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HOUSE BILL 2877

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Kagi and Boldt; by request of Department of Social and Health Services

Read first time 01/22/2004. Referred to Committee on Children & Family Services.

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

1 persons who are willing and able to serve as guardians for the  
2 children.

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

5 For purposes of this chapter:

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

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

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

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

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

29 (a) Has been abandoned;

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

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

36 ((+6)) (5) "Developmental disability" means a disability  
37 attributable to mental retardation, cerebral palsy, epilepsy, autism,

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

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

15 ~~+8))~~ (7) "Guardian ad litem" means a person, appointed by the  
16 court to represent the best interests of a child in a proceeding under  
17 this chapter, or in any matter which may be consolidated with a  
18 proceeding under this chapter. A "court-appointed special advocate"  
19 appointed by the court to be the guardian ad litem for the child, or to  
20 perform substantially the same duties and functions as a guardian ad  
21 litem, shall be deemed to be guardian ad litem for all purposes and  
22 uses of this chapter.

23 ~~((+9))~~ (8) "Guardian ad litem program" means a court-authorized  
24 volunteer program, which is or may be established by the superior court  
25 of the county in which such proceeding is filed, to manage all aspects  
26 of volunteer guardian ad litem representation for children alleged or  
27 found to be dependent. Such management shall include but is not  
28 limited to: Recruitment, screening, training, supervision, assignment,  
29 and discharge of volunteers.

30 ~~((+10))~~ (9) "Indigent" means a person who, at any stage of a court  
31 proceeding, is:

32 (a) Receiving one of the following types of public assistance:  
33 Temporary assistance for needy families, general assistance, poverty-  
34 related veterans' benefits, food stamps or food stamp benefits  
35 transferred electronically, refugee resettlement benefits, medicaid, or  
36 supplemental security income; or

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

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

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

6 (~~(11)~~) (10) "Out-of-home care" means placement in a foster family  
7 home or group care facility licensed pursuant to chapter 74.15 RCW or  
8 placement in a home, other than that of the child's parent, guardian,  
9 or legal custodian, not required to be licensed pursuant to chapter  
10 74.15 RCW.

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

18 (~~(13)~~) (12) "Shelter care" means temporary physical care in a  
19 facility licensed pursuant to RCW 74.15.030 or in a home not required  
20 to be licensed pursuant to RCW 74.15.030.

21 (~~(14)~~) (13) "Sibling" means a child's birth brother, birth  
22 sister, adoptive brother, adoptive sister, half-brother, or half-  
23 sister, or as defined by the law or custom of the Indian child's tribe  
24 for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

25 (~~(15)~~) (14) "Social study" means a written evaluation of matters  
26 relevant to the disposition of the case and shall contain the following  
27 information:

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

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

37 (c) If removal is recommended, a full description of the reasons  
38 why the child cannot be protected adequately in the home, including a

1 description of any previous efforts to work with the parents and the  
2 child in the home; the in-home treatment programs that have been  
3 considered and rejected; the preventive services that have been offered  
4 or provided and have failed to prevent the need for out-of-home  
5 placement, unless the health, safety, and welfare of the child cannot  
6 be protected adequately in the home; and the parents' attitude toward  
7 placement of the child;

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

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

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

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

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

22 (2) The department of social and health services is authorized to  
23 review the child's situation with the dependency guardian to mutually  
24 determine the need for continued department involvement in the  
25 dependency guardianship and whether the dependency guardian is willing  
26 to enter a guardianship subsidy agreement as authorized under section  
27 12 of this act.

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

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

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

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

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

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

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

37 (i) The parent, guardian, or legal custodian understands the terms

1 of the order or orders he or she has signed, including his or her  
2 responsibility to participate in remedial services as provided in any  
3 disposition order;

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

11 (iii) The parent, guardian, or legal custodian understands that the  
12 entry of the stipulated or agreed order of dependency is an admission  
13 that the child is dependent within the meaning of RCW 13.34.030 and  
14 shall have the same legal effect as a finding by the court that the  
15 child is dependent by at least a preponderance of the evidence, and  
16 that the parent, guardian, or legal custodian shall not have the right  
17 in any subsequent proceeding for termination of parental rights or  
18 (~~dependency~~) guardianship pursuant to this chapter or chapter 11.88  
19 RCW or nonparental custody pursuant to chapter 26.10 RCW to challenge  
20 or dispute the fact that the child was found to be dependent; and

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

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

1 statement in a form determined by the Washington state supreme court  
2 pursuant to General Rule GR 9.

