

SSB 5779 - S AMD 200

By Senators Stevens, Hargrove

ADOPTED 03/16/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to
4 recognize the importance of emotional ties formed by siblings with each
5 other, especially in those circumstances which warrant court
6 intervention into family relationships. It is the intent of the
7 legislature to encourage the courts and public agencies which deal with
8 families to acknowledge and give thoughtful consideration to the
9 quality and nature of sibling relationships when intervening in family
10 relationships. It is not the intent of the legislature to create legal
11 obligations or responsibilities between siblings and other family
12 members whether by blood or marriage, step families, foster families,
13 or adopted families that do not already exist. Neither is it the
14 intent of the legislature to mandate sibling placement, contact, or
15 visitation if there is reasonable cause to believe that the health,
16 safety, or welfare of a child or siblings would be jeopardized.
17 Finally, it is not the intent of the legislature to manufacture or
18 anticipate family relationships which do not exist at the time of the
19 court intervention, or to disrupt already existing positive family
20 relationships.

21 **Sec. 2.** RCW 13.34.030 and 2002 c 52 s 3 are each amended to read
22 as follows:

23 For purposes of this chapter:

24 (1) "Abandoned" means when the child's parent, guardian, or other
25 custodian has expressed, either by statement or conduct, an intent to
26 forego, for an extended period, parental rights or responsibilities
27 despite an ability to exercise such rights and responsibilities. If
28 the court finds that the petitioner has exercised due diligence in

1 attempting to locate the parent, no contact between the child and the
2 child's parent, guardian, or other custodian for a period of three
3 months creates a rebuttable presumption of abandonment, even if there
4 is no expressed intent to abandon.

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

7 (3) "Current placement episode" means the period of time that
8 begins with the most recent date that the child was removed from the
9 home of the parent, guardian, or legal custodian for purposes of
10 placement in out-of-home care and continues until: (a) The child
11 returns home; (b) an adoption decree, a permanent custody order, or
12 guardianship order is entered; or (c) the dependency is dismissed,
13 whichever occurs first.

14 (4) "Dependency guardian" means the person, nonprofit corporation,
15 or Indian tribe appointed by the court pursuant to this chapter for the
16 limited purpose of assisting the court in the supervision of the
17 dependency.

18 (5) "Dependent child" means any child who:

19 (a) Has been abandoned;

20 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
21 person legally responsible for the care of the child; or

22 (c) Has no parent, guardian, or custodian capable of adequately
23 caring for the child, such that the child is in circumstances which
24 constitute a danger of substantial damage to the child's psychological
25 or physical development.

26 (6) "Developmental disability" means a disability attributable to
27 mental retardation, cerebral palsy, epilepsy, autism, or another
28 neurological or other condition of an individual found by the secretary
29 to be closely related to mental retardation or to require treatment
30 similar to that required for individuals with mental retardation, which
31 disability originates before the individual attains age eighteen, which
32 has continued or can be expected to continue indefinitely, and which
33 constitutes a substantial handicap to the individual.

34 (7) "Guardian" means the person or agency that: (a) Has been
35 appointed as the guardian of a child in a legal proceeding other than
36 a proceeding under this chapter; and (b) has the legal right to custody
37 of the child pursuant to such appointment. The term "guardian" shall

1 not include a "dependency guardian" appointed pursuant to a proceeding
2 under this chapter.

3 (8) "Guardian ad litem" means a person, appointed by the court to
4 represent the best interests of a child in a proceeding under this
5 chapter, or in any matter which may be consolidated with a proceeding
6 under this chapter. A "court-appointed special advocate" appointed by
7 the court to be the guardian ad litem for the child, or to perform
8 substantially the same duties and functions as a guardian ad litem,
9 shall be deemed to be guardian ad litem for all purposes and uses of
10 this chapter.

11 (9) "Guardian ad litem program" means a court-authorized volunteer
12 program, which is or may be established by the superior court of the
13 county in which such proceeding is filed, to manage all aspects of
14 volunteer guardian ad litem representation for children alleged or
15 found to be dependent. Such management shall include but is not
16 limited to: Recruitment, screening, training, supervision, assignment,
17 and discharge of volunteers.

