shall investigate all reports received under
31 this section.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.34 RCW
33 to read as follows:

34 When an infant is determined to be a first drug-affected infant,
35 the department shall file a dependency petition in appropriate cases.
36 The drug-affected status of an infant is not by itself sufficient to
37 establish a finding that the drug-affected infant is dependent.

1 (1) The department and the mother may enter an agreement in which
2 the mother agrees to chemical dependency treatment on an inpatient or
3 outpatient basis. In addition, the agreement shall:

4 (a) Specify completion dates for each of the conditions of
5 treatment;

6 (b) Expire within twelve months of the date of execution; and

7 (c) Not be renegotiated or extended beyond twelve months of the
8 date of execution unless the conditions cannot be fulfilled in twelve
9 months and the reason the conditions cannot be fulfilled are completely
10 beyond the control of the mother.

11 (2) If the department has filed a dependency petition and the
12 department and the mother enter an agreement under subsection (1) of
13 this section, the department shall request the court defer entry of a
14 dependency finding for as long as the mother abides by the terms of the
15 agreement subject to the department's monitoring compliance.

16 (3) As a condition of deferral of the dependency finding, the
17 parties shall stipulate to facts sufficient to constitute a dependency.
18 In the event a party unreasonably refuses to stipulate to facts
19 sufficient to constitute a dependency, the court may proceed with
20 hearings on the petition.

21 (4) If the court orders deferral of the dependency finding, the
22 court shall order performance of the agreement and shall prohibit
23 nonprescription use of controlled substances.

24 (5) The department or any party to the petition may request the
25 court dismiss a deferred finding at any time if the mother demonstrates
26 by clear and convincing evidence that she has not used controlled
27 substances for at least twelve consecutive months unless the court
28 finds compelling reasons to shorten the time after consulting with the
29 substance abuse provider, but under no circumstances less than six
30 months, and she can safely provide for the child's welfare without
31 continuing supervision by the department or court.

32 (6) In the event the department does not file a petition or enter
33 an agreement, the department shall refer the mother to available
34 chemical dependency treatment.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.34 RCW
36 to read as follows:

37 When an infant is determined to be a second drug-affected infant,
38 the department shall file a dependency petition for the second drug-

1 affected infant unless compelling reasons exist to the contrary. The
2 department may proceed immediately with a dependency petition on the
3 first drug-affected infant. The drug-affected status of an infant is
4 not by itself sufficient to establish a finding that the drug-affected
5 infant is dependent.

6 (1) The department and the mother may enter an agreement in which
7 the mother agrees to inpatient chemical dependency treatment unless the
8 department determines outpatient treatment is in the best interest of
9 the child and participation in a model project developed under RCW
10 13.34.800 for aftercare services if the model project is available.
11 The mother must agree to medically appropriate pharmaceutical pregnancy
12 prevention during the course of inpatient treatment that is
13 administered not less than once every thirty days unless use of
14 pharmaceutical pregnancy prevention would violate her religious
15 beliefs. In addition, the agreement shall:

16 (a) Specify completion dates for each of the conditions of
17 treatment;

18 (b) Expire within twelve months of the date of execution; and

19 (c) Not be renegotiated or extended beyond twelve months of the
20 date of execution unless the conditions cannot be fulfilled in twelve
21 months and the reason the conditions cannot be fulfilled are completely
22 outside the control of the mother.

23 (2) If the department has filed a dependency petition and the
24 department and the mother enter an agreement under subsection (1) of
25 this section, the department shall request the court defer entry of a
26 dependency finding for as long as the mother abides by the terms of the
27 agreement subject to the department's monitoring compliance.

28 (3) As a condition of deferral of the dependency finding, the
29 parties shall stipulate to facts sufficient to constitute a dependency.
30 In the event a party unreasonably refuses to stipulate to facts
31 sufficient to constitute a dependency, the court may proceed with
32 hearings on the petition.

33 (4) If the court orders deferral of the dependency finding, the
34 court shall order performance of the agreement and shall prohibit
35 nonprescription use of controlled substances.