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

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

24 **Sec. 6.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read  
25 as follows:

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

33 (a) Whenever a child is placed in out-of-home care pursuant to RCW  
34 13.34.130, the agency that has custody of the child shall provide the  
35 court with a written permanency plan of care directed towards securing  
36 a safe, stable, and permanent home for the child as soon as possible.  
37 The plan shall identify one of the following outcomes as the primary



1 goal and may also identify additional outcomes as alternative goals:  
2 Return of the child to the home of the child's parent, guardian, or  
3 legal custodian; adoption; guardianship; permanent legal custody; long-  
4 term relative or foster care, until the child is age eighteen, with a  
5 written agreement between the parties and the care provider; a  
6 responsible living skills program; and independent living, if  
7 appropriate and if the child is age sixteen or older and the provisions  
8 of subsection (2) of this section are met. Legal guardianship shall be  
9 the preferred permanency plan for a child when return of the child to  
10 the home of the child's parent or adoption of the child is not an  
11 appropriate permanency plan for the child, and the factors contained in  
12 RCW 13.34.231 are met.

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

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

22 (d) For purposes related to permanency planning:

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

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

28 (iii) "Permanent legal custody" means legal custody pursuant to  
29 chapter 26.10 RCW, RCW 13.34.231, or equivalent laws of another state  
30 or of a federally recognized Indian tribe.

31 (2) Whenever a permanency plan identifies independent living as a  
32 goal, the plan shall also specifically identify the services that will  
33 be provided to assist the child to make a successful transition from  
34 foster care to independent living. Before the court approves  
35 independent living as a permanency plan of care, the court shall make  
36 a finding that the provision of services to assist the child in making  
37 a transition from foster care to independent living will allow the  
38 child to manage his or her financial, personal, social, educational,

1 and nonfinancial affairs. The department shall not discharge a child  
2 to an independent living situation before the child is eighteen years  
3 of age unless the child becomes emancipated pursuant to chapter 13.64  
4 RCW.

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

11 (4) Whenever a child is removed from the home of a ((dependency))  
12 guardian or long-term relative or foster care provider, and the child  
13 is not returned to the home of the parent, guardian, or legal custodian  
14 but is placed in out-of-home care, a permanency planning hearing shall  
15 take place no later than twelve months, as provided in subsection (3)  
16 of this section, following the date of removal unless, prior to the  
17 hearing, the child returns to the home of the ((dependency)) guardian  
18 or long-term care provider, the child is placed in the home of the  
19 parent, guardian, or legal custodian, an adoption decree, guardianship  
20 order, or a permanent custody order is entered, or the dependency is  
21 dismissed.

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

26 (6) At the permanency planning hearing, the court shall enter  
27 findings as required by RCW 13.34.138 and shall review the permanency  
28 plan prepared by the agency. If the child has resided in the home of  
29 a foster parent or relative for more than six months prior to the  
30 permanency planning hearing, the court shall also enter a finding  
31 regarding whether the foster parent or relative was informed of the  
32 hearing as required in RCW 74.13.280 and 13.34.138. If a goal of long-  
33 term foster or relative care has been achieved prior to the permanency  
34 planning hearing, the court shall review the child's status to  
35 determine whether the placement and the plan for the child's care  
36 remain appropriate. In cases where the primary permanency planning  
37 goal has not been achieved, the court shall inquire regarding the

1 reasons why the primary goal has not been achieved and determine what  
2 needs to be done to make it possible to achieve the primary goal. In  
3 all cases, the court shall:

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

6 (ii) Modify the permanency plan, and order implementation of the  
7 modified plan; and

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

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

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

17 (8) The juvenile court may hear a petition for permanent legal  
18 custody when: (a) The court has ordered implementation of a permanency  
19 plan that includes permanent legal custody; and (b) the party pursuing  
20 the permanent legal custody is the party identified in the permanency  
21 plan as the prospective legal custodian. During the pendency of such  
22 proceeding, the court shall conduct review hearings and further  
23 permanency planning hearings as provided in this chapter. At the  
24 conclusion of the legal guardianship or permanent legal custody  
25 proceeding, a juvenile court hearing shall be held for the purpose of  
26 determining whether dependency should be dismissed. If a guardianship  
27 or permanent custody order has been entered, the dependency shall be  
28 dismissed.

