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HOUSE BILL 1770

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives O'Brien, Sump, Upthegrove, Hinkle, Hatfield,  
Eickmeyer, Mielke and Simpson

Read first time 02/10/2003. Referred to Committee on Children &  
Family Services.

1            AN ACT Relating to services for children with developmental  
2 disabilities; amending RCW 74.13.350; adding a new section to chapter  
3 71A.18 RCW; adding a new section to chapter 71A.12 RCW; creating a new  
4 section; and recodifying RCW 74.13.350.

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

6            NEW SECTION.    **Sec. 1.** The legislature recognizes the importance of  
7 the option provided in RCW 74.13.350 for the parent of a child with  
8 developmental disabilities to seek an out-of-home placement through a  
9 voluntary placement agreement to obtain needed services for the child.

10           It is the intent of the legislature that a child with developmental  
11 disabilities receive components of the current array of services and  
12 supports in the family home at a level of intensity such that entry  
13 into the voluntary placement program occurs only when necessary.

14           NEW SECTION.    **Sec. 2.** A new section is added to chapter 71A.18 RCW  
15 to read as follows:

16           The department may provide appropriate components of the currently  
17 available services and supports array to an eligible child with  
18 developmental disabilities at a level comparable to that provided in

1 the voluntary placement program, excluding the room and board component  
2 of that program. The department shall assure that these services  
3 assist families in keeping the child in the family home until it is  
4 appropriate and feasible for the child to live elsewhere. The  
5 department shall determine eligibility for services under chapter  
6 71A.16 RCW.

7 **Sec. 3.** RCW 74.13.350 and 1998 c 229 s 1 are each amended to read  
8 as follows:

9 It is the intent of the legislature that parents are responsible  
10 for the care and support of children with developmental disabilities.  
11 The legislature recognizes that, because of the intense support  
12 required to care for a child with developmental disabilities, the help  
13 of an out-of-home placement may be needed. It is the intent of the  
14 legislature that, when the sole reason for the out-of-home placement is  
15 the child's developmental disability, such services be offered by the  
16 department to these children and their families through a voluntary  
17 placement agreement. In these cases, the parents shall retain legal  
18 custody of the child.

19 As used in this section, "voluntary placement agreement" means a  
20 written agreement between the department and a child's parent or legal  
21 guardian authorizing the department to place the child in a licensed  
22 facility. Under the terms of this agreement, the parent or legal  
23 guardian shall retain legal custody and the department shall be  
24 responsible for the child's placement and care. The agreement shall at  
25 a minimum specify the legal status of the child and the rights and  
26 obligations of the parent or legal guardian, the child, and the  
27 department while the child is in placement. The agreement must be  
28 signed by the child's parent or legal guardian and the department to be  
29 in effect, except that an agreement regarding an Indian child shall not  
30 be valid unless executed in writing before the court and filed with the  
31 court as provided in RCW 13.34.245. Any party to a voluntary placement  
32 agreement may terminate the agreement at any time. Upon termination of  
33 the agreement, the child shall be returned to the care of the child's  
34 parent or legal guardian unless the child has been taken into custody  
35 pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant  
36 to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130.

1 As used in this section, "out-of-home placement" and "out-of-home  
2 care" mean the placement of a child in a foster family home or group  
3 care facility licensed under chapter 74.15 RCW.

4 Whenever the department places a child in out-of-home care under a  
5 voluntary placement pursuant to this section, the department shall have  
6 the responsibility for the child's placement and care. The department  
7 shall develop a permanency plan of care for the child no later than  
8 sixty days from the date that the department assumes responsibility for  
9 the child's placement and care. Within the first one hundred eighty  
10 days of the placement, the department shall obtain a judicial  
11 determination pursuant to RCW 13.04.030(1)(j) and 13.34.270 that the  
12 placement is in the best interests of the child. If the child's out-  
13 of-home placement ends before one hundred eighty days have elapsed, no  
14 judicial determination under RCW 13.04.030(1)(b) is required. The  
15 permanency planning hearings shall review whether the child's best  
16 interests are served by continued out-of-home placement and determine  
17 the future legal status of the child.

18 The department shall provide for periodic administrative reviews as  
19 required by federal law. A review may be called at any time by either  
20 the department, the parent, or the legal guardian.

21 Nothing in this section shall prevent the department from filing a  
22 dependency petition if there is reason to believe that the child is a  
23 dependent child as defined in RCW 13.34.030.

24 The department shall adopt rules providing for the implementation  
25 of chapter 386, Laws of 1997 and the transfer of responsibility for  
26 out-of-home placements from the dependency process under chapter 13.34  
27 RCW to the process under this chapter.

28 It is the intent of the legislature that the department undertake  
29 voluntary out-of-home placement in cases where the child's  
30 developmental disability is such that the parent, guardian, or legal  
31 custodian is unable to provide the necessary care for the child, and  
32 the parent, guardian, or legal custodian has determined that the child  
33 would benefit from placement outside of the home. If the department  
34 does not accept a voluntary placement agreement signed by the parent,  
35 a petition may be filed and an action pursued under chapter 13.34 RCW.  
36 The department shall inform the parent, guardian, or legal custodian in  
37 writing of their right to civil action under chapter 13.34 RCW.

1       The department may, within existing resources, when requested by a  
2 family at risk of placing their child with developmental disabilities  
3 into out-of-home care through the voluntary placement program, provide  
4 in-home services to that child and family to prevent the out-of-home  
5 placement.

6       NEW SECTION. Sec. 4. RCW 74.13.350 (as amended by this act) is  
7 recodified as a section in chapter 71A.12 RCW.

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