
SUBSTITUTE HOUSE BILL 2877

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Kagi and Boldt; by request of Department of Social and Health Services)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to guardianship of dependent children; amending RCW
2 13.34.030, 13.34.110, 13.34.138, 13.34.145, 13.34.230, 13.34.231,
3 13.34.232, 13.34.233, 13.34.234, 13.34.235, 13.34.236, and 13.32A.030;
4 reenacting and amending RCW 74.15.020; adding new sections to chapter
5 13.34 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that guardianship for
8 some children who have been found to be dependent children under
9 chapter 13.34 RCW and who cannot live with their parents is a valuable
10 resource for such children needing stability in their lives when such
11 placement is in the best interests of the child. The legislature
12 intends to enhance family preservation and stability for children by
13 recognizing the value of permanent placement with relatives or other
14 long-term caregivers, dismissal of dependencies, and elimination of the
15 need for continued governmental intervention in family life. The
16 legislature intends to expand opportunities for children to remain with
17 relatives or long-term caregivers when they can no longer live with
18 their parents through provision of support to relatives and unrelated
19 persons who are willing and able to serve as guardians for the

1 children. The legislature also intends to preserve sibling
2 relationships through placement of siblings together when such
3 placement is in the best interests of the siblings.

4 **Sec. 2.** RCW 13.34.030 and 2003 c 227 s 2 are each amended to read
5 as follows:

6 For purposes of this chapter:

7 (1) "Abandoned" means when the child's parent, guardian, or other
8 custodian has expressed, either by statement or conduct, an intent to
9 forego, for an extended period, parental rights or responsibilities
10 despite an ability to exercise such rights and responsibilities. If
11 the court finds that the petitioner has exercised due diligence in
12 attempting to locate the parent, no contact between the child and the
13 child's parent, guardian, or other custodian for a period of three
14 months creates a rebuttable presumption of abandonment, even if there
15 is no expressed intent to abandon.

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

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

25 (~~(4) ("Dependency guardian" means the person, nonprofit~~
26 ~~corporation, or Indian tribe appointed by the court pursuant to this~~
27 ~~chapter for the limited purpose of assisting the court in the~~
28 ~~supervision of the dependency.~~

29 (+5)) "Dependent child" means any child who:

30 (a) Has been abandoned;

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

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

1 ~~((6))~~ (5) "Developmental disability" means a disability
2 attributable to mental retardation, cerebral palsy, epilepsy, autism,
3 or another neurological or other condition of an individual found by
4 the secretary to be closely related to mental retardation or to require
5 treatment similar to that required for individuals with mental
6 retardation, which disability originates before the individual attains
7 age eighteen, which has continued or can be expected to continue
8 indefinitely, and which constitutes a substantial handicap to the
9 individual.

10 ~~((7))~~ (6) "Guardian" means the person or agency that: (a) Has
11 been appointed as the guardian of a child in a legal proceeding (~~other~~
12 ~~than~~), including a guardian appointed in a proceeding under this
13 chapter; and (b) has the legal right to custody of the child pursuant
14 to such appointment. (~~The term "guardian" shall not include a~~
15 ~~"dependency guardian" appointed pursuant to a proceeding under this~~
16 ~~chapter.~~) For purposes of this chapter, "guardian" does not mean a
17 guardian appointed under authority of chapter 11.88 or 11.92 RCW.

18 ~~((8))~~ (7) "Guardian ad litem" means a person, appointed by the
19 court to represent the best interests of a child in a proceeding under
20 this chapter, or in any matter which may be consolidated with a
21 proceeding under this chapter. A "court-appointed special advocate"
22 appointed by the court to be the guardian ad litem for the child, or to
23 perform substantially the same duties and functions as a guardian ad
24 litem, shall be deemed to be guardian ad litem for all purposes and
25 uses of this chapter.

26 ~~((9))~~ (8) "Guardian ad litem program" means a court-authorized
27 volunteer program, which is or may be established by the superior court
28 of the county in which such proceeding is filed, to manage all aspects
29 of volunteer guardian ad litem representation for children alleged or
30 found to be dependent. Such management shall include but is not
31 limited to: Recruitment, screening, training, supervision, assignment,
32 and discharge of volunteers.

33 ~~((10))~~ (9) "Indigent" means a person who, at any stage of a court
34 proceeding, is:

35 (a) Receiving one of the following types of public assistance:
36 Temporary assistance for needy families, general assistance, poverty-
37 related veterans' benefits, food stamps or food stamp benefits

1 transferred electronically, refugee resettlement benefits, medicaid, or
2 supplemental security income; or

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

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

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

9 ~~((+11+))~~ (10) "Out-of-home care" means placement in a foster family
10 home or group care facility licensed pursuant to chapter 74.15 RCW or
11 placement in a home, other than that of the child's parent, guardian,
12 or legal custodian, not required to be licensed pursuant to chapter
13 74.15 RCW.

14 ~~((+12+))~~ (11) "Preventive services" means preservation services, as
15 defined in chapter 74.14C RCW, and other reasonably available services,
16 including housing services, capable of preventing the need for out-of-
17 home placement while protecting the child. Housing services may
18 include, but are not limited to, referrals to federal, state, local, or
19 private agencies or organizations, assistance with forms and
20 applications, or financial subsidies for housing.

21 ~~((+13+))~~ (12) "Shelter care" means temporary physical care in a
22 facility licensed pursuant to RCW 74.15.030 or in a home not required
23 to be licensed pursuant to RCW 74.15.030.

24 ~~((+14+))~~ (13) "Sibling" means a child's birth brother, birth
25 sister, adoptive brother, adoptive sister, half-brother, or half-
26 sister, or as defined by the law or custom of the Indian child's tribe
27 for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

28 ~~((+15+))~~ (14) "Social study" means a written evaluation of matters
29 relevant to the disposition of the case and shall contain the following
30 information:

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

33 (b) A description of the specific services and activities, for both
34 the parents and child, that are needed in order to prevent serious harm
35 to the child; the reasons why such services and activities are likely
36 to be useful; the availability of any proposed services; and the
37 agency's overall plan for ensuring that the services will be delivered.

