

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5413**

Chapter 332, Laws of 2001

57th Legislature  
2001 Regular Session

CHILD DEPENDENCY PROCEEDINGS

EFFECTIVE DATE: 7/22/01

Passed by the Senate April 19, 2001  
YEAS 48 NAYS 0

BRAD OWEN  
**President of the Senate**

Passed by the House April 18, 2001  
YEAS 91 NAYS 0

FRANK CHOPP  
**Speaker of the  
House of Representatives**

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Approved May 15, 2001

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5413** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK  
**Secretary**

FILED

May 15, 2001 - 3:24 p.m.

**Secretary of State  
State of Washington**

---

**ENGROSSED SUBSTITUTE SENATE BILL 5413**

---

AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

**State of Washington                      57th Legislature                      2001 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Long and Roach)

READ FIRST TIME 02/23/01.

1            AN ACT Relating to provisions to improve accountability in child  
2 dependency cases; amending RCW 13.34.062, 13.34.065, 13.34.180,  
3 13.34.138, and 13.34.110; and adding new sections to chapter 13.34 RCW.

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

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

7            (1) Following shelter care and no later than twenty-five days prior  
8 to fact-finding, the department, upon the parent's request or counsel  
9 for the parent's request, shall facilitate a conference to develop and  
10 specify in a written service agreement the expectations of both the  
11 department and the parent regarding the care and placement of the  
12 child.

13            The department shall invite to the conference the parent, counsel  
14 for the parent, the foster parent or other out-of-home care provider,  
15 caseworker, guardian ad litem, counselor, or other relevant health care  
16 provider, and any other person connected to the development and well-  
17 being of the child.

18            The initial written service agreement expectations must correlate  
19 with the court's findings at the shelter care hearing. The written

1 service agreement must set forth specific criteria that enables the  
2 court to measure the performance of both the department and the parent,  
3 and must be updated throughout the dependency process to reflect  
4 changes in expectations. The service agreement must serve as the  
5 unifying document for all expectations established in the department's  
6 various case planning and case management documents and the findings  
7 and orders of the court during dependency proceedings.

8 The court shall review the written service agreement at each stage  
9 of the dependency proceedings and evaluate the performance of both the  
10 department and the parent for consistent, measurable progress in  
11 complying with the expectations identified in the agreement.

12 The case conference agreement must be agreed to and signed by the  
13 parties. The court shall not consider the content of the discussions  
14 at the case conference at the time of the fact-finding hearing for the  
15 purposes of establishing that the child is a dependent child, and the  
16 court shall not consider any documents or written materials presented  
17 at the case conference but not incorporated into the case conference  
18 agreement, unless the documents or written materials were prepared for  
19 purposes other than or as a result of the case conference and are  
20 otherwise admissible under the rules of evidence.

21 (2) At any other stage in a dependency proceeding, the department,  
22 upon the parent's request, shall facilitate a case conference.

23 **Sec. 2.** RCW 13.34.062 and 2000 c 122 s 5 are each amended to read  
24 as follows:

25 (1) The written notice of custody and rights required by RCW  
26 13.34.060 shall be in substantially the following form:

27 "NOTICE

28 Your child has been placed in temporary custody under the  
29 supervision of Child Protective Services (or other person or agency).  
30 You have important legal rights and you must take steps to protect your  
31 interests.

32 1. A court hearing will be held before a judge within 72 hours of  
33 the time your child is taken into custody excluding Saturdays, Sundays,  
34 and holidays. You should call the court at \_\_\_\_ (insert appropriate  
35 phone number here) \_\_\_\_ for specific information about the date, time,  
36 and location of the court hearing.

1           2. You have the right to have a lawyer represent you at the  
2 hearing. Your right to representation continues after the shelter care  
3 hearing. You have the right to records the department intends to rely  
4 upon. A lawyer can look at the files in your case, talk to child  
5 protective services and other agencies, tell you about the law, help  
6 you understand your rights, and help you at hearings. If you cannot  
7 afford a lawyer, the court will appoint one to represent you. To get  
8 a court-appointed lawyer you must contact:       (explain local  
9 procedure)      .

10           3. At the hearing, you have the right to speak on your own behalf,  
11 to introduce evidence, to examine witnesses, and to receive a decision  
12 based solely on the evidence presented to the judge.