18 (10) "Indigent" means a person who, at any stage of a court
19 proceeding, is:

20 (a) Receiving one of the following types of public assistance:
21 Temporary assistance for needy families, general assistance, poverty-
22 related veterans' benefits, food stamps or food stamp benefits
23 transferred electronically, refugee resettlement benefits, medicaid, or
24 supplemental security income; or

25 (b) Involuntarily committed to a public mental health facility; or

26 (c) Receiving an annual income, after taxes, of one hundred twenty-
27 five percent or less of the federally established poverty level; or

28 (d) Unable to pay the anticipated cost of counsel for the matter
29 before the court because his or her available funds are insufficient to
30 pay any amount for the retention of counsel.

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

35 (12) "Preventive services" means preservation services, as defined
36 in chapter 74.14C RCW, and other reasonably available services,
37 including housing services, capable of preventing the need for out-of-
38 home placement while protecting the child. Housing services may

1 include, but are not limited to, referrals to federal, state, local, or
2 private agencies or organizations, assistance with forms and
3 applications, or financial subsidies for housing.

4 (13) "Shelter care" means temporary physical care in a facility
5 licensed pursuant to RCW 74.15.030 or in a home not required to be
6 licensed pursuant to RCW 74.15.030.

7 (14) "Sibling" means a child's birth brother, birth sister,
8 adoptive brother, adoptive sister, half-brother, or half-sister, or as
9 defined by the law or custom of the Indian child's tribe for an Indian
10 child as defined in 25 U.S.C. Sec. 1903(4).

11 (15) "Social study" means a written evaluation of matters relevant
12 to the disposition of the case and shall contain the following
13 information:

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

16 (b) A description of the specific services and activities, for both
17 the parents and child, that are needed in order to prevent serious harm
18 to the child; the reasons why such services and activities are likely
19 to be useful; the availability of any proposed services; and the
20 agency's overall plan for ensuring that the services will be delivered.
21 The description shall identify the services chosen and approved by the
22 parent;

23 (c) If removal is recommended, a full description of the reasons
24 why the child cannot be protected adequately in the home, including a
25 description of any previous efforts to work with the parents and the
26 child in the home; the in-home treatment programs that have been
27 considered and rejected; the preventive services that have been offered
28 or provided and have failed to prevent the need for out-of-home
29 placement, unless the health, safety, and welfare of the child cannot
30 be protected adequately in the home; and the parents' attitude toward
31 placement of the child;

32 (d) A statement of the likely harms the child will suffer as a
33 result of removal;

34 (e) A description of the steps that will be taken to minimize the
35 harm to the child that may result if separation occurs including an
36 assessment of the child's relationship and emotional bond with any
37 siblings, and the agency's plan to provide ongoing contact between the
38 child and the child's siblings if appropriate; and

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

3 **Sec. 3.** RCW 13.34.130 and 2002 c 52 s 5 are each amended to read
4 as follows:

5 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
6 been proven by a preponderance of the evidence that the child is
7 dependent within the meaning of RCW 13.34.030 after consideration of
8 the social study prepared pursuant to RCW 13.34.110 and after a
9 disposition hearing has been held pursuant to RCW 13.34.110, the court
10 shall enter an order of disposition pursuant to this section.

11 (1) The court shall order one of the following dispositions of the
12 case:

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

20 (b) Order the child to be removed from his or her home and into the
21 custody, control, and care of a relative or the department or a
22 licensed child placing agency for placement in a foster family home or
23 group care facility licensed pursuant to chapter 74.15 RCW or in a home
24 not required to be licensed pursuant to chapter 74.15 RCW. Unless
25 there is reasonable cause to believe that the health, safety, or
26 welfare of the child would be jeopardized or that efforts to reunite
27 the parent and child will be hindered, such child shall be placed with
28 a person who is: (i) Related to the child as defined in RCW
29 74.15.020(2)(a) with whom the child has a relationship and is
30 comfortable; and (ii) willing and available to care for the child.