1 The description shall identify the services chosen and approved by the
2 parent;

3 (c) If removal is recommended, a full description of the reasons
4 why the child cannot be protected adequately in the home, including a
5 description of any previous efforts to work with the parents and the
6 child in the home; the in-home treatment programs that have been
7 considered and rejected; the preventive services that have been offered
8 or provided and have failed to prevent the need for out-of-home
9 placement, unless the health, safety, and welfare of the child cannot
10 be protected adequately in the home; and the parents' attitude toward
11 placement of the child;

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

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

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

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

23 (1) Any dependency guardianship established under RCW 13.34.232 and
24 in place on the effective date of this act shall remain in effect,
25 notwithstanding the provisions of this act.

26 (2) The department of social and health services is authorized to
27 review the child's situation with the dependency guardian to mutually
28 determine the need for continued department involvement in the
29 dependency guardianship and whether the dependency guardian is willing
30 to enter a guardianship subsidy agreement as authorized under section
31 13 of this act.

32 (3) The dependency guardian and the department may move the court
33 to modify a dependency guardianship established prior to the effective
34 date of this act and convert it to a guardianship under this chapter.
35 If both the dependency guardian and the department agree that the
36 dependency guardianship should be converted, and the court finds that

1 it is in the best interests of the child, the court shall grant the
2 motion.

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

5 In implementing this chapter relating to guardianship, the court,
6 the department, and all parties to the guardianship must comply with
7 all applicable federal and state statutes, including the Indian child
8 welfare act, 25 U.S.C. Sec. 1901, et seq.

9 **Sec. 5.** RCW 13.34.110 and 2001 c 332 s 7 are each amended to read
10 as follows:

11 (1) The court shall hold a fact-finding hearing on the petition
12 and, unless the court dismisses the petition, shall make written
13 findings of fact, stating the reasons therefor. The rules of evidence
14 shall apply at the fact-finding hearing and the parent, guardian, or
15 legal custodian of the child shall have all of the rights provided in
16 RCW 13.34.090(1). The petitioner shall have the burden of establishing
17 by a preponderance of the evidence that the child is dependent within
18 the meaning of RCW 13.34.030.

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

34 (b) Entry of any stipulated or agreed order of dependency or
35 disposition is subject to approval by the court. The court shall
36 receive and review a social study before entering a stipulated or

1 agreed order and shall consider whether the order is consistent with
2 the allegations of the dependency petition and the problems that
3 necessitated the child's placement in out-of-home care. No social file
4 or social study may be considered by the court in connection with the
5 fact-finding hearing or prior to factual determination, except as
6 otherwise admissible under the rules of evidence.

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

11 (i) The parent, guardian, or legal custodian understands the terms
12 of the order or orders he or she has signed, including his or her
13 responsibility to participate in remedial services as provided in any
14 disposition order;

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

22 (iii) The parent, guardian, or legal custodian understands that the
23 entry of the stipulated or agreed order of dependency is an admission
24 that the child is dependent within the meaning of RCW 13.34.030 and
25 shall have the same legal effect as a finding by the court that the
26 child is dependent by at least a preponderance of the evidence, and
27 that the parent, guardian, or legal custodian shall not have the right
28 in any subsequent proceeding for termination of parental rights or
29 (~~dependency~~) guardianship pursuant to this chapter or nonparental
30 custody pursuant to chapter 26.10 RCW to challenge or dispute the fact
31 that the child was found to be dependent; and

32 (iv) The parent, guardian, or legal custodian knowingly and
33 willingly stipulated and agreed to and signed the order or orders,
34 without duress, and without misrepresentation or fraud by any other
35 party.

36 If a parent, guardian, or legal custodian fails to appear before
37 the court after stipulating or agreeing to entry of an order of
38 dependency, the court may enter the order upon a finding that the

1 parent, guardian, or legal custodian had actual notice of the right to
2 appear before the court and chose not to do so. The court may require
3 other parties to the order, including the attorney for the parent,
4 guardian, or legal custodian, to appear and advise the court of the
5 parent's, guardian's, or legal custodian's notice of the right to
6 appear and understanding of the factors specified in this subsection.
7 A parent, guardian, or legal custodian may choose to waive his or her
8 presence at the in-court hearing for entry of the stipulated or agreed
9 order of dependency by submitting to the court through counsel a
10 completed stipulated or agreed dependency fact-finding/disposition
11 statement in a form determined by the Washington state supreme court
12 pursuant to General Rule GR 9.

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

31 The parties need not appear at the fact-finding or dispositional
32 hearing if the parties, their attorneys, the guardian ad litem, and
33 court-appointed special advocates, if any, are all in agreement.

34 **Sec. 6.** RCW 13.34.138 and 2003 c 227 s 5 are each amended to read
35 as follows:

36 (1) Except for children whose cases are reviewed by a citizen
37 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 initial review hearing shall be an in-court review and shall be set six
6 months from the beginning date of the placement episode or no more than
7 ninety days from the entry of the disposition order, whichever comes
8 first. The initial review hearing may be a permanency planning hearing
9 when necessary to meet the time frames set forth in RCW
10 13.34.145(~~(+3)~~) (4) or 13.34.134. The review shall include findings
11 regarding the agency and parental completion of disposition plan
12 requirements, and if necessary, revised permanency time limits. This
13 review shall consider both the agency's and parent's efforts that
14 demonstrate consistent measurable progress over time in meeting the
15 disposition plan requirements. The requirements for the initial review
16 hearing, including the in-court requirement, shall be accomplished
17 within existing resources. The supervising agency shall provide a
18 foster parent, preadoptive parent, or relative with notice of, and
19 their right to an opportunity to be heard in, a review hearing
20 pertaining to the child, but only if that person is currently providing
21 care to that child at the time of the hearing. This section shall not
22 be construed to grant party status to any person who has been provided
23 an opportunity to be heard.