36 (5) The department or the mother may request the court dismiss a
37 deferred finding at any time if the mother demonstrates by clear and
38 convincing evidence that she has not used controlled substances for at
39 least twelve consecutive months unless the court finds compelling

1 reasons to shorten the time after consulting with the substance abuse
2 provider, but under no circumstances less than six months, and she can
3 safely provide for the child's welfare without continuing supervision
4 by the department or court.

5 (6) In the event the department does not file a petition or enter
6 an agreement, the department shall refer the mother to available
7 chemical dependency treatment programs.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.34 RCW
9 to read as follows:

10 Unless compelling reasons exist to the contrary, the department
11 shall file a dependency petition when an infant is determined to be a
12 third or subsequent drug-affected infant. Unless compelling reasons
13 exist to the contrary, the department shall proceed with dependency
14 petitions on all drug-affected children born before the third or
15 subsequent birth. The drug-affected status of an infant is not by
16 itself sufficient to establish a finding that the drug-affected infant
17 is dependent.

18 (1) The court shall order evaluation by a designated chemical
19 dependency specialist, as defined in RCW 70.96A.020, who shall
20 undertake the processes described in RCW 70.96A.140.

21 (2) If the court has ordered removal of a child or children, the
22 out-of-home placement order shall remain in effect until the petition
23 is dismissed or the mother has successfully completed inpatient
24 chemical dependency treatment and an aftercare chemical dependency
25 treatment program unless compelling reasons exist to the contrary. The
26 mother must establish to the court that she can safely provide for the
27 welfare of her child or children.

28 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.34 RCW
29 to read as follows:

30 Nothing in sections 2 through 5 of this act may be interpreted to
31 prohibit or compel action in the best interests of the child by the
32 department independent from the drug-affected status of an infant.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.34 RCW
34 to read as follows:

35 No provider of chemical dependency treatment services may be
36 required by law or contract in any circumstance to participate in the

1 provision of family planning services if the provider objects to so
2 doing for reasons of conscience or religion. Each provider of chemical
3 dependency treatment that invokes the exemption provided under this
4 section shall promptly provide written notice to persons admitted to
5 treatment listing the family planning services the provider refuses to
6 provide for the reason of conscience or religion and how a person
7 admitted to treatment may access family planning in an expeditious
8 manner. When negotiating contracts for chemical dependency treatment
9 services, the department shall prioritize contracted services under
10 sections 3 through 5 of this act for the purpose of maximizing the
11 number of providers who offer all chemical dependency treatment
12 services.

13 **Sec. 8.** RCW 13.34.070 and 1993 c 358 s 1 are each amended to read
14 as follows:

15 (1) Upon the filing of the petition, the clerk of the court shall
16 issue a summons, one directed to the child, if the child is twelve or
17 more years of age, and another to the parents, guardian, or custodian,
18 and such other persons as appear to the court to be proper or necessary
19 parties to the proceedings, requiring them to appear personally before
20 the court at the time fixed to hear the petition. If the child is
21 developmentally disabled and not living at home, the notice shall be
22 given to the child's custodian as well as to the child's parent. The
23 developmentally disabled child shall not be required to appear unless
24 requested by the court. Where the custodian is summoned, the parent or
25 guardian or both shall also be served with a summons. The fact-finding
26 hearing on the petition shall be held no later than seventy-five days
27 after the filing of the petition, unless exceptional reasons for a
28 continuance are found. In cases of a drug-affected infant, exceptional
29 reasons for a continuance exist if the mother and the department have
30 executed an agreement that will take more than seventy-five days to
31 fulfill. The party requesting the continuance shall have the burden of
32 proving by a preponderance of the evidence that exceptional
33 circumstances do exist. To ensure that the hearing on the petition
34 occurs within the seventy-five day time limit, the court shall schedule
35 and hear the matter on an expedited basis.

36 (2) A copy of the petition shall be attached to each summons.

37 (3) The summons shall advise the parties of the right to counsel.
38 The summons shall also inform the child's parent, guardian, or legal

1 custodian of his or (~~her~~) her right to appointed counsel, if
2 indigent, and of the procedure to use to secure appointed counsel.

3 (4) The summons shall advise the parents that they may be held
4 responsible for the support of the child if the child is placed in out-
5 of-home care.

6 (5) The judge may endorse upon the summons an order directing any
7 parent, guardian, or custodian having the custody or control of the
8 child to bring the child to the hearing.