31 (2) Placement of the child with a relative under this subsection
32 shall be given preference by the court. An order for out-of-home
33 placement may be made only if the court finds that reasonable efforts
34 have been made to prevent or eliminate the need for removal of the
35 child from the child's home and to make it possible for the child to
36 return home, specifying the services that have been provided to the
37 child and the child's parent, guardian, or legal custodian, and that

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

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

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

9 (c) The court finds, by clear, cogent, and convincing evidence, a
10 manifest danger exists that the child will suffer serious abuse or
11 neglect if the child is not removed from the home and an order under
12 RCW 26.44.063 would not protect the child from danger.

13 (3) If the court has ordered a child removed from his or her home
14 pursuant to subsection (1)(b) of this section, the court shall consider
15 whether it is in ~~((the))~~ a child's best interest to be placed with,
16 have contact with, or have visits with siblings. ~~((The court must~~
17 ~~consider ordering that such contact or visits take place))~~

18 (a) There shall be a presumption that such placement, contact, or
19 visits are in the best interests of the child provided that:

20 ~~((a))~~ (i) The court has jurisdiction over all siblings subject to
21 the order of placement, contact, or visitation pursuant to petitions
22 filed under this chapter or the parents of a child for whom there is no
23 jurisdiction are willing to agree; and

24 ~~((b) Contact or visitation is in the best interests of each child~~
25 ~~covered by the court's order; and~~

26 ~~(c))~~ (ii) There is no reasonable cause to believe that the health,
27 safety, or welfare of any child subject to the order of placement,
28 contact, or visitation would be jeopardized or that efforts to reunite
29 the parent and child would be hindered by such placement, contact, or
30 visitation. In no event shall parental visitation time be reduced in
31 order to provide sibling visitation.

32 (b) The court may also order placement, contact, or visitation of
33 a child with a step-brother or step-sister provided that in addition to
34 the factors in (a) of this subsection, the child has a relationship and
35 is comfortable with the step-sibling.

36 (4) If the court has ordered a child removed from his or her home
37 pursuant to subsection (1)(b) of this section, the court may order that

1 a petition seeking termination of the parent and child relationship be
2 filed if the requirements of RCW 13.34.132 are met.

3 (5) If there is insufficient information at the time of the
4 disposition hearing upon which to base a determination regarding the
5 suitability of a proposed placement with a relative, the child shall
6 remain in foster care and the court shall direct the supervising agency
7 to conduct necessary background investigations as provided in chapter
8 74.15 RCW and report the results of such investigation to the court
9 within thirty days. However, if such relative appears otherwise
10 suitable and competent to provide care and treatment, the criminal
11 history background check need not be completed before placement, but as
12 soon as possible after placement. Any placements with relatives,
13 pursuant to this section, shall be contingent upon cooperation by the
14 relative with the agency case plan and compliance with court orders
15 related to the care and supervision of the child including, but not
16 limited to, court orders regarding parent-child contacts, sibling
17 contacts, and any other conditions imposed by the court. Noncompliance
18 with the case plan or court order shall be grounds for removal of the
19 child from the relative's home, subject to review by the court.

20 **Sec. 4.** RCW 13.34.136 and 2002 c 52 s 6 are each amended to read
21 as follows:

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

24 (a) A permanency plan of care that shall identify one of the
25 following outcomes as a primary goal and may identify additional
26 outcomes as alternative goals: Return of the child to the home of the
27 child's parent, guardian, or legal custodian; adoption; guardianship;
28 permanent legal custody; long-term relative or foster care, until the
29 child is age eighteen, with a written agreement between the parties and
30 the care provider; successful completion of a responsible living skills
31 program; or independent living, if appropriate and if the child is age
32 sixteen or older. The department shall not discharge a child to an
33 independent living situation before the child is eighteen years of age
34 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

35 (b) Unless the court has ordered, pursuant to RCW 13.34.130(~~(+3)~~)
36 (4), that a termination petition be filed, a specific plan as to where
37 the child will be placed, what steps will be taken to return the child

1 home, what steps the agency will take to promote existing appropriate
2 sibling relationships and/or facilitate placement together or contact
3 in accordance with the best interests of each child, and what actions
4 the agency will take to maintain parent-child ties. All aspects of the
5 plan shall include the goal of achieving permanence for the child.