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

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

33 (i) Whether reasonable services have been provided to or offered to
34 the parties to facilitate reunion, specifying the services provided or
35 offered;

36 (ii) Whether the child has been placed in the least-restrictive
37 setting appropriate to the child's needs, including whether

1 consideration and preference has been given to placement with the
2 child's relatives;

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

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

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

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

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

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

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

19 (2) The court's ability to order housing assistance under RCW
20 13.34.130 and this section is: (a) Limited to cases in which
21 homelessness or the lack of adequate and safe housing is the primary
22 reason for an out-of-home placement; and (b) subject to the
23 availability of funds appropriated for this specific purpose.

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

26 **Sec. 7.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read
27 as follows:

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

35 (a) Whenever a child is placed in out-of-home care pursuant to RCW
36 13.34.130, the agency that has custody of the child shall provide the
37 court with a written permanency plan of care directed towards securing

1 a safe, stable, and permanent home for the child as soon as possible.
2 The plan shall identify one of the following outcomes as the primary
3 goal and may also identify additional outcomes as alternative goals:
4 Return of the child to the home of the child's parent, guardian, or
5 legal custodian; adoption; guardianship; permanent legal custody; long-
6 term relative or foster care, until the child is age eighteen, with a
7 written agreement between the parties and the care provider; a
8 responsible living skills program; and independent living, if
9 appropriate and if the child is age sixteen or older and the provisions
10 of subsection (2) of this section are met.

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

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

20 (d) For purposes related to permanency planning:

21 (i) "Guardianship" means (~~(a dependency guardianship)~~) a legal
22 guardianship pursuant to chapter 11.88 RCW(~~(7)~~) or equivalent laws of
23 another state or a federally recognized Indian tribe.

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

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

29 (2) Whenever a permanency plan identifies independent living as a
30 goal, the plan shall also specifically identify the services that will
31 be provided to assist the child to make a successful transition from
32 foster care to independent living. Before the court approves
33 independent living as a permanency plan of care, the court shall make
34 a finding that the provision of services to assist the child in making
35 a transition from foster care to independent living will allow the
36 child to manage his or her financial, personal, social, educational,
37 and nonfinancial affairs. The department shall not discharge a child

1 to an independent living situation before the child is eighteen years
2 of age unless the child becomes emancipated pursuant to chapter 13.64
3 RCW.

4 (3)(a) Legal guardianship shall be the preferred permanency plan
5 for a child when return of the child to the home of the child's parent
6 or adoption of the child is not an appropriate permanency plan for the
7 child, and the court finds the following factors to exist:

8 (i) The child retains a bond with the child's parent or parents and
9 maintenance of the bond between the parent or parents and the child is
10 in the best interests of the child;

11 (ii) The child is at least twelve but less than eighteen years old,
12 and the department of social and health services has determined that
13 termination of the parent-child relationship and adoption is not a
14 suitable permanent plan for the child or the child is less than twelve
15 years old and the guardian is related to the child and has made a
16 long-term commitment to care for the child; and

17 (iii) The ongoing involvement of the department or another
18 supervising agency to supervise the placement of the child or provide
19 services beyond those that can be provided by a guardianship subsidy
20 agreement entered into pursuant to section 13 of this act will not be
21 required following approval of the proposed guardianship.

22 (b) The court may consider additional factors, including but not
23 limited to:

24 (i) Whether the proposed guardianship meets the familial and
25 cultural needs of the child and whether the child has expressed a
26 preference for guardianship; and

27 (ii) Whether guardianship and placement with the same guardian is
28 in the best interest of the siblings, when siblings may be under age
29 twelve as well as age twelve or older.

30 (4) A permanency planning hearing shall be held in all cases where
31 the child has remained in out-of-home care for at least nine months and
32 an adoption decree, guardianship order, or permanent custody order has
33 not previously been entered. The hearing shall take place no later
34 than twelve months following commencement of the current placement
35 episode.

36 ~~((+4))~~ (5) Whenever a child is removed from the home of a
37 ~~((dependency guardian or))~~ long-term relative or foster care provider,
38 and the child is not returned to the home of the parent, guardian, or

1 legal custodian but is placed in out-of-home care, a permanency
2 planning hearing shall take place no later than twelve months, as
3 provided in subsection ~~((+3+))~~ (4) of this section, following the date
4 of removal unless, prior to the hearing, the child returns to the home
5 of the ~~((dependency-guardian-or))~~ long-term care provider, the child is
6 placed in the home of the parent, guardian, or legal custodian, an
7 adoption decree, guardianship order, or a permanent custody order is
8 entered, or the dependency is dismissed.

9 ~~((+5+))~~ (6) No later than ten working days prior to the permanency
10 planning hearing, the agency having custody of the child shall submit
11 a written permanency plan to the court and shall mail a copy of the
12 plan to all parties and their legal counsel, if any.

13 ~~((+6+))~~ (7) At the permanency planning hearing, the court shall
14 enter findings as required by RCW 13.34.138 and shall review the
15 permanency plan prepared by the agency. If the child has resided in
16 the home of a foster parent or relative for more than six months prior
17 to the permanency planning hearing, the court shall also enter a
18 finding regarding whether the foster parent or relative was informed of
19 the hearing as required in RCW 74.13.280 and 13.34.138. If a goal of
20 long-term foster or relative care has been achieved prior to the
21 permanency planning hearing, the court shall review the child's status
22 to determine whether the placement and the plan for the child's care
23 remain appropriate. In cases where the primary permanency planning
24 goal has not been achieved, the court shall inquire regarding the
25 reasons why the primary goal has not been achieved and determine what
26 needs to be done to make it possible to achieve the primary goal. In
27 all cases, the court shall:

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

30 (ii) Modify the permanency plan, and order implementation of the
31 modified plan; and

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

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

37 ~~((+7+))~~ (8) If the court orders the child returned home, casework

1 supervision shall continue for at least six months, at which time a
2 review hearing shall be held pursuant to RCW 13.34.138, and the court
3 shall determine the need for continued intervention.