9 (6) If it appears from affidavit or sworn statement presented to
10 the judge that there is probable cause for the issuance of a warrant of
11 arrest or that the child needs to be taken into custody pursuant to RCW
12 13.34.050, the judge may endorse upon the summons an order that an
13 officer serving the summons shall at once take the child into custody
14 and take him to the place of shelter designated by the court.

15 (7) If the person summoned as provided in this section is subject
16 to an order of the court pursuant to subsection (5) or (6) of this
17 section, and if the person fails to abide by the order, he may be
18 proceeded against as for contempt of court. The order endorsed upon
19 the summons shall conspicuously display the following legend:

20 NOTICE:

21 VIOLATION OF THIS ORDER
22 IS SUBJECT TO PROCEEDING
23 FOR CONTEMPT OF COURT
24 PURSUANT TO RCW 13.34.070.

25 (8) If a party to be served with a summons can be found within the
26 state, the summons shall be served upon the party personally as soon as
27 possible following the filing of the petition, but in no case later
28 than fifteen court days before the fact-finding hearing, or such time
29 as set by the court. If the party is within the state and cannot be
30 personally served, but the party's address is known or can with
31 reasonable diligence be ascertained, the summons may be served upon the
32 party by mailing a copy thereof by certified mail as soon as possible
33 following the filing of the petition, but in no case later than fifteen
34 court days before the hearing, or such time as set by the court. If a
35 party other than the child is without the state but can be found or the
36 address is known, or can with reasonable diligence be ascertained,
37 service of the summons may be made either by delivering a copy thereof
38 to the party personally or by mailing a copy thereof to the party by

1 certified mail at least ten court days before the fact-finding hearing,
2 or such time as set by the court.

3 (9) Service of summons may be made under the direction of the court
4 by any person eighteen years of age or older who is not a party to the
5 proceedings or by any law enforcement officer, probation counselor, or
6 department of social and health services social worker.

7 (10) In any proceeding brought under this chapter where the court
8 knows or has reason to know that the child involved is a member of an
9 Indian tribe, notice of the pendency of the proceeding shall also be
10 sent by registered mail, return receipt requested, to the child's
11 tribe. If the identity or location of the tribe cannot be determined,
12 such notice shall be transmitted to the secretary of the interior of
13 the United States.

14 **Sec. 9.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are
15 each reenacted and amended to read as follows:

16 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
17 been proven by a preponderance of the evidence that the child is
18 dependent within the meaning of RCW 13.34.030; after consideration of
19 the predisposition report prepared pursuant to RCW 13.34.110 and after
20 a disposition hearing has been held pursuant to RCW 13.34.110, the
21 court shall enter an order of disposition pursuant to this section.

22 (1) The court shall order one of the following dispositions of the
23 case:

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

31 (b) Order that the child be removed from his or her home and
32 ordered into the custody, control, and care of a relative or the
33 department of social and health services or a licensed child placing
34 agency for placement in a foster family home or group care facility
35 licensed pursuant to chapter 74.15 RCW or in a home not required to be
36 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable
37 cause to believe that the safety or welfare of the child would be
38 jeopardized or that efforts to reunite the parent and child will be

1 hindered, such child shall be placed with a person who is related to
2 the child as defined in RCW 74.15.020(~~(+4)~~) (2)(a) and with whom the
3 child has a relationship and is comfortable, and who is willing and
4 available to care for the child. Placement of the child with a
5 relative under this subsection shall be given preference by the court.
6 An order for out-of-home placement may be made only if the court finds
7 that reasonable efforts have been made to prevent or eliminate the need
8 for removal of the child from the child's home and to make it possible
9 for the child to return home, specifying the services that have been
10 provided to the child and the child's parent, guardian, or legal
11 custodian, and that preventive services have been offered or provided
12 and have failed to prevent the need for out-of-home placement, unless
13 the health, safety, and welfare of the child cannot be protected
14 adequately in the home, and that:

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

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

19 (iii) The court finds, by clear, cogent, and convincing evidence,
20 a manifest danger exists that the child will suffer serious abuse or
21 neglect if the child is not removed from the home and an order under
22 RCW 26.44.063 would not protect the child from danger; or

23 (iv) The extent of the child's disability is such that the parent,
24 guardian, or legal custodian is unable to provide the necessary care
25 for the child and the parent, guardian, or legal custodian has
26 determined that the child would benefit from placement outside of the
27 home.