13           4. If your hearing occurs before a court commissioner, you have the  
14 right to have the decision of the court commissioner reviewed by a  
15 superior court judge. To obtain that review, you must, within ten days  
16 after the entry of the decision of the court commissioner, file with  
17 the court a motion for revision of the decision, as provided in RCW  
18 2.24.050.

19           You should be present at any shelter care hearing. If you do not  
20 come, the judge will not hear what you have to say.

21           You may call the Child Protective Services' caseworker for more  
22 information about your child. The caseworker's name and telephone  
23 number are:       (insert name and telephone number)      .

24           5. You may request that the department facilitate a case conference  
25 to develop a written service agreement following the shelter care  
26 hearing. The service agreement may not conflict with the court's order  
27 of shelter care. You may request that a multidisciplinary team, family  
28 group conference, prognostic staffing, or case conference be convened  
29 for your child's case. You may participate in these processes with  
30 your counsel present."

31           Upon receipt of the written notice, the parent, guardian, or legal  
32 custodian shall acknowledge such notice by signing a receipt prepared  
33 by child protective services. If the parent, guardian, or legal  
34 custodian does not sign the receipt, the reason for lack of a signature  
35 shall be written on the receipt. The receipt shall be made a part of  
36 the court's file in the dependency action.

37           If after making reasonable efforts to provide notification, child  
38 protective services is unable to determine the whereabouts of the  
39 parents, guardian, or legal custodian, the notice shall be delivered or

1 sent to the last known address of the parent, guardian, or legal  
2 custodian.

3 (2) If child protective services is not required to give notice  
4 under RCW 13.34.060(2) and subsection (1) of this section, the juvenile  
5 court counselor assigned to the matter shall make all reasonable  
6 efforts to advise the parents, guardian, or legal custodian of the time  
7 and place of any shelter care hearing, request that they be present,  
8 and inform them of their basic rights as provided in RCW 13.34.090.

9 (3) Reasonable efforts to advise and to give notice, as required in  
10 RCW 13.34.060(2) and subsections (1) and (2) of this section, shall  
11 include, at a minimum, investigation of the whereabouts of the parent,  
12 guardian, or legal custodian. If such reasonable efforts are not  
13 successful, or the parent, guardian, or legal custodian does not appear  
14 at the shelter care hearing, the petitioner shall testify at the  
15 hearing or state in a declaration:

16 (a) The efforts made to investigate the whereabouts of, and to  
17 advise, the parent, guardian, or legal custodian; and

18 (b) Whether actual advice of rights was made, to whom it was made,  
19 and how it was made, including the substance of any oral communication  
20 or copies of written materials used.

21 (4) The court shall hear evidence regarding notice given to, and  
22 efforts to notify, the parent, guardian, or legal custodian and shall  
23 examine the need for shelter care. The court shall hear evidence  
24 regarding the efforts made to place the child with a relative. The  
25 court shall make an express finding as to whether the notice required  
26 under RCW 13.34.060(2) and subsections (1) and (2) of this section was  
27 given to the parent, guardian, or legal custodian. All parties have  
28 the right to present testimony to the court regarding the need or lack  
29 of need for shelter care. Hearsay evidence before the court regarding  
30 the need or lack of need for shelter care must be supported by sworn  
31 testimony, affidavit, or declaration of the person offering such  
32 evidence.

33 (5) A shelter care order issued pursuant to RCW 13.34.065 may be  
34 amended at any time with notice and hearing thereon. The shelter care  
35 decision of placement shall be modified only upon a showing of change  
36 in circumstances. No child may be placed in shelter care for longer  
37 than thirty days without an order, signed by the judge, authorizing  
38 continued shelter care.

1 (6) Any parent, guardian, or legal custodian who for good cause is  
2 unable to attend the initial shelter care hearing may request that a  
3 subsequent shelter care hearing be scheduled. The request shall be  
4 made to the clerk of the court where the petition is filed prior to the  
5 initial shelter care hearing. Upon the request of the parent, the  
6 court shall schedule the hearing within seventy-two hours of the  
7 request, excluding Saturdays, Sundays, and holidays. The clerk shall  
8 notify all other parties of the hearing by any reasonable means.