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

33 (10) Following the first permanency planning hearing, the court  
34 shall hold a further permanency planning hearing in accordance with  
35 this section at least once every twelve months until a permanency  
36 planning goal is achieved or the dependency is dismissed, whichever  
37 occurs first.

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

7 (12) Nothing in this chapter may be construed to limit the ability  
8 of the agency that has custody of the child to file a petition for  
9 termination of parental rights or a guardianship petition at any time  
10 following the establishment of dependency. Upon the filing of such a  
11 petition, a fact-finding hearing shall be scheduled and held in  
12 accordance with this chapter unless the agency requests dismissal of  
13 the petition prior to the hearing or unless the parties enter an agreed  
14 order terminating parental rights, establishing guardianship, or  
15 otherwise resolving the matter.

16 (13) The approval of a permanency plan that does not contemplate  
17 return of the child to the parent does not relieve the supervising  
18 agency of its obligation to provide reasonable services, under this  
19 chapter, intended to effectuate the return of the child to the parent,  
20 including but not limited to, visitation rights. The court shall  
21 consider the child's relationships with siblings in accordance with RCW  
22 13.34.130.

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

26 **Sec. 7.** RCW 13.34.230 and 1981 c 195 s 1 are each amended to read  
27 as follows:

28 Any party to a dependency proceeding, including the supervising  
29 agency, may file (~~a petition~~) an action in juvenile court requesting  
30 that guardianship be (~~created~~) established as to a dependent child.  
31 The petition shall conform to the requirements of RCW 13.34.040, shall  
32 be served upon the parties as provided in RCW 13.34.070(8), and shall  
33 meet the requirements of RCW 13.34.231. The proposed guardian and  
34 department of social and health services shall receive notice of any  
35 guardianship proceedings and have the right to intervene in the  
36 proceedings.

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

3        (1) Every guardianship petition filed in proceedings under RCW  
4 13.34.231 shall contain a statement alleging whether the child is or  
5 may be an Indian child as defined in 25 U.S.C. Sec. 1903. If the child  
6 is an Indian child as defined under the Indian child welfare act, the  
7 provisions of that act shall apply.

8        (2) Every order or decree entered in any proceeding under this  
9 chapter shall contain a finding that the Indian child welfare act does  
10 or does not apply. Where there is a finding that the Indian child  
11 welfare act does apply, the decree or order must also contain a finding  
12 that all notice requirements and evidentiary requirements under the  
13 Indian child welfare act have been satisfied.

14        **Sec. 9.**    RCW 13.34.231 and 2000 c 122 s 29 are each amended to read  
15 as follows:

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

19        (2) A guardianship shall be established if the court finds by a  
20 preponderance of the evidence that the requirements of RCW 13.34.230  
21 and this section are met and:

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

24        (~~(2)~~) (b) A dispositional order has been entered pursuant to RCW  
25 13.34.130;

26        (~~(3)~~) (c) The child has been removed or will, at the time of the  
27 hearing, have been removed from the custody of the parent for a period  
28 of at least six months pursuant to a finding of dependency under RCW  
29 13.34.030;

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

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

1       ~~(6)~~) (f) The guardian has signed a statement acknowledging the  
2 guardian's rights and responsibilities toward the child and the  
3 guardian's understanding and acceptance that the guardianship is  
4 commitment to care for the child until the child reaches age eighteen.

5       (g) Adoption is not available or is not a reasonable option for the  
6 child;

7       (h) A guardianship, rather than termination of the parent-child  
8 relationship or continuation of efforts to return the child to the  
9 custody of the parent, would be in the best interest of the child; and

10       (i) A legal relationship continues to exist between the child and  
11 the child's parent or parents, except when:

12       (i) A person related to the child applies to be the guardian and  
13 guardianship, and not adoption, is in the best interest of the child;  
14 or

15       (ii) The child is an Indian child as defined in 25 U.S.C. Sec.  
16 1901, et seq., and the child's tribe finds that adoption of the child  
17 is not in the best interest of the child.