4 ~~((+8))~~ (9) The juvenile court may hear a petition for permanent
5 legal custody when: (a) The court has ordered implementation of a
6 permanency plan that includes permanent legal custody; and (b) the
7 party pursuing the permanent legal custody is the party identified in
8 the permanency plan as the prospective legal custodian. During the
9 pendency of such proceeding, the court shall conduct review hearings
10 and further permanency planning hearings as provided in this chapter.
11 At the conclusion of the legal guardianship or permanent legal custody
12 proceeding, a juvenile court hearing shall be held for the purpose of
13 determining whether dependency should be dismissed. If a guardianship
14 or permanent custody order has been entered, the dependency shall be
15 dismissed.

16 ~~((+9))~~ (10) Continued juvenile court jurisdiction under this
17 chapter shall not be a barrier to the entry of an order establishing a
18 legal guardianship or permanent legal custody when the requirements of
19 subsection ~~((+8))~~ (9) of this section are met.

20 ~~((+10))~~ (11) Following the first permanency planning hearing, the
21 court shall hold a further permanency planning hearing in accordance
22 with this section at least once every twelve months until a permanency
23 planning goal is achieved or the dependency is dismissed, whichever
24 occurs first.

25 ~~((+11))~~ (12) Except as provided in RCW 13.34.235, the status of
26 all dependent children shall continue to be reviewed by the court at
27 least once every six months, in accordance with RCW 13.34.138, until
28 the dependency is dismissed. Prior to the second permanency planning
29 hearing, the agency that has custody of the child shall consider
30 whether to file a petition for termination of parental rights.

31 ~~((+12))~~ (13) Nothing in this chapter may be construed to limit the
32 ability of the agency that has custody of the child to file a petition
33 for termination of parental rights or a guardianship petition at any
34 time following the establishment of dependency. Upon the filing of
35 such a petition, a fact-finding hearing shall be scheduled and held in
36 accordance with this chapter unless the agency requests dismissal of
37 the petition prior to the hearing or unless the parties enter an agreed

1 order terminating parental rights, establishing guardianship, or
2 otherwise resolving the matter.

3 ~~((13))~~ (14) The approval of a permanency plan that does not
4 contemplate return of the child to the parent does not relieve the
5 supervising agency of its obligation to provide reasonable services,
6 under this chapter, intended to effectuate the return of the child to
7 the parent, including but not limited to, visitation rights. The court
8 shall consider the child's relationships with siblings in accordance
9 with RCW 13.34.130.

10 ~~((14))~~ (15) Nothing in this chapter may be construed to limit the
11 procedural due process rights of any party in a termination or
12 guardianship proceeding filed under this chapter.

13 **Sec. 8.** RCW 13.34.230 and 1981 c 195 s 1 are each amended to read
14 as follows:

15 Any party to a dependency proceeding, including the supervising
16 agency, may file a petition in juvenile court requesting that
17 guardianship be ~~((created))~~ established as to a dependent child. The
18 petition shall conform to the requirements of RCW 13.34.040, shall be
19 served upon the parties as provided in RCW 13.34.070(8), and shall
20 allege all applicable requirements of RCW 13.34.231. The proposed
21 guardian and department of social and health services shall receive
22 notice of any guardianship proceedings and have the right to intervene
23 in the proceedings.

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

26 (1) Every guardianship petition filed in proceedings under RCW
27 13.34.231 shall contain a statement alleging whether the child is or
28 may be an Indian child as defined in 25 U.S.C. Sec. 1903. If the child
29 is an Indian child as defined under the Indian child welfare act, the
30 provisions of that act shall apply.

31 (2) Every order or decree entered in any proceeding under this
32 chapter shall contain a finding that the Indian child welfare act does
33 or does not apply. Where there is a finding that the Indian child
34 welfare act does apply, the decree or order must also contain a finding
35 that all notice requirements and evidentiary requirements under the
36 Indian child welfare act have been satisfied.

1 **Sec. 10.** RCW 13.34.231 and 2000 c 122 s 29 are each amended to
2 read as follows:

3 (1) At the hearing on a (~~dependency~~) guardianship petition, all
4 parties have the right to present evidence and cross examine witnesses.
5 The rules of evidence apply to the conduct of the hearing.

6 (2) A guardianship shall be established if the court finds by a
7 preponderance of the evidence that:

8 (~~(1)~~) (a) The child has been found to be a dependent child under
9 RCW 13.34.030;

10 (~~(2)~~) (b) A dispositional order has been entered pursuant to RCW
11 13.34.130;

12 (~~(3)~~) (c) The child has been removed or will, at the time of the
13 hearing, have been removed from the custody of the parent for a period
14 of at least six months pursuant to a finding of dependency under RCW
15 13.34.030;

16 (~~(4)~~) (d) The services ordered under RCW 13.34.130 and 13.34.136
17 have been offered or provided and all necessary services, reasonably
18 available, capable of correcting the parental deficiencies within the
19 foreseeable future have been offered or provided;

20 (~~(5)~~) (e) There is little likelihood that conditions will be
21 remedied so that the child can be returned to the parent in the near
22 future; (~~and~~

23 ~~(6) A~~) (f) The guardian has signed a statement acknowledging the
24 guardian's rights and responsibilities toward the child and the
25 guardian's understanding and acceptance that the guardianship is
26 commitment to care for the child until the child reaches age eighteen;

27 (g) Guardianship is a more reasonable or appropriate option for the
28 child than adoption, and guardianship, rather than termination of the
29 parent-child relationship or continuation of efforts to return the
30 child to the custody of the parent, would be in the best interest of
31 the child.

32 (3) In determining whether the guardianship is in the best interest
33 of the child, the court shall consider the following factors:

34 (a) The factors listed in RCW 13.34.145(3);

35 (b) Whether a legal relationship continues to exist between the
36 child and the child's parent or parents;

37 (c) The relationship of the proposed guardian to the child;

1 (d) The nature of the child's relationships with siblings and the
2 extent to which a guardianship will allow or facilitate maintaining
3 such relationships; and

4 (e) If the child is an Indian child as defined in 25 U.S.C. Sec.
5 1901, et seq., the position of the child's tribe regarding the proposed
6 guardianship.