6 (i) The agency plan shall specify what services the parents will be
7 offered to enable them to resume custody, what requirements the parents
8 must meet to resume custody, and a time limit for each service plan and
9 parental requirement.

10 (ii) The agency shall encourage the maximum (~~(parent-child)~~) parent
11 and child and sibling contact possible, including regular visitation
12 and participation by the parents in the care of the child while the
13 child is in placement. Visitation may be limited or denied only if the
14 court determines that such limitation or denial is necessary to protect
15 the child's health, safety, or welfare.

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

20 (iv) The agency charged with supervising a child in placement shall
21 provide all reasonable services that are available within the agency,
22 or within the community, or those services which the department has
23 existing contracts to purchase. It shall report to the court if it is
24 unable to provide such services; and

25 (c) If the court has ordered, pursuant to RCW 13.34.130(~~(+3)~~) (4),
26 that a termination petition be filed, a specific plan as to where the
27 child will be placed, what steps will be taken to achieve permanency
28 for the child, services to be offered or provided to the child, and, if
29 visitation would be in the best interests of the child, a
30 recommendation to the court regarding visitation between parent and
31 child pending a fact-finding hearing on the termination petition. The
32 agency shall not be required to develop a plan of services for the
33 parents or provide services to the parents if the court orders a
34 termination petition be filed. However, reasonable efforts to ensure
35 visitation and contact between siblings shall be made unless there is
36 reasonable cause to believe the health, safety, or welfare of the child
37 or siblings would be jeopardized.

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

7 (3) The court shall consider the child's relationships with the
8 child's siblings in accordance with RCW 13.34.130(3).

9 **Sec. 5.** RCW 13.34.138 and 2001 c 332 s 5 are each amended to read
10 as follows:

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

35 (a) A child shall not be returned home at the review hearing unless
36 the court finds that a reason for removal as set forth in RCW 13.34.130
37 no longer exists. The parents, guardian, or legal custodian shall

1 report to the court the efforts they have made to correct the
2 conditions which led to removal. If a child is returned, casework
3 supervision shall continue for a period of six months, at which time
4 there shall be a hearing on the need for continued intervention.

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

7 (i) Whether reasonable services have been provided to or offered to
8 the parties to facilitate reunion, specifying the services provided or
9 offered;

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

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

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

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

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

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

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

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

30 (2) The court's ability to order housing assistance under RCW
31 13.34.130 and this section is: (a) Limited to cases in which
32 homelessness or the lack of adequate and safe housing is the primary
33 reason for an out-of-home placement; and (b) subject to the
34 availability of funds appropriated for this specific purpose.

35 (3) The court shall consider the child's relationship with siblings
36 in accordance with RCW 13.34.130(3).

1 **Sec. 6.** RCW 13.34.145 and 2000 c 135 s 4 and 2000 c 122 s 20 are
2 each reenacted and amended to read as follows:

3 (1) A permanency plan shall be developed no later than sixty days
4 from the time the supervising agency assumes responsibility for
5 providing services, including placing the child, or at the time of a
6 hearing under RCW 13.34.130, whichever occurs first. The permanency
7 planning process continues until a permanency planning goal is achieved
8 or dependency is dismissed. The planning process shall include
9 reasonable efforts to return the child to the parent's home.

10 (a) Whenever a child is placed in out-of-home care pursuant to RCW
11 13.34.130, the agency that has custody of the child shall provide the
12 court with a written permanency plan of care directed towards securing
13 a safe, stable, and permanent home for the child as soon as possible.
14 The plan shall identify one of the following outcomes as the primary
15 goal and may also identify additional outcomes as alternative goals:
16 Return of the child to the home of the child's parent, guardian, or
17 legal custodian; adoption; guardianship; permanent legal custody; long-
18 term relative or foster care, until the child is age eighteen, with a
19 written agreement between the parties and the care provider; a
20 responsible living skills program; and independent living, if
21 appropriate and if the child is age sixteen or older and the provisions
22 of subsection (2) of this section are met.