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

20       (a) The placement meets the familial and cultural needs of the  
21 child as demonstrated by the parties;

22       (b) The child retains a bond with the child's parent or parents and  
23 maintenance of the bond between the parent or parents and the child is  
24 in the best interests of the child;

25       (c) The child is at least thirteen but less than eighteen years  
26 old, and the department of social and health services has determined  
27 that no suitable alternative permanent plan is available for the child.  
28 A suitable alternative plan may include, but is not necessarily limited  
29 to, adoption or long-term foster care;

30       (d) The preferences of the child with respect to the proposed  
31 guardianship; and

32       (e) Services ordered under RCW 13.34.130 and 13.34.136 or similar  
33 services necessary to maintain the child in the guardianship placement  
34 are not required following approval of the proposed guardianship.

35       (4) The court may establish a guardianship when the court  
36 determines that, under exceptional circumstances, the best interests of  
37 the child who does not meet the criteria of subsection (2) of this

1 section would be met through a guardianship. Exceptional circumstances  
2 may include, but are not necessarily limited to:

3 (a) A child, under age thirteen, is difficult to place, and a  
4 suitable guardian is willing to accept custody of the child under this  
5 chapter;

6 (b) The parents' rights to the child have been terminated, the  
7 child is age thirteen through seventeen and is not willing to consent  
8 to the adoption.

9 **Sec. 10.** RCW 13.34.232 and 1994 c 288 s 7 are each amended to read  
10 as follows:

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

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

17 (b) Specify the ~~((dependency))~~ guardian's rights and  
18 responsibilities concerning the care, custody, and control of the  
19 child~~((A dependency guardian shall not have the authority to consent~~  
20 ~~to the child's adoption))~~;

21 (c) Specify the ~~((dependency))~~ guardian's authority, if any, to  
22 receive, invest, and expend funds, benefits, or property belonging to  
23 the child; and

24 (d) Specify an appropriate frequency and type of ~~((visitation))~~  
25 contact between the parent and the child~~((; and~~

26 ~~((Specify the need for any continued involvement of the~~  
27 ~~supervising agency and the nature of that involvement, if any))~~.

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

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

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

34 (c) Consent to necessary health and surgical care and sign a  
35 release of health care information to appropriate authorities, pursuant  
36 to law;

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

1 (e) Provide an annual written accounting to the court regarding  
2 receipt by the ((dependency)) guardian of any funds, benefits, or  
3 property belonging to the child and expenditures made ((therefrom))  
4 from the funds, benefits, or property; and

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

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

10 ~~(4) ((The child shall remain dependent for the duration of the~~  
11 ~~guardianship. While the guardianship remains in effect, the dependency~~  
12 ~~guardian shall be a party to any dependency proceedings pertaining to~~  
13 ~~the child.~~

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

17 (5) The court shall not have the authority, in a guardianship  
18 proceeding, to order the department of social and health services to  
19 supervise nor to provide services to the guardian and the child.

20 **Sec. 11.** RCW 13.34.233 and 2000 c 122 s 30 are each amended to  
21 read as follows:

22 (1) Any party may request the court under RCW 13.34.150 to modify  
23 or terminate a ((dependency)) guardianship order under this chapter.  
24 Notice of any motion to modify or terminate the guardianship shall be  
25 served on all other parties, including the guardian and any agency that  
26 was responsible for supervising the child's placement at the time the  
27 guardianship petition was filed. Notice in all cases shall be served  
28 upon the department. If the department was not previously a party to  
29 the guardianship proceeding, the department shall nevertheless have the  
30 right to: (a) Initiate a proceeding to modify or terminate a  
31 guardianship; and (b) intervene at any stage of such a proceeding. The  
32 court shall hold a hearing on the motion before modifying or  
33 terminating the guardianship.