28 (2) If the court has ordered a child removed from his or her home
29 pursuant to subsection (1)(b) of this section, the court may order that
30 a petition seeking termination of the parent and child relationship be
31 filed if the court finds: (a) Termination is recommended by the
32 supervising agency; (b) termination is in the best interests of the
33 child; and (c) that because of the existence of aggravated
34 circumstances, reasonable efforts to unify the family are not required.
35 Notwithstanding the existence of aggravated circumstances, reasonable
36 efforts may be required if the court or department determines it is in
37 the best interest of the child. In determining whether aggravated
38 circumstances exist, the court shall consider one or more of the
39 following:

1 (i) Conviction of the parent of rape of the child in the first,
2 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
3 9A.44.079;

4 (ii) Conviction of the parent of criminal mistreatment of the child
5 in the first or second degree as defined in RCW 9A.42.020 and
6 9A.42.030;

7 (iii) Conviction of the parent of one of the following assault
8 crimes, when the child is the victim: Assault in the first or second
9 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child
10 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

11 (iv) Conviction of the parent of murder, manslaughter, or homicide
12 by abuse of the child's other parent, sibling, or another child;

13 (v) Conviction of the parent of attempting, soliciting, or
14 conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of
15 this subsection;

16 (vi) A finding by a court that a parent is a sexually violent
17 predator as defined in RCW 71.09.020;

18 (vii) Failure of the parent to complete available treatment ordered
19 under this chapter or the equivalent laws of another state, where such
20 failure has resulted in a prior termination of parental rights to
21 another child and the parent has failed to effect significant change in
22 the interim. In the case of a parent of an Indian child, as defined in
23 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~{Sec.}~~) Sec.
24 1903), the court shall also consider tribal efforts to assist the
25 parent in completing treatment and make it possible for the child to
26 return home;

27 (viii) An infant under three years of age has been abandoned as
28 defined in RCW 13.34.030(~~{(4)}~~) (8)(a);

29 (ix) The mother has given birth to three or more drug-affected
30 infants, resulting in the department filing a petition under (~~section~~
31 ~~23 of this act~~) section 5 of this act.

32 (3) If reasonable efforts are not ordered under subsection (2) of
33 this section a permanency (~~{plan-planning}~~) planning hearing shall be
34 held within thirty days. Reasonable efforts shall be made to place the
35 child in a timely manner in accordance with the permanency plan, and to
36 complete whatever steps are necessary to finalize the permanent
37 placement of the child.

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

1 (a) A permanency plan of care that shall identify one of the
2 following outcomes as a primary goal and may identify additional
3 outcomes as alternative goals: Return of the child to the home of the
4 child's parent, guardian, or legal custodian; adoption; guardianship;
5 permanent legal custody; or long-term relative or foster care, until
6 the child is age eighteen, with a written agreement between the parties
7 and the care provider; and independent living, if appropriate and if
8 the child is age sixteen or older. Whenever a permanency plan
9 identifies independent living as a goal, the plan shall also
10 specifically identify the services that will be provided to assist the
11 child to make a successful transition from foster care to independent
12 living. Before the court approves independent living as a permanency
13 plan of care, the court shall make a finding that the provision of
14 services to assist the child in making a transition from foster care to
15 independent living will allow the child to manage his or her financial
16 affairs and to manage his or her personal, social, educational, and
17 nonfinancial affairs. The department shall not discharge a child to an
18 independent living situation before the child is eighteen years of age
19 unless the child becomes emancipated pursuant to chapter 13.64 RCW.

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 (5) If the court determines that the continuation of reasonable
16 efforts to prevent or eliminate the need to remove the child from his
17 or her home or to safely return the child home should not be part of
18 the permanency plan of care for the child, reasonable efforts shall be
19 made to place the child in a timely manner and to complete whatever
20 steps are necessary to finalize the permanent placement of the child.

