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HOUSE BILL 3115

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Kagi, Boldt, Roach and Darneille

Read first time 01/28/2004. Referred to Committee on Children & Family Services.

1 AN ACT Relating to evaluations of parties in proceedings involving  
2 child dependency or termination of parental rights; and amending RCW  
3 13.34.090.

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

5 **Sec. 1.** RCW 13.34.090 and 2000 c 122 s 10 are each amended to read  
6 as follows:

7 (1) Any party has a right to be represented by an attorney in all  
8 proceedings under this chapter, to introduce evidence, to be heard in  
9 his or her own behalf, to examine witnesses, to receive a decision  
10 based solely on the evidence adduced at the hearing, and to an unbiased  
11 fact-finder.

12 (2) At all stages of a proceeding in which a child is alleged to be  
13 dependent, the child's parent, guardian, or legal custodian has the  
14 right to be represented by counsel, and if indigent, to have counsel  
15 appointed for him or her by the court. Unless waived in court, counsel  
16 shall be provided to the child's parent, guardian, or legal custodian,  
17 if such person (a) has appeared in the proceeding or requested the  
18 court to appoint counsel and (b) is financially unable to obtain  
19 counsel because of indigency.

1 (3) If a party to an action under this chapter is represented by  
2 counsel, no order shall be provided to that party for his or her  
3 signature without prior notice and provision of the order to counsel.

4 (4) The fact-finder may order expert evaluations of parties.  
5 Expert evaluations shall be performed by appointed evaluators who are  
6 mutually agreed upon by the court, the state, and parents' counsel,  
7 and, if the child is to be evaluated, by counsel for the child. If no  
8 agreement can be reached, the court shall select the expert evaluator.

9 (5) Copies of department of social and health services or  
10 supervising agency records to which parents have legal access pursuant  
11 to chapter 13.50 RCW shall be given to the child's parent, guardian,  
12 legal custodian, or his or her legal counsel, prior to any shelter care  
13 hearing and within fifteen days after the department or supervising  
14 agency receives a written request for such records from the parent,  
15 guardian, legal custodian, or his or her legal counsel. These records  
16 shall be provided to the child's parents, guardian, legal custodian, or  
17 legal counsel a reasonable period of time prior to the shelter care  
18 hearing in order to allow an opportunity to review the records prior to  
19 the hearing. These records shall be legible and shall be provided at  
20 no expense to the parents, guardian, legal custodian, or his or her  
21 counsel. When the records are served on legal counsel, legal counsel  
22 shall have the opportunity to review the records with the parents and  
23 shall review the records with the parents prior to the shelter care  
24 hearing.

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