7 (4) The court may establish a guardianship for a child under age
8 twelve or who has had his or her parent-child relationship legally
9 terminated pursuant to this chapter only if the court determines that
10 exceptional circumstances exist and that a guardianship is in the best
11 interests of the child. A finding of exceptional circumstances is not
12 required if the proposed guardian is related to the child and has made
13 a commitment to provide long-term care of the child. Exceptional
14 circumstances may include, but are not limited to:

15 (a) A child, under age twelve, is difficult to place or has special
16 needs, and a suitable guardian is willing to accept custody of the
17 child under this chapter;

18 (b) The parents' rights to the child have been terminated, the
19 child is age fourteen through seventeen, and is not willing to consent
20 to an adoption; or

21 (c) Establishment of a guardianship will allow the child to be
22 placed with or maintain contact with siblings to an extent unlikely to
23 be achieved through other permanency options.

24 **Sec. 11.** RCW 13.34.232 and 1994 c 288 s 7 are each amended to read
25 as follows:

26 (1) If the court has made a finding under RCW 13.34.231, it shall
27 enter an order establishing a ~~((dependency))~~ guardianship for the child
28 and shall dismiss the dependency. The order shall:

29 (a) Appoint a person ~~((or agency))~~ to serve as ~~((dependency))~~ legal
30 guardian ~~((for the limited purpose of assisting the court to supervise~~
31 ~~the dependency))~~ of the child;

32 (b) Specify the ~~((dependency))~~ guardian's rights and
33 responsibilities concerning the care, custody, and control of the
34 child~~((. A dependency guardian shall not have the authority to consent~~
35 ~~to the child's adoption));~~

36 (c) Specify the ~~((dependency))~~ guardian's authority, if any, to

1 receive, invest, and expend funds, benefits, or property belonging to
2 the child; and

3 (d) Specify an appropriate frequency and type of ~~((visitation))~~
4 contact between the parent and the child~~((; and~~
5 ~~(e) Specify the need for any continued involvement of the~~
6 ~~supervising agency and the nature of that involvement, if any))~~ and
7 between the child and the child's siblings.

8 (2) ~~((Unless the court specifies otherwise in the guardianship~~
9 ~~order,))~~ The ~~((dependency))~~ guardian shall maintain the physical and
10 legal custody of the child and have the following rights and duties:

11 (a) Protect, discipline, and educate the child;

12 (b) Provide food, clothing, shelter, education as required by
13 law~~((, and routine health care for the child));~~

14 (c) Consent to necessary health and surgical care and sign a
15 release of health care information to appropriate authorities, pursuant
16 to law;

17 (d) Consent to social and school activities of the child; ~~((and))~~

18 (e) Provide an annual written accounting to the court regarding
19 receipt by the ~~((dependency))~~ guardian of any funds, benefits, or
20 property belonging to the child and expenditures made ~~((therefrom))~~
21 from the funds, benefits, or property; and

22 (f) Notify the court prior to moving with the child out of the
23 state of Washington.

24 (3) As used in this section, the term "health care" includes, but
25 is not limited to, medical, dental, psychological, and psychiatric care
26 and treatment.

27 (4) ~~((The child shall remain dependent for the duration of the~~
28 ~~guardianship. While the guardianship remains in effect, the dependency~~
29 ~~guardian shall be a party to any dependency proceedings pertaining to~~
30 ~~the child.~~

31 ~~(5))~~ The guardianship shall remain in effect only until the child
32 is eighteen years of age or until the court terminates the guardianship
33 order, whichever occurs sooner.

34 (5) The court shall not have the authority, in a guardianship
35 proceeding, to order the department of social and health services to
36 supervise or to provide services to the guardian and the child.

1 **Sec. 12.** RCW 13.34.233 and 2000 c 122 s 30 are each amended to
2 read as follows:

3 (1) Any party may request the court under RCW 13.34.150 to modify
4 or terminate a ~~((dependency))~~ guardianship order under this chapter.
5 Notice of any motion to modify or terminate the guardianship shall be
6 served on all other parties, including the guardian and any agency that
7 was responsible for supervising the child's placement at the time the
8 guardianship petition was filed. Notice in all cases shall be served
9 upon the department. ~~((If the department was not previously a party to
10 the guardianship proceeding, the department shall nevertheless have the
11 right to:—(a) Initiate a proceeding to modify or terminate a
12 guardianship; and (b) intervene at any stage of such a proceeding.))~~
13 The court shall hold a hearing on the motion before modifying or
14 terminating the guardianship.

15 (2) The terms of a guardianship order may be modified for good
16 cause and when the modification is shown, by a preponderance of the
17 evidence, to be in the best interest of the child.

18 (3) The guardianship may be ~~((modified or))~~ terminated upon the
19 motion of any party ~~((or the department))~~ only if the court finds, by
20 a preponderance of the evidence and upon the basis of facts that have
21 arisen since entry of the guardianship order, that ~~((there has been))~~
22 a substantial change ~~((of))~~ has occurred in the circumstances
23 ~~((subsequent to the establishment of the guardianship))~~ of the child or
24 of the guardian and that ~~((it))~~ the termination is in the ~~((child's))~~
25 best interest ~~((to modify or terminate the guardianship. The court~~
26 ~~shall hold a hearing on the motion before modifying or terminating a~~
27 ~~guardianship))~~ of the child and is necessary to serve the best
28 interests of the child.

29 (3) ~~((Upon entry of an order terminating the guardianship, the~~
30 ~~dependency guardian shall not have any rights or responsibilities with~~
31 ~~respect to the child and shall not have legal standing to participate~~
32 ~~as a party in further dependency proceedings pertaining to the child.~~
33 ~~The court may allow the child's dependency guardian to attend~~
34 ~~dependency review proceedings pertaining to the child for the sole~~
35 ~~purpose of providing information about the child to the court.~~

36 ~~((4))~~ Upon entry of an order terminating the guardianship, the
37 ~~((child shall remain dependent and the))~~ court shall either return the
38 child to the child's parent or order the child into the custody,

1 control, and care of (~~the department or a licensed child placing~~
2 ~~agency for placement in a foster home or group care facility licensed~~
3 ~~pursuant to chapter 74.15 RCW or in a home not required to be licensed~~
4 ~~pursuant to such chapter~~) a substitute guardian. The court shall not
5 place a child in the custody of the child's parent unless the court
6 finds that reasons for removal as set forth in RCW 13.34.130 no longer
7 exist and that such placement is in the child's best interest. (~~The~~
8 ~~court shall thereafter conduct reviews as provided in RCW 13.34.138~~
9 ~~and, where applicable, shall hold a permanency planning hearing in~~
10 ~~accordance with RCW 13.34.145.~~) The court shall have the authority to
11 place a child in shelter care or other out-of-home care licensed by the
12 department under chapter 74.15 RCW only if a dependency petition has
13 been filed pursuant to RCW 13.34.040 and is currently pending before
14 the court.