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

38 (7) Except for children whose cases are reviewed by a citizen
39 review board under chapter 13.70 RCW, the status of all children found

1 to be dependent shall be reviewed by the court at least every six
2 months from the beginning date of the placement episode or the date
3 dependency is established, whichever is first, at a hearing in which it
4 shall be determined whether court supervision should continue. The
5 review shall include findings regarding the agency and parental
6 completion of disposition plan requirements, and if necessary, revised
7 permanency time limits. The supervising agency shall provide a foster
8 parent, preadoptive parent, or relative with notice of, and their right
9 to an opportunity to be heard in, a review hearing pertaining to the
10 child, but only if that person is currently providing care to that
11 child at the time of the hearing. This section shall not be construed
12 to grant party status to any person who has been provided an
13 opportunity to be heard.

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

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

23 (i) Whether reasonable services have been provided to or offered to
24 the parties to facilitate reunion, specifying the services provided or
25 offered;

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

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

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

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

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

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

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

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

8 **Sec. 10.** RCW 74.09.310 and 1998 c 314 s 34 are each amended to
9 read as follows:

10 The department may make available, or cause to be made available,
11 pharmaceutical birth control services, information, and counseling to
12 any person who enters chemical dependency treatment under (~~section 20~~
13 ~~or 21 of this act~~) sections 3 through 5 of this act. Within available
14 funds, the department may pay for any tubal ligations requested under
15 (~~section 19 of this act~~) section 2 of this act if the mother's income
16 is less than two hundred percent of the federal poverty level. The
17 department shall report by December 1st of each year to the governor
18 and legislature: (1) The number of tubal ligations performed as a
19 result of (~~chapter 314, Laws of 1998~~) this act; (2) the number of
20 women who decline to undergo the surgery; (3) the number of women who
21 obtain pharmaceutical birth control, by type of birth control; and (4)
22 the number of women who are reported to the department.

23 **Sec. 11.** RCW 18.71.950 and 1998 c 314 s 36 are each amended to
24 read as follows:

25 (~~(1)~~) Nothing in (~~section 19 of this act~~) sections 2 through 5
26 of this act imposes any additional duties or responsibilities on, or
27 removes any duties or responsibilities from, a physician licensed under
28 this chapter, except as specifically included in chapter 13.34 RCW
29 (~~and RCW 70.96A.330~~) and RCW 74.09.310.

30 (~~(2) This section expires June 30, 2002.~~)

31 **Sec. 12.** RCW 18.57.920 and 1998 c 314 s 37 are each amended to
32 read as follows:

33 (~~(1)~~) Nothing in (~~section 19 of this act~~) sections 2 through 5
34 of this act imposes any additional duties or responsibilities on, or
35 removes any duties or responsibilities from, an osteopath licensed

1 under this chapter, except as specifically included in chapter 13.34
2 RCW ((and RCW 70.96A.330)) and RCW 74.09.310.

3 ((~~(2) This section expires June 30, 2002.~~))

4 **Sec. 13.** RCW 18.79.903 and 1998 c 314 s 38 are each amended to
5 read as follows:

6 ((~~(1)~~)) Nothing in ((~~section 19 of this act~~)) sections 2 through 5
7 of this act imposes any additional duties or responsibilities on, or
8 removes any duties or responsibilities from, an advanced registered
9 nurse practitioner licensed under this chapter, except as specifically
10 included in chapter 13.34 RCW ((and RCW 70.96A.330)) and RCW 74.09.310.

11 ((~~(2) This section expires June 30, 2002.~~))

12 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
13 each repealed:

- 14 (1) RCW 18.57.930 (Application--1998 c 314) and 1998 c 314 s 43;
15 (2) RCW 18.71.960 (Application--1998 c 314) and 1998 c 314 s 42;
16 (3) RCW 18.79.904 (Application--1998 c 314) and 1998 c 314 s 44;
17 (4) RCW 70.96A.330 (Treatment programs and model projects--
18 Provision of family planning) and 1998 c 314 s 33; and
19 (5) RCW 70.96A.340 (Treatment programs and model projects--
20 Provision of family planning) and 1998 c 314 s 41.

21 NEW SECTION. **Sec. 15.** This act applies only to drug-affected
22 infants born on or after the effective date of this act.

23 NEW SECTION. **Sec. 16.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

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