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



1       (3) The guardianship may be ~~((modified or))~~ terminated upon the  
2 motion of any party ~~((or the department))~~ only if the court finds, by  
3 a preponderance of the evidence and upon the basis of facts that have  
4 arisen since entry of the guardianship order, that ~~((there has been))~~  
5 a substantial change ~~((of))~~ has occurred in the circumstances  
6 ~~((subsequent to the establishment of the guardianship))~~ of the child or  
7 of the guardian and that ~~((it))~~ the termination is in the ~~((child's))~~  
8 best interest ~~((to modify or terminate the guardianship. The court~~  
9 ~~shall hold a hearing on the motion before modifying or terminating a~~  
10 ~~guardianship))~~ of the child and is necessary to serve the best  
11 interests of the child.

12       (3) ~~((Upon entry of an order terminating the guardianship, the~~  
13 ~~dependency guardian shall not have any rights or responsibilities with~~  
14 ~~respect to the child and shall not have legal standing to participate~~  
15 ~~as a party in further dependency proceedings pertaining to the child.~~  
16 ~~The court may allow the child's dependency guardian to attend~~  
17 ~~dependency review proceedings pertaining to the child for the sole~~  
18 ~~purpose of providing information about the child to the court.~~

19       (4)) Upon entry of an order terminating the guardianship, the  
20 ~~((child shall remain dependent and the))~~ court shall either return the  
21 child to the child's parent or order the child into the custody,  
22 control, and care of ~~((the department or a licensed child placing~~  
23 ~~agency for placement in a foster home or group care facility licensed~~  
24 ~~pursuant to chapter 74.15 RCW or in a home not required to be licensed~~  
25 ~~pursuant to such chapter))~~ a substitute guardian. The court shall not  
26 place a child in the custody of the child's parent unless the court  
27 finds that reasons for removal as set forth in RCW 13.34.130 no longer  
28 exist and that such placement is in the child's best interest. ~~((The~~  
29 ~~court shall thereafter conduct reviews as provided in RCW 13.34.138~~  
30 ~~and, where applicable, shall hold a permanency planning hearing in~~  
31 ~~accordance with RCW 13.34.145.))~~

32       **Sec. 12.** RCW 13.34.234 and 1994 c 288 s 9 are each amended to read  
33 as follows:

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

1 (1) The department of social and health services may provide  
2 subsidies for guardianships approved under RCW 13.34.232. To be  
3 eligible for a subsidy, the child's custodian must be receiving  
4 temporary assistance for needy families or foster care payments from  
5 the department to meet the child's needs at the time of application for  
6 guardianship.

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

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

12 (4) In accordance with rules adopted under this section, the  
13 department may enter into a written agreement with the guardian, with  
14 the agreement signed by the department and the guardian, to continue  
15 basic subsidy payments following the court's order approving the  
16 guardianship.

17 **Sec. 13.** RCW 13.34.235 and 2000 c 122 s 31 are each amended to  
18 read as follows:

19 A (~~dependency~~) guardianship is not subject to the review hearing  
20 requirements of RCW 13.34.138 (~~unless ordered by the court under RCW~~  
21 ~~13.34.232(1)(e)~~)).

22 **Sec. 14.** RCW 13.34.236 and 1994 c 288 s 10 are each amended to  
23 read as follows:

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

30 Before the court may appoint a guardianship of a child, the  
31 department, a private agency licensed under the provisions of chapter  
32 74.15 RCW, or the child's tribe if the child is an Indian child, shall  
33 complete a satisfactory home study of the proposed guardian and those  
34 persons residing in the proposed guardian's home. The home study shall  
35 include a criminal history background check under RCW 74.15.030. The

1 department shall be required to complete the home study only if the  
2 department currently is providing services to the child or to the  
3 prospective guardian.

4 (2) If the preferences of a child's parent were not considered  
5 under RCW 13.34.260 as they relate to the proposed (~~dependency~~)  
6 guardian, the court shall consider such preferences before appointing  
7 the (~~dependency~~) guardian.

8 **Sec. 15.** RCW 13.32A.030 and 2000 c 123 s 2 are each amended to  
9 read as follows:

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

12 (1) "Abuse or neglect" means the injury, sexual abuse, sexual  
13 exploitation, negligent treatment, or maltreatment of a child by any  
14 person under circumstances which indicate that the child's health,  
15 welfare, and safety is harmed, excluding conduct permitted under RCW  
16 9A.16.100. An abused child is a child who has been subjected to child  
17 abuse or neglect as defined in this section.