9 **Sec. 3.** RCW 13.34.065 and 2000 c 122 s 7 are each amended to read  
10 as follows:

11 (1) The juvenile court probation counselor shall submit a  
12 recommendation to the court as to the further need for shelter care  
13 unless the petition has been filed by the department, in which case the  
14 recommendation shall be submitted by the department.

15 (2) The court shall release a child alleged to be dependent to the  
16 care, custody, and control of the child's parent, guardian, or legal  
17 custodian unless the court finds there is reasonable cause to believe  
18 that:

19 (a) After consideration of the specific services that have been  
20 provided, reasonable efforts have been made to prevent or eliminate the  
21 need for removal of the child from the child's home and to make it  
22 possible for the child to return home; and

23 (b)(i) The child has no parent, guardian, or legal custodian to  
24 provide supervision and care for such child; or

25 (ii) The release of such child would present a serious threat of  
26 substantial harm to such child; or

27 (iii) The parent, guardian, or custodian to whom the child could be  
28 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

29 If the court does not release the child to his or her parent,  
30 guardian, or legal custodian, and the child was initially placed with  
31 a relative pursuant to RCW 13.34.060(1), the court shall order  
32 continued placement with a relative, unless there is reasonable cause  
33 to believe the health, safety, or welfare of the child would be  
34 jeopardized. If the child was not initially placed with a relative,  
35 and the court does not release the child to his or her parent,  
36 guardian, or legal custodian, the supervising agency shall make  
37 reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).  
38 If a relative is not available, the court shall order continued shelter

1 care or order placement with another suitable person, and the court  
2 shall set forth its reasons for the order. The court shall enter a  
3 finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of  
4 this section have been complied with. If actual notice was not given  
5 to the parent, guardian, or legal custodian and the whereabouts of such  
6 person is known or can be ascertained, the court shall order the  
7 supervising agency or the department of social and health services to  
8 make reasonable efforts to advise the parent, guardian, or legal  
9 custodian of the status of the case, including the date and time of any  
10 subsequent hearings, and their rights under RCW 13.34.090.

11 (3) An order releasing the child on any conditions specified in  
12 this section may at any time be amended, with notice and hearing  
13 thereon, so as to return the child to shelter care for failure of the  
14 parties to conform to the conditions originally imposed.

15 The court shall consider whether nonconformance with any conditions  
16 resulted from circumstances beyond the control of the parent and give  
17 weight to that fact before ordering return of the child to shelter  
18 care.

19 (4) If a child is returned home from shelter care a second time in  
20 the case, or if the supervisor of the caseworker deems it necessary,  
21 the multidisciplinary team may be reconvened.

22 (5) If a child is returned home from shelter care a second time in  
23 the case a law enforcement officer must be present and file a report to  
24 the department.

25 **Sec. 4.** RCW 13.34.180 and 2000 c 122 s 25 are each amended to read  
26 as follows:

27 (1) A petition seeking termination of a parent and child  
28 relationship may be filed in juvenile court by any party to the  
29 dependency proceedings concerning that child. Such petition shall  
30 conform to the requirements of RCW 13.34.040, shall be served upon the  
31 parties as provided in RCW 13.34.070(8), and shall allege all of the  
32 following unless subsection (2) or (3) of this section applies:

33 (a) That the child has been found to be a dependent child;

34 (b) That the court has entered a dispositional order pursuant to  
35 RCW 13.34.130;

36 (c) That the child has been removed or will, at the time of the  
37 hearing, have been removed from the custody of the parent for a period  
38 of at least six months pursuant to a finding of dependency;

1 (d) That the services ordered under RCW 13.34.136 have been  
2 expressly and understandably offered or provided and all necessary  
3 services, reasonably available, capable of correcting the parental  
4 deficiencies within the foreseeable future have been expressly and  
5 understandably offered or provided;

6 (e) That there is little likelihood that conditions will be  
7 remedied so that the child can be returned to the parent in the near  
8 future. A parent's failure to substantially improve parental  
9 deficiencies within twelve months following entry of the dispositional  
10 order shall give rise to a rebuttable presumption that there is little  
11 likelihood that conditions will be remedied so that the child can be  
12 returned to the parent in the near future. The presumption shall not  
13 arise unless the petitioner makes a showing that all necessary services  
14 reasonably capable of correcting the parental deficiencies within the  
15 foreseeable future have been clearly offered or provided. In  
16 determining whether the conditions will be remedied the court may  
17 consider, but is not limited to, the following factors:

18 (i) Use of intoxicating or controlled substances so as to render  
19 the parent incapable of providing proper care for the child for  
20 extended periods of time or for periods of time that present a risk of  
21 imminent harm to the child, and documented unwillingness of the parent  
22 to receive and complete treatment or documented multiple failed  
23 treatment attempts; or

24 (ii) Psychological incapacity or mental deficiency of the parent  
25 that is so severe and chronic as to render the parent incapable of  
26 providing proper care for the child for extended periods of time or for  
27 periods of time that present a risk of imminent harm to the child, and  
28 documented unwillingness of the parent to receive and complete  
29 treatment or documentation that there is no treatment that can render  
30 the parent capable of providing proper care for the child in the near  
31 future; and

32 (f) That continuation of the parent and child relationship clearly  
33 diminishes the child's prospects for early integration into a stable  
34 and permanent home.

35 (2) In lieu of the allegations in subsection (1) of this section,  
36 the petition may allege that the child was found under such  
37 circumstances that the whereabouts of the child's parent are unknown  
38 and no person has acknowledged paternity or maternity and requested  
39 custody of the child within two months after the child was found.



1 (3) In lieu of the allegations in subsection (1)(b) through (f) of  
2 this section, the petition may allege that the parent has been  
3 convicted of:

4 (a) Murder in the first degree, murder in the second degree, or  
5 homicide by abuse as defined in chapter 9A.32 RCW against another child  
6 of the parent;

7 (b) Manslaughter in the first degree or manslaughter in the second  
8 degree, as defined in chapter 9A.32 RCW against another child of the  
9 parent;

10 (c) Attempting, conspiring, or soliciting another to commit one or  
11 more of the crimes listed in (a) or (b) of this subsection; or

12 (d) Assault in the first or second degree, as defined in chapter  
13 9A.36 RCW, against the surviving child or another child of the parent.

14 (4) Notice of rights shall be served upon the parent, guardian, or  
15 legal custodian with the petition and shall be in substantially the  
16 following form:

17 "NOTICE

18 A petition for termination of parental rights has been filed  
19 against you. You have important legal rights and you must take  
20 steps to protect your interests. This petition could result in  
21 permanent loss of your parental rights.

22 1. You have the right to a fact-finding hearing before  
23 a judge.

24 2. You have the right to have a lawyer represent you at  
25 the hearing. A lawyer can look at the files in your case, talk  
26 to the department of social and health services and other  
27 agencies, tell you about the law, help you understand your  
28 rights, and help you at hearings. If you cannot afford a  
29 lawyer, the court will appoint one to represent you. To get a  
30 court-appointed lawyer you must contact:       (explain local  
31 procedure)      .

32 3. At the hearing, you have the right to speak on your  
33 own behalf, to introduce evidence, to examine witnesses, and to  
34 receive a decision based solely on the evidence presented to  
35 the judge.

36 You should be present at this hearing.

1           You may call \_\_\_\_ (insert agency) \_\_\_\_ for more information  
2           about your child. The agency's name and telephone number are  
3           \_\_\_\_ (insert name and telephone number) \_\_\_\_."

4           **Sec. 5.** RCW 13.34.138 and 2000 c 122 s 19 are each amended to read  
5 as follows:

6           (1) Except for children whose cases are reviewed by a citizen  
7 review board under chapter 13.70 RCW, the status of all children found  
8 to be dependent shall be reviewed by the court at least every six  
9 months from the beginning date of the placement episode or the date  
10 dependency is established, whichever is first, at a hearing in which it  
11 shall be determined whether court supervision should continue. The  
12 initial review hearing shall be an in-court review and shall be set six  
13 months from the beginning date of the placement episode or no more than  
14 ninety days from the entry of the disposition order, whichever comes  
15 first. The initial review hearing may be a permanency planning hearing  
16 when necessary to meet the time frames set forth in RCW 13.34.145(3) or  
17 13.34.134. The review shall include findings regarding the agency and  
18 parental completion of disposition plan requirements, and if necessary,  
19 revised permanency time limits. This review shall consider both the  
20 agency's and parent's efforts that demonstrate consistent measurable  
21 progress over time in meeting the disposition plan requirements. The  
22 requirements for the initial review hearing, including the in-court  
23 requirement, shall be accomplished within existing resources. The  
24 supervising agency shall provide a foster parent, preadoptive parent,  
25 or relative with notice of, and their right to an opportunity to be  
26 heard in, a review hearing pertaining to the child, but only if that  
27 person is currently providing care to that child at the time of the  
28 hearing. This section shall not be construed to grant party status to  
29 any person who has been provided an opportunity to be heard.

