
SENATE BILL 5779

State of Washington 58th Legislature 2003 Regular Session

By Senators Stevens, Hargrove, Kohl-Welles, McAuliffe, Winsley and Oke

Read first time 02/12/2003. Referred to Committee on Children & Family Services & Corrections.

1 AN ACT Relating to sibling relationships for dependent children;
2 and amending RCW 13.34.130, 13.34.200, and 13.34.210.

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

4 **Sec. 1.** RCW 13.34.130 and 2002 c 52 s 5 are each amended to read
5 as follows:

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

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

14 (a) Order a disposition other than removal of the child from his or
15 her home, which shall provide a program designed to alleviate the
16 immediate danger to the child, to mitigate or cure any damage the child
17 has already suffered, and to aid the parents so that the child will not
18 be endangered in the future. In determining the disposition, the court

1 should choose those services, including housing assistance, that least
2 interfere with family autonomy and are adequate to protect the child.

3 (b) Order the child to be removed from his or her home and into the
4 custody, control, and care of a relative or the department or a
5 licensed child placing agency for placement in a foster family home or
6 group care facility licensed pursuant to chapter 74.15 RCW or in a home
7 not required to be licensed pursuant to chapter 74.15 RCW. Unless
8 there is reasonable cause to believe that the health, safety, or
9 welfare of the child would be jeopardized or that efforts to reunite
10 the parent and child will be hindered, such child shall be placed with
11 a person who is: (i) Related to the child as defined in RCW
12 74.15.020(2)(a) with whom the child has a relationship and is
13 comfortable; and (ii) willing and available to care for the child.

14 (2) Placement of the child with a relative under this subsection
15 shall be given preference by the court. An order for out-of-home
16 placement may be made only if the court finds that reasonable efforts
17 have been made to prevent or eliminate the need for removal of the
18 child from the child's home and to make it possible for the child to
19 return home, specifying the services that have been provided to the
20 child and the child's parent, guardian, or legal custodian, and that
21 preventive services have been offered or provided and have failed to
22 prevent the need for out-of-home placement, unless the health, safety,
23 and welfare of the child cannot be protected adequately in the home,
24 and that:

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

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

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

33 (3) If the court has ordered a child removed from his or her home
34 pursuant to subsection (1)(b) of this section, the court shall make
35 every effort to place the child with siblings who are also placed in
36 out-of-home care, unless there is reasonable cause to believe the
37 health, safety, or welfare of the child or siblings would be
38 jeopardized. In the event that the child is not placed with siblings,

1 the court must consider whether it is in the child's best interest to
2 have contact or visits with siblings. The court must consider ordering
3 that such contact or visits take place provided that:

4 (a) The court has jurisdiction over all siblings subject to the
5 order of contact or visitation pursuant to petitions filed under this
6 chapter;

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

9 (c) There is no reasonable cause to believe that the health,
10 safety, or welfare of any child subject to the order of visitation
11 would be jeopardized or that efforts to reunite the parent and child
12 would be hindered by such visitation. In no event shall parental
13 visitation time be reduced in order to provide sibling visitation.

14 (4) If the court has ordered a child removed from his or her home
15 pursuant to subsection (1)(b) of this section, the court may order that
16 a petition seeking termination of the parent and child relationship be
17 filed if the requirements of RCW 13.34.132 are met.

18 (5) If there is insufficient information at the time of the
19 disposition hearing upon which to base a determination regarding the
20 suitability of a proposed placement with a relative, the child shall
21 remain in foster care and the court shall direct the supervising agency
22 to conduct necessary background investigations as provided in chapter
23 74.15 RCW and report the results of such investigation to the court
24 within thirty days. However, if such relative appears otherwise
25 suitable and competent to provide care and treatment, the criminal
26 history background check need not be completed before placement, but as
27 soon as possible after placement. Any placements with relatives,
28 pursuant to this section, shall be contingent upon cooperation by the
29 relative with the agency case plan and compliance with court orders
30 related to the care and supervision of the child including, but not
31 limited to, court orders regarding parent-child contacts, sibling
32 contacts, and any other conditions imposed by the court. Noncompliance
33 with the case plan or court order shall be grounds for removal of the
34 child from the relative's home, subject to review by the court.

35 **Sec. 2.** RCW 13.34.200 and 2000 c 122 s 27 are each amended to read
36 as follows:

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

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

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

16 (3) An order terminating the parent and child relationship shall
17 include a statement addressing the status of the child's sibling
18 relationships pursuant to RCW 13.34.130(3). The order shall state who
19 the child's siblings are, in whose custody they remain or have been
20 placed, and unless the court has determined that there is reasonable
21 cause to believe the health, safety, or welfare of the child or sibling
22 would be jeopardized by contact or visitation it shall be presumed that
23 such contact or visitation is in their best interest.

24 **Sec. 3.** RCW 13.34.210 and 2000 c 122 s 28 are each amended to read
25 as follows:

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

1 be required of the parent of the child. The custodian shall ensure
2 that a child with siblings is either placed with them or enabled to
3 contact or visit them unless the court has determined that the health,
4 safety, or welfare of the child or siblings would be jeopardized.

5 If a child has not been adopted within six months after the date of
6 the order and a guardianship of the child under RCW 13.34.231 or
7 chapter 11.88 RCW, or a permanent custody order under chapter 26.10
8 RCW, has not been entered by the court, the court shall review the case
9 every six months until a decree of adoption is entered except for those
10 cases which are reviewed by a citizen review board under chapter 13.70
11 RCW.

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