15 **Sec. 13.** RCW 13.34.234 and 1994 c 288 s 9 are each amended to read
16 as follows:

17 (~~Establishment of a dependency guardianship under RCW 13.34.231~~
18 ~~and 13.34.232 does not preclude the dependency guardian from receiving~~
19 ~~foster care payments.~~)

20 (1) The department of social and health services may provide
21 subsidies for guardianships approved under RCW 13.34.232. The
22 department shall, by rule, establish eligibility for the guardian to
23 receive the subsidy. Those guardians eligible for a subsidy shall
24 include, but shall not necessarily be limited to, the child's custodian
25 who is receiving temporary assistance for needy families or foster care
26 payments from the department to meet the child's needs.

27 (2) The department, by rule, shall adopt rates for guardianship
28 subsidies to assist the guardian to meet the child's special needs.

29 (3) The department may, within available funds, establish benefits
30 that encourage and provide incentives for persons related to the child
31 to become the child's guardian.

32 (4) In accordance with rules adopted under this section, the
33 department may enter into a written agreement with the guardian, with
34 the agreement signed by the department and the guardian, to continue
35 basic subsidy payments following the court's order approving the
36 guardianship.

1 **Sec. 14.** RCW 13.34.235 and 2000 c 122 s 31 are each amended to
2 read as follows:

3 A (~~dependency~~) guardianship is not subject to the review hearing
4 requirements of RCW 13.34.138 (~~unless ordered by the court under RCW~~
5 ~~13.34.232(1)(e)~~)).

6 **Sec. 15.** RCW 13.34.236 and 1994 c 288 s 10 are each amended to
7 read as follows:

8 (1) Any suitable person over the age of twenty-one years who is not
9 otherwise disqualified by this section(~~, any nonprofit corporation, or~~
10 ~~any Indian tribe~~) may be appointed the (~~dependency~~) guardian of a
11 child under RCW 13.34.232. (~~No person is qualified to serve as a~~
12 ~~dependency guardian unless the person meets the minimum requirements to~~
13 ~~care for children as provided in RCW 74.15.030.~~)

14 (2) Before the court may appoint a guardianship of a child, the
15 department, a private agency licensed under the provisions of chapter
16 74.15 RCW, or the child's tribe if the child is an Indian child, shall
17 have available in its files or shall complete a satisfactory home study
18 of the proposed guardian and those persons age sixteen and older
19 residing in the proposed guardian's home. The home study shall include
20 a criminal history background check under RCW 74.15.030. The
21 department shall be required to complete the home study only if the
22 department currently is providing services to the child or to the
23 prospective guardian.

24 (3) If the preferences of a child's parent were not considered
25 under RCW 13.34.260 as they relate to the proposed (~~dependency~~)
26 guardian, the court shall consider such preferences before appointing
27 the (~~dependency~~) guardian.

28 **Sec. 16.** RCW 13.32A.030 and 2000 c 123 s 2 are each amended to
29 read as follows:

30 As used in this chapter the following terms have the meanings
31 indicated unless the context clearly requires otherwise:

32 (1) "Abuse or neglect" means the injury, sexual abuse, sexual
33 exploitation, negligent treatment, or maltreatment of a child by any
34 person under circumstances which indicate that the child's health,
35 welfare, and safety is harmed, excluding conduct permitted under RCW

1 9A.16.100. An abused child is a child who has been subjected to child
2 abuse or neglect as defined in this section.

3 (2) "Administrator" means the individual who has the daily
4 administrative responsibility of a crisis residential center, or his or
5 her designee.

6 (3) "At-risk youth" means a juvenile:

7 (a) Who is absent from home for at least seventy-two consecutive
8 hours without consent of his or her parent;

9 (b) Who is beyond the control of his or her parent such that the
10 child's behavior endangers the health, safety, or welfare of the child
11 or any other person; or

12 (c) Who has a substance abuse problem for which there are no
13 pending criminal charges related to the substance abuse.

14 (4) "Child," "juvenile," and "youth" mean any unemancipated
15 individual who is under the chronological age of eighteen years.

16 (5) "Child in need of services" means a juvenile:

17 (a) Who is beyond the control of his or her parent such that the
18 child's behavior endangers the health, safety, or welfare of the child
19 or other person;

20 (b) Who has been reported to law enforcement as absent without
21 consent for at least twenty-four consecutive hours on two or more
22 separate occasions from the home of either parent, a crisis residential
23 center, an out-of-home placement, or a court-ordered placement; and

24 (i) Has exhibited a serious substance abuse problem; or

25 (ii) Has exhibited behaviors that create a serious risk of harm to
26 the health, safety, or welfare of the child or any other person; or

27 (c)(i) Who is in need of: (A) Necessary services, including food,
28 shelter, health care, clothing, or education; or (B) services designed
29 to maintain or reunite the family;

30 (ii) Who lacks access to, or has declined to utilize, these
31 services; and

32 (iii) Whose parents have evidenced continuing but unsuccessful
33 efforts to maintain the family structure or are unable or unwilling to
34 continue efforts to maintain the family structure.

35 (6) "Child in need of services petition" means a petition filed in
36 juvenile court by a parent, child, or the department seeking
37 adjudication of placement of the child.

1 (7) "Crisis residential center" means a secure or semi-secure
2 facility established pursuant to chapter 74.13 RCW.

3 (8) "Custodian" means the person or entity who has the legal right
4 to the custody of the child.

5 (9) "Department" means the department of social and health
6 services.