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

25 (c) Permanency planning goals should be achieved at the earliest
26 possible date, preferably before the child has been in out-of-home care
27 for fifteen months. In cases where parental rights have been
28 terminated, the child is legally free for adoption, and adoption has
29 been identified as the primary permanency planning goal, it shall be a
30 goal to complete the adoption within six months following entry of the
31 termination order.

32 (d) For purposes related to permanency planning:

33 (i) "Guardianship" means a dependency guardianship, a legal
34 guardianship pursuant to chapter 11.88 RCW, or equivalent laws of
35 another state or a federally recognized Indian tribe.

36 (ii) "Permanent custody order" means a custody order entered
37 pursuant to chapter 26.10 RCW.

1 (iii) "Permanent legal custody" means legal custody pursuant to
2 chapter 26.10 RCW or equivalent laws of another state or of a federally
3 recognized Indian tribe.

4 (2) Whenever a permanency plan identifies independent living as a
5 goal, the plan shall also specifically identify the services that will
6 be provided to assist the child to make a successful transition from
7 foster care to independent living. Before the court approves
8 independent living as a permanency plan of care, the court shall make
9 a finding that the provision of services to assist the child in making
10 a transition from foster care to independent living will allow the
11 child to manage his or her financial, personal, social, educational,
12 and nonfinancial affairs. The department shall not discharge a child
13 to an independent living situation before the child is eighteen years
14 of age unless the child becomes emancipated pursuant to chapter 13.64
15 RCW.

16 (3) A permanency planning hearing shall be held in all cases where
17 the child has remained in out-of-home care for at least nine months and
18 an adoption decree, guardianship order, or permanent custody order has
19 not previously been entered. The hearing shall take place no later
20 than twelve months following commencement of the current placement
21 episode.

22 (4) Whenever a child is removed from the home of a dependency
23 guardian or long-term relative or foster care provider, and the child
24 is not returned to the home of the parent, guardian, or legal custodian
25 but is placed in out-of-home care, a permanency planning hearing shall
26 take place no later than twelve months, as provided in subsection (3)
27 of this section, following the date of removal unless, prior to the
28 hearing, the child returns to the home of the dependency guardian or
29 long-term care provider, the child is placed in the home of the parent,
30 guardian, or legal custodian, an adoption decree, guardianship order,
31 or a permanent custody order is entered, or the dependency is
32 dismissed.

33 (5) No later than ten working days prior to the permanency planning
34 hearing, the agency having custody of the child shall submit a written
35 permanency plan to the court and shall mail a copy of the plan to all
36 parties and their legal counsel, if any.

37 (6) At the permanency planning hearing, the court shall enter
38 findings as required by RCW 13.34.138 and shall review the permanency

1 plan prepared by the agency. If the child has resided in the home of
2 a foster parent or relative for more than six months prior to the
3 permanency planning hearing, the court shall also enter a finding
4 regarding whether the foster parent or relative was informed of the
5 hearing as required in RCW 74.13.280 and 13.34.138. If a goal of long-
6 term foster or relative care has been achieved prior to the permanency
7 planning hearing, the court shall review the child's status to
8 determine whether the placement and the plan for the child's care
9 remain appropriate. In cases where the primary permanency planning
10 goal has not been achieved, the court shall inquire regarding the
11 reasons why the primary goal has not been achieved and determine what
12 needs to be done to make it possible to achieve the primary goal. In
13 all cases, the court shall:

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

16 (ii) Modify the permanency plan, and order implementation of the
17 modified plan; and

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

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

23 (7) If the court orders the child returned home, casework
24 supervision shall continue for at least six months, at which time a
25 review hearing shall be held pursuant to RCW 13.34.138, and the court
26 shall determine the need for continued intervention.

27 (8) The juvenile court may hear a petition for permanent legal
28 custody when: (a) The court has ordered implementation of a permanency
29 plan that includes permanent legal custody; and (b) the party pursuing
30 the permanent legal custody is the party identified in the permanency
31 plan as the prospective legal custodian. During the pendency of such
32 proceeding, the court shall conduct review hearings and further
33 permanency planning hearings as provided in this chapter. At the
34 conclusion of the legal guardianship or permanent legal custody
35 proceeding, a juvenile court hearing shall be held for the purpose of
36 determining whether dependency should be dismissed. If a guardianship
37 or permanent custody order has been entered, the dependency shall be
38 dismissed.