30           (a) A child shall not be returned home at the review hearing unless  
31 the court finds that a reason for removal as set forth in RCW 13.34.130  
32 no longer exists. The parents, guardian, or legal custodian shall  
33 report to the court the efforts they have made to correct the  
34 conditions which led to removal. If a child is returned, casework  
35 supervision shall continue for a period of six months, at which time  
36 there shall be a hearing on the need for continued intervention.

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

1 (i) Whether reasonable services have been provided to or offered to  
2 the parties to facilitate reunion, specifying the services provided or  
3 offered;

4 (ii) Whether the child has been placed in the least-restrictive  
5 setting appropriate to the child's needs, including whether  
6 consideration and preference has been given to placement with the  
7 child's relatives;

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

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

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

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

16 (vii) Whether additional services, including housing assistance,  
17 are needed to facilitate the return of the child to the child's  
18 parents; if so, the court shall order that reasonable services be  
19 offered specifying such services; and

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

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

24 (2) The court's ability to order housing assistance under RCW  
25 13.34.130 and this section is: (a) Limited to cases in which  
26 homelessness or the lack of adequate and safe housing is the primary  
27 reason for an out-of-home placement; and (b) subject to the  
28 availability of funds appropriated for this specific purpose.

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

31 The department shall, within existing resources, provide to parents  
32 requesting a multidisciplinary team, family group conference,  
33 prognostic staffing, or case conference, information that describes  
34 these processes prior to the processes being undertaken.

35 **Sec. 7.** RCW 13.34.110 and 2000 c 122 s 11 are each amended to read  
36 as follows:

1       (1) The court shall hold a fact-finding hearing on the petition  
2 and, unless the court dismisses the petition, shall make written  
3 findings of fact, stating the reasons therefor. The rules of evidence  
4 shall apply at the fact-finding hearing and the parent, guardian, or  
5 legal custodian of the child shall have all of the rights provided in  
6 RCW 13.34.090(1). The petitioner shall have the burden of establishing  
7 by a preponderance of the evidence that the child is dependent within  
8 the meaning of RCW 13.34.030.

9       (2)(a) The parent, guardian, or legal custodian of the child may  
10 waive his or her right to a fact-finding hearing by stipulating or  
11 agreeing to the entry of an order of dependency establishing that the  
12 child is dependent within the meaning of RCW 13.34.030. The parent,  
13 guardian, or legal custodian may also stipulate or agree to an order of  
14 disposition pursuant to RCW 13.34.130 at the same time. Any stipulated  
15 or agreed order of dependency or disposition must be signed by the  
16 parent, guardian, or legal custodian and his or her attorney, unless  
17 the parent, guardian, or legal custodian has waived his or her right to  
18 an attorney in open court, and by the petitioner and the attorney,  
19 guardian ad litem, or court-appointed special advocate for the child,  
20 if any. If the department of social and health services is not the  
21 petitioner and is required by the order to supervise the placement of  
22 the child or provide services to any party, the department must also  
23 agree to and sign the order.

24       (b) Entry of any stipulated or agreed order of dependency or  
25 disposition is subject to approval by the court. The court shall  
26 receive and review a social study before entering a stipulated or  
27 agreed order and shall consider whether the order is consistent with  
28 the allegations of the dependency petition and the problems that  
29 necessitated the child's placement in out-of-home care. No social file  
30 or social study may be considered by the court in connection with the  
31 fact-finding hearing or prior to factual determination, except as  
32 otherwise admissible under the rules of evidence.