7 (10) "Extended family member" means an adult who is a grandparent,
8 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin
9 with whom the child has a relationship and is comfortable, and who is
10 willing and available to care for the child.

11 (11) "Guardian" means that person or agency that (a) has been
12 appointed as the guardian of a child in a legal proceeding (~~other than~~
13 ~~a proceeding under chapter 13.34 RCW~~), and (b) has the right to legal
14 custody of the child pursuant to such appointment. (~~The term~~
15 ~~"guardian" does not include a "dependency guardian" appointed pursuant~~
16 ~~to a proceeding under chapter 13.34 RCW.~~)

17 (12) "Multidisciplinary team" means a group formed to provide
18 assistance and support to a child who is an at-risk youth or a child in
19 need of services and his or her parent. The team shall include the
20 parent, a department case worker, a local government representative
21 when authorized by the local government, and when appropriate, members
22 from the mental health and substance abuse disciplines. The team may
23 also include, but is not limited to, the following persons: Educators,
24 law enforcement personnel, probation officers, employers, church
25 persons, tribal members, therapists, medical personnel, social service
26 providers, placement providers, and extended family members. The team
27 members shall be volunteers who do not receive compensation while
28 acting in a capacity as a team member, unless the member's employer
29 chooses to provide compensation or the member is a state employee.

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

35 (14) "Parent" means the parent or parents who have the legal right
36 to custody of the child. "Parent" includes custodian or guardian.

37 (15) "Secure facility" means a crisis residential center, or

1 portion thereof, that has locking doors, locking windows, or a secured
2 perimeter, designed and operated to prevent a child from leaving
3 without permission of the facility staff.

4 (16) "Semi-secure facility" means any facility, including but not
5 limited to crisis residential centers or specialized foster family
6 homes, operated in a manner to reasonably assure that youth placed
7 there will not run away. Pursuant to rules established by the
8 department, the facility administrator shall establish reasonable hours
9 for residents to come and go from the facility such that no residents
10 are free to come and go at all hours of the day and night. To prevent
11 residents from taking unreasonable actions, the facility administrator,
12 where appropriate, may condition a resident's leaving the facility upon
13 the resident being accompanied by the administrator or the
14 administrator's designee and the resident may be required to notify the
15 administrator or the administrator's designee of any intent to leave,
16 his or her intended destination, and the probable time of his or her
17 return to the center.

18 (17) "Staff secure facility" means a structured group care facility
19 licensed under rules adopted by the department with a ratio of at least
20 one adult staff member to every two children.

21 (18) "Temporary out-of-home placement" means an out-of-home
22 placement of not more than fourteen days ordered by the court at a
23 fact-finding hearing on a child in need of services petition.

24 **Sec. 17.** RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and
25 2001 c 137 s 3 are each reenacted and amended to read as follows:

26 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
27 otherwise clearly indicated by the context thereof, the following terms
28 shall mean:

29 (1) "Agency" means any person, firm, partnership, association,
30 corporation, or facility which receives children, expectant mothers, or
31 persons with developmental disabilities for control, care, or
32 maintenance outside their own homes, or which places, arranges the
33 placement of, or assists in the placement of children, expectant
34 mothers, or persons with developmental disabilities for foster care or
35 placement of children for adoption, and shall include the following
36 irrespective of whether there is compensation to the agency or to the

1 children, expectant mothers or persons with developmental disabilities
2 for services rendered:

3 (a) "Child day-care center" means an agency which regularly
4 provides care for a group of children for periods of less than twenty-
5 four hours;

6 (b) "Child-placing agency" means an agency which places a child or
7 children for temporary care, continued care, or for adoption;

8 (c) "Community facility" means a group care facility operated for
9 the care of juveniles committed to the department under RCW 13.40.185.
10 A county detention facility that houses juveniles committed to the
11 department under RCW 13.40.185 pursuant to a contract with the
12 department is not a community facility;

13 (d) "Crisis residential center" means an agency which is a
14 temporary protective residential facility operated to perform the
15 duties specified in chapter 13.32A RCW, in the manner provided in RCW
16 74.13.032 through 74.13.036;

17 (e) "Emergency respite center" is an agency that may be commonly
18 known as a crisis nursery, that provides emergency and crisis care for
19 up to seventy-two hours to children who have been admitted by their
20 parents or guardians to prevent abuse or neglect. Emergency respite
21 centers may operate for up to twenty-four hours a day, and for up to
22 seven days a week. Emergency respite centers may provide care for
23 children ages birth through seventeen, and for persons eighteen through
24 twenty with developmental disabilities who are admitted with a sibling
25 or siblings through age seventeen. Emergency respite centers may not
26 substitute for crisis residential centers or HOPE centers, or any other
27 services defined under this section, and may not substitute for
28 services which are required under chapter 13.32A or 13.34 RCW;

29 (f) "Family day-care provider" means a child day-care provider who
30 regularly provides child day care for not more than twelve children in
31 the provider's home in the family living quarters;

32 (g) "Foster-family home" means an agency which regularly provides
33 care on a twenty-four hour basis to one or more children, expectant
34 mothers, or persons with developmental disabilities in the family abode
35 of the person or persons under whose direct care and supervision the
36 child, expectant mother, or person with a developmental disability is
37 placed;

1 (h) "Group-care facility" means an agency, other than a foster-
2 family home, which is maintained and operated for the care of a group
3 of children on a twenty-four hour basis;

4 (i) "HOPE center" means an agency licensed by the secretary to
5 provide temporary residential placement and other services to street
6 youth. A street youth may remain in a HOPE center for thirty days
7 while services are arranged and permanent placement is coordinated. No
8 street youth may stay longer than thirty days unless approved by the
9 department and any additional days approved by the department must be
10 based on the unavailability of a long-term placement option. A street
11 youth whose parent wants him or her returned to home may remain in a
12 HOPE center until his or her parent arranges return of the youth, not
13 longer. All other street youth must have court approval under chapter
14 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

15 (j) "Maternity service" means an agency which provides or arranges
16 for care or services to expectant mothers, before or during
17 confinement, or which provides care as needed to mothers and their
18 infants after confinement;

19 (k) "Responsible living skills program" means an agency licensed by
20 the secretary that provides residential and transitional living
21 services to persons ages sixteen to eighteen who are dependent under
22 chapter 13.34 RCW and who have been unable to live in his or her
23 legally authorized residence and, as a result, the minor lived outdoors
24 or in another unsafe location not intended for occupancy by the minor.
25 Dependent minors ages fourteen and fifteen may be eligible if no other
26 placement alternative is available and the department approves the
27 placement;

28 (l) "Service provider" means the entity that operates a community
29 facility.