1 (9) Continued juvenile court jurisdiction under this chapter shall
2 not be a barrier to the entry of an order establishing a legal
3 guardianship or permanent legal custody when the requirements of
4 subsection (8) of this section are met.

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

10 (11) Except as provided in RCW 13.34.235, the status of all
11 dependent children shall continue to be reviewed by the court at least
12 once every six months, in accordance with RCW 13.34.138, until the
13 dependency is dismissed. Prior to the second permanency planning
14 hearing, the agency that has custody of the child shall consider
15 whether to file a petition for termination of parental rights.

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

25 (13) The approval of a permanency plan that does not contemplate
26 return of the child to the parent does not relieve the supervising
27 agency of its obligation to provide reasonable services, under this
28 chapter, intended to effectuate the return of the child to the parent,
29 including but not limited to, visitation rights. The court shall
30 consider the child's relationships with siblings in accordance with RCW
31 13.34.130.

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

35 **Sec. 7.** RCW 13.34.200 and 2000 c 122 s 27 are each amended to read
36 as follows:

37 (1) Upon the termination of parental rights pursuant to RCW

1 13.34.180, all rights, powers, privileges, immunities, duties, and
2 obligations, including any rights to custody, control, visitation, or
3 support existing between the child and parent shall be severed and
4 terminated and the parent shall have no standing to appear at any
5 further legal proceedings concerning the child: PROVIDED, That any
6 support obligation existing prior to the effective date of the order
7 terminating parental rights shall not be severed or terminated. The
8 rights of one parent may be terminated without affecting the rights of
9 the other parent and the order shall so state.

10 (2) An order terminating the parent and child relationship shall
11 not disentitle a child to any benefit due the child from any third
12 person, agency, state, or the United States, nor shall any action under
13 this chapter be deemed to affect any rights and benefits that an Indian
14 child derives from the child's descent from a member of a federally
15 recognized Indian tribe.

16 (3) An order terminating the parent-child relationship shall
17 include a statement addressing the status of the child's sibling
18 relationships and the nature and extent of sibling placement, contact,
19 or visits.

20 **Sec. 8.** RCW 13.34.210 and 2000 c 122 s 28 are each amended to read
21 as follows:

22 If, upon entering an order terminating the parental rights of a
23 parent, there remains no parent having parental rights, the court shall
24 commit the child to the custody of the department or to a licensed
25 child-placing agency willing to accept custody for the purpose of
26 placing the child for adoption. If an adoptive home has not been
27 identified, the department or agency shall place the child in a
28 licensed foster home, or take other suitable measures for the care and
29 welfare of the child. The custodian shall have authority to consent to
30 the adoption of the child consistent with chapter 26.33 RCW, the
31 marriage of the child, the enlistment of the child in the armed forces
32 of the United States, necessary surgical and other medical treatment
33 for the child, and to consent to such other matters as might normally
34 be required of the parent of the child.

35 If a child has not been adopted within six months after the date of
36 the order and a guardianship of the child under RCW 13.34.231 or
37 chapter 11.88 RCW, or a permanent custody order under chapter 26.10

1 RCW, has not been entered by the court, the court shall review the case
2 every six months until a decree of adoption is entered except for those
3 cases which are reviewed by a citizen review board under chapter 13.70
4 RCW. The supervising agency shall take reasonable steps to ensure that
5 the child maintains relationships with siblings as provided in RCW
6 13.34.130(3) and shall report to the court the status and extent of
7 such relationships."

SSB 5779 - S AMD 200

By Senators Stevens, Hargrove

ADOPTED 03/16/2003

8 On page 1, line 1 of the title, after "children;" strike the
9 remainder of the title and insert "amending RCW 13.34.030, 13.34.130,
10 13.34.136, 13.34.138, 13.34.200, and 13.34.210; reenacting and amending
11 RCW 13.34.145; and creating a new section."

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