33       (c) Prior to the entry of any stipulated or agreed order of  
34 dependency, the parent, guardian, or legal custodian of the child and  
35 his or her attorney must appear before the court and the court within  
36 available resources must inquire and establish on the record that:

37       (i) The parent, guardian, or legal custodian understands the terms  
38 of the order or orders he or she has signed, including his or her

1 responsibility to participate in remedial services as provided in any  
2 disposition order;

3 (ii) The parent, guardian, or legal custodian understands that  
4 entry of the order starts a process that could result in the filing of  
5 a petition to terminate his or her relationship with the child within  
6 the time frames required by state and federal law if he or she fails to  
7 comply with the terms of the dependency or disposition orders or fails  
8 to substantially remedy the problems that necessitated the child's  
9 placement in out-of-home care;

10 (iii) The parent, guardian, or legal custodian understands that the  
11 entry of the stipulated or agreed order of dependency is an admission  
12 that the child is dependent within the meaning of RCW 13.34.030 and  
13 shall have the same legal effect as a finding by the court that the  
14 child is dependent by at least a preponderance of the evidence, and  
15 that the parent, guardian, or legal custodian shall not have the right  
16 in any subsequent proceeding for termination of parental rights or  
17 dependency guardianship pursuant to this chapter or nonparental custody  
18 pursuant to chapter 26.10 RCW to challenge or dispute the fact that the  
19 child was found to be dependent; and

20 (iv) The parent, guardian, or legal custodian knowingly and  
21 willingly stipulated and agreed to and signed the order or orders,  
22 without duress, and without misrepresentation or fraud by any other  
23 party.

24 If a parent, guardian, or legal custodian fails to appear before  
25 the court after stipulating or agreeing to entry of an order of  
26 dependency, the court may enter the order upon a finding that the  
27 parent, guardian, or legal custodian had actual notice of the right to  
28 appear before the court and chose not to do so. The court may require  
29 other parties to the order, including the attorney for the parent,  
30 guardian, or legal custodian, to appear and advise the court of the  
31 parent's, guardian's, or legal custodian's notice of the right to  
32 appear and understanding of the factors specified in this subsection.  
33 A parent, guardian, or legal custodian may choose to waive his or her  
34 presence at the in-court hearing for entry of the stipulated or agreed  
35 order of dependency by submitting to the court through counsel a  
36 completed stipulated or agreed dependency fact-finding/disposition  
37 statement in a form determined by the Washington state supreme court  
38 pursuant to General Rule GR 9.

1       (3) Immediately after the entry of the findings of fact, the court  
2 shall hold a disposition hearing, unless there is good cause for  
3 continuing the matter for up to fourteen days. If good cause is shown,  
4 the case may be continued for longer than fourteen days. Notice of the  
5 time and place of the continued hearing may be given in open court. If  
6 notice in open court is not given to a party, that party shall be  
7 notified by certified mail of the time and place of any continued  
8 hearing. Unless there is reasonable cause to believe the health,  
9 safety, or welfare of the child would be jeopardized or efforts to  
10 reunite the parent and child would be hindered, the court shall direct  
11 the department to notify those adult persons who: ~~((+1))~~ (a) Are  
12 related by blood or marriage to the child in the following degrees:  
13 Parent, grandparent, brother, sister, stepparent, stepbrother,  
14 stepsister, uncle, or aunt; ~~((+2))~~ (b) are known to the department as  
15 having been in contact with the family or child within the past twelve  
16 months; and ~~((+3))~~ (c) would be an appropriate placement for the  
17 child. Reasonable cause to dispense with notification to a parent  
18 under this section must be proved by clear, cogent, and convincing  
19 evidence.

20       The parties need not appear at the fact-finding or dispositional  
21 hearing if the parties, their attorneys, the guardian ad litem, and  
22 court-appointed special advocates, if any, are all in agreement. ~~((The  
23 court shall receive and review a social study before entering an order  
24 based on agreement. No social file or social study may be considered  
25 by the court in connection with the fact finding hearing or prior to  
26 factual determination, except as otherwise admissible under the rules  
27 of evidence.))~~

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

30       The department of social and health services shall promulgate rules  
31 that create good cause exceptions to the establishment and enforcement  
32 of child support from parents of children in out-of-home placement  
33 under chapter 13.34 or 13.32A RCW that do not violate federal funding  
34 requirements. The department shall present the rules and the  
35 department's plan for implementation of the rules to the appropriate  
36 committees of the legislature prior to the 2002 legislative session.

Passed the Senate April 19, 2001.  
Passed the House April 18, 2001.  
Approved by the Governor May 15, 2001.  
Filed in Office of Secretary of State May 15, 2001.