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

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

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

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

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

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

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

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

35 (b) Who has been reported to law enforcement as absent without  
36 consent for at least twenty-four consecutive hours on two or more

1 separate occasions from the home of either parent, a crisis residential  
2 center, an out-of-home placement, or a court-ordered placement; and  
3 (i) Has exhibited a serious substance abuse problem; or  
4 (ii) Has exhibited behaviors that create a serious risk of harm to  
5 the health, safety, or welfare of the child or any other person; or  
6 (c)(i) Who is in need of: (A) Necessary services, including food,  
7 shelter, health care, clothing, or education; or (B) services designed  
8 to maintain or reunite the family;  
9 (ii) Who lacks access to, or has declined to utilize, these  
10 services; and  
11 (iii) Whose parents have evidenced continuing but unsuccessful  
12 efforts to maintain the family structure or are unable or unwilling to  
13 continue efforts to maintain the family structure.  
14 (6) "Child in need of services petition" means a petition filed in  
15 juvenile court by a parent, child, or the department seeking  
16 adjudication of placement of the child.  
17 (7) "Crisis residential center" means a secure or semi-secure  
18 facility established pursuant to chapter 74.13 RCW.  
19 (8) "Custodian" means the person or entity who has the legal right  
20 to the custody of the child.  
21 (9) "Department" means the department of social and health  
22 services.  
23 (10) "Extended family member" means an adult who is a grandparent,  
24 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin  
25 with whom the child has a relationship and is comfortable, and who is  
26 willing and available to care for the child.  
27 (11) "Guardian" means that person or agency that (a) has been  
28 appointed as the guardian of a child in a legal proceeding (~~other than~~  
29 ~~a proceeding under chapter 13.34 RCW~~), and (b) has the right to legal  
30 custody of the child pursuant to such appointment. (~~The term~~  
31 ~~"guardian" does not include a "dependency guardian" appointed pursuant~~  
32 ~~to a proceeding under chapter 13.34 RCW.~~)  
33 (12) "Multidisciplinary team" means a group formed to provide  
34 assistance and support to a child who is an at-risk youth or a child in  
35 need of services and his or her parent. The team shall include the  
36 parent, a department case worker, a local government representative  
37 when authorized by the local government, and when appropriate, members  
38 from the mental health and substance abuse disciplines. The team may

1 also include, but is not limited to, the following persons: Educators,  
2 law enforcement personnel, probation officers, employers, church  
3 persons, tribal members, therapists, medical personnel, social service  
4 providers, placement providers, and extended family members. The team  
5 members shall be volunteers who do not receive compensation while  
6 acting in a capacity as a team member, unless the member's employer  
7 chooses to provide compensation or the member is a state employee.

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

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

15 (15) "Secure facility" means a crisis residential center, or  
16 portion thereof, that has locking doors, locking windows, or a secured  
17 perimeter, designed and operated to prevent a child from leaving  
18 without permission of the facility staff.

19 (16) "Semi-secure facility" means any facility, including but not  
20 limited to crisis residential centers or specialized foster family  
21 homes, operated in a manner to reasonably assure that youth placed  
22 there will not run away. Pursuant to rules established by the  
23 department, the facility administrator shall establish reasonable hours  
24 for residents to come and go from the facility such that no residents  
25 are free to come and go at all hours of the day and night. To prevent  
26 residents from taking unreasonable actions, the facility administrator,  
27 where appropriate, may condition a resident's leaving the facility upon  
28 the resident being accompanied by the administrator or the  
29 administrator's designee and the resident may be required to notify the  
30 administrator or the administrator's designee of any intent to leave,  
31 his or her intended destination, and the probable time of his or her  
32 return to the center.