30 (2) "Agency" shall not include the following:

31 (a) Persons related to the child, expectant mother, or person with
32 developmental disability in the following ways:

33 (i) Any blood relative, including those of half-blood, and
34 including first cousins, nephews or nieces, and persons of preceding
35 generations as denoted by prefixes of grand, great, or great-great;

36 (ii) Stepfather, stepmother, stepbrother, and stepsister;

37 (iii) A person who legally adopts a child or the child's parent as

1 well as the natural and other legally adopted children of such persons,
2 and other relatives of the adoptive parents in accordance with state
3 law;

4 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
5 subsection (2)(a), even after the marriage is terminated; or

6 (v) Extended family members, as defined by the law or custom of the
7 Indian child's tribe or, in the absence of such law or custom, a person
8 who has reached the age of eighteen and who is the Indian child's
9 grandparent, aunt or uncle, brother or sister, brother-in-law or
10 sister-in-law, niece or nephew, first or second cousin, or stepparent
11 who provides care in the family abode on a twenty-four-hour basis to an
12 Indian child as defined in 25 U.S.C. Sec. 1903(4);

13 (b) Persons who are legal guardians, including guardians approved
14 under the provisions of RCW 13.34.232, of the child, expectant mother,
15 or persons with developmental disabilities;

16 (c) Persons who care for a neighbor's or friend's child or
17 children, with or without compensation, where: (i) The person
18 providing care for periods of less than twenty-four hours does not
19 conduct such activity on an ongoing, regularly scheduled basis for the
20 purpose of engaging in business, which includes, but is not limited to,
21 advertising such care; or (ii) the parent and person providing care on
22 a twenty-four-hour basis have agreed to the placement in writing and
23 the state is not providing any payment for the care;

24 (d) Parents on a mutually cooperative basis exchange care of one
25 another's children;

26 (e) A person, partnership, corporation, or other entity that
27 provides placement or similar services to exchange students or
28 international student exchange visitors or persons who have the care of
29 an exchange student in their home;

30 (f) A person, partnership, corporation, or other entity that
31 provides placement or similar services to international children who
32 have entered the country by obtaining visas that meet the criteria for
33 medical care as established by the United States immigration and
34 naturalization service, or persons who have the care of such an
35 international child in their home;

36 (g) Nursery schools or kindergartens which are engaged primarily in
37 educational work with preschool children and in which no child is
38 enrolled on a regular basis for more than four hours per day;

1 (h) Schools, including boarding schools, which are engaged
2 primarily in education, operate on a definite school year schedule,
3 follow a stated academic curriculum, accept only school-age children
4 and do not accept custody of children;

5 (i) Seasonal camps of three months' or less duration engaged
6 primarily in recreational or educational activities;

7 (j) Hospitals licensed pursuant to chapter 70.41 RCW when
8 performing functions defined in chapter 70.41 RCW, nursing homes
9 licensed under chapter 18.51 RCW and boarding homes licensed under
10 chapter 18.20 RCW;

11 (k) Licensed physicians or lawyers;

12 (l) Facilities providing care to children for periods of less than
13 twenty-four hours whose parents remain on the premises to participate
14 in activities other than employment;

15 (m) Facilities approved and certified under chapter 71A.22 RCW;

16 (n) Any agency having been in operation in this state ten years
17 prior to June 8, 1967, and not seeking or accepting moneys or
18 assistance from any state or federal agency, and is supported in part
19 by an endowment or trust fund;

20 (o) Persons who have a child in their home for purposes of
21 adoption, if the child was placed in such home by a licensed child-
22 placing agency, an authorized public or tribal agency or court or if a
23 replacement report has been filed under chapter 26.33 RCW and the
24 placement has been approved by the court;

25 (p) An agency operated by any unit of local, state, or federal
26 government or an agency, located within the boundaries of a federally
27 recognized Indian reservation, licensed by the Indian tribe;

28 (q) A maximum or medium security program for juvenile offenders
29 operated by or under contract with the department;

30 (r) An agency located on a federal military reservation, except
31 where the military authorities request that such agency be subject to
32 the licensing requirements of this chapter.

33 (3) "Department" means the state department of social and health
34 services.

35 (4) "Juvenile" means a person under the age of twenty-one who has
36 been sentenced to a term of confinement under the supervision of the
37 department under RCW 13.40.185.

1 (5) "Probationary license" means a license issued as a disciplinary
2 measure to an agency that has previously been issued a full license but
3 is out of compliance with licensing standards.

4 (6) "Requirement" means any rule, regulation, or standard of care
5 to be maintained by an agency.

6 (7) "Secretary" means the secretary of social and health services.

7 (8) "Street youth" means a person under the age of eighteen who
8 lives outdoors or in another unsafe location not intended for occupancy
9 by the minor and who is not residing with his or her parent or at his
10 or her legally authorized residence.

11 (9) "Transitional living services" means at a minimum, to the
12 extent funds are available, the following:

13 (a) Educational services, including basic literacy and
14 computational skills training, either in local alternative or public
15 high schools or in a high school equivalency program that leads to
16 obtaining a high school equivalency degree;

17 (b) Assistance and counseling related to obtaining vocational
18 training or higher education, job readiness, job search assistance, and
19 placement programs;

20 (c) Counseling and instruction in life skills such as money
21 management, home management, consumer skills, parenting, health care,
22 access to community resources, and transportation and housing options;

23 (d) Individual and group counseling; and

24 (e) Establishing networks with federal agencies and state and local
25 organizations such as the United States department of labor, employment
26 and training administration programs including the job training
27 partnership act which administers private industry councils and the job
28 corps; vocational rehabilitation; and volunteer programs.

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