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

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

1       **Sec. 16.** RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and  
2 2001 c 137 s 3 are each reenacted and amended to read as follows:

3       For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
4 otherwise clearly indicated by the context thereof, the following terms  
5 shall mean:

6       (1) "Agency" means any person, firm, partnership, association,  
7 corporation, or facility which receives children, expectant mothers, or  
8 persons with developmental disabilities for control, care, or  
9 maintenance outside their own homes, or which places, arranges the  
10 placement of, or assists in the placement of children, expectant  
11 mothers, or persons with developmental disabilities for foster care or  
12 placement of children for adoption, and shall include the following  
13 irrespective of whether there is compensation to the agency or to the  
14 children, expectant mothers or persons with developmental disabilities  
15 for services rendered:

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

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

21       (c) "Community facility" means a group care facility operated for  
22 the care of juveniles committed to the department under RCW 13.40.185.  
23 A county detention facility that houses juveniles committed to the  
24 department under RCW 13.40.185 pursuant to a contract with the  
25 department is not a community facility;

26       (d) "Crisis residential center" means an agency which is a  
27 temporary protective residential facility operated to perform the  
28 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
29 74.13.032 through 74.13.036;

30       (e) "Emergency respite center" is an agency that may be commonly  
31 known as a crisis nursery, that provides emergency and crisis care for  
32 up to seventy-two hours to children who have been admitted by their  
33 parents or guardians to prevent abuse or neglect. Emergency respite  
34 centers may operate for up to twenty-four hours a day, and for up to  
35 seven days a week. Emergency respite centers may provide care for  
36 children ages birth through seventeen, and for persons eighteen through  
37 twenty with developmental disabilities who are admitted with a sibling  
38 or siblings through age seventeen. Emergency respite centers may not

1 substitute for crisis residential centers or HOPE centers, or any other  
2 services defined under this section, and may not substitute for  
3 services which are required under chapter 13.32A or 13.34 RCW;

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

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

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

16 (i) "HOPE center" means an agency licensed by the secretary to  
17 provide temporary residential placement and other services to street  
18 youth. A street youth may remain in a HOPE center for thirty days  
19 while services are arranged and permanent placement is coordinated. No  
20 street youth may stay longer than thirty days unless approved by the  
21 department and any additional days approved by the department must be  
22 based on the unavailability of a long-term placement option. A street  
23 youth whose parent wants him or her returned to home may remain in a  
24 HOPE center until his or her parent arranges return of the youth, not  
25 longer. All other street youth must have court approval under chapter  
26 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

27 (j) "Maternity service" means an agency which provides or arranges  
28 for care or services to expectant mothers, before or during  
29 confinement, or which provides care as needed to mothers and their  
30 infants after confinement;

31 (k) "Responsible living skills program" means an agency licensed by  
32 the secretary that provides residential and transitional living  
33 services to persons ages sixteen to eighteen who are dependent under  
34 chapter 13.34 RCW and who have been unable to live in his or her  
35 legally authorized residence and, as a result, the minor lived outdoors  
36 or in another unsafe location not intended for occupancy by the minor.  
37 Dependent minors ages fourteen and fifteen may be eligible if no other

1 placement alternative is available and the department approves the  
2 placement;

3 (1) "Service provider" means the entity that operates a community  
4 facility.

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

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

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

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

12 (iii) A person who legally adopts a child or the child's parent as  
13 well as the natural and other legally adopted children of such persons,  
14 and other relatives of the adoptive parents in accordance with state  
15 law;

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

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

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

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

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



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

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

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

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

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

20 (j) Hospitals licensed pursuant to chapter 70.41 RCW when  
21 performing functions defined in chapter 70.41 RCW, nursing homes  
22 licensed under chapter 18.51 RCW and boarding homes licensed under  
23 chapter 18.20 RCW;

24 (k) Licensed physicians or lawyers;

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

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

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

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

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

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

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

9 (3) "Department" means the state department of social and health  
10 services.

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

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

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

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

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

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

26 (a) Educational services, including basic literacy and  
27 computational skills training, either in local alternative or public  
28 high schools or in a high school equivalency program that leads to  
29 obtaining a high school equivalency degree;

30 (b) Assistance and counseling related to obtaining vocational  
31 training or higher education, job readiness, job search assistance, and  
32 placement programs;

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

36 (d) Individual and group counseling; and

37 (e) Establishing networks with federal agencies and state and local  
38 organizations such as the United States department of labor, employment

1 and training administration programs including the job training  
2 partnership act which administers private industry councils and the job  
3 corps; vocational rehabilitation; and volunteer programs.

--- END ---