
SENATE BILL 6643

State of Washington

58th Legislature

2004 Regular Session

By Senators Stevens, Hargrove, Schmidt and Carlson

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

1 AN ACT Relating to family visitation for dependent children; and
2 amending RCW 13.34.136.

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

4 **Sec. 1.** RCW 13.34.136 and 2003 c 227 s 4 are each amended to read
5 as follows:

6 (1) Whenever a child is ordered removed from the child's home, the
7 agency charged with his or her care shall provide the court with:

8 (a) A permanency plan of care that shall identify one of the
9 following outcomes as a primary goal and may identify additional
10 outcomes as alternative goals: Return of the child to the home of the
11 child's parent, guardian, or legal custodian; adoption; guardianship;
12 permanent legal custody; long-term relative or foster care, until the
13 child is age eighteen, with a written agreement between the parties and
14 the care provider; successful completion of a responsible living skills
15 program; or independent living, if appropriate and if the child is age
16 sixteen or older. The department shall not discharge a child to an
17 independent living situation before the child is eighteen years of age
18 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

1 (b) Unless the court has ordered, pursuant to RCW 13.34.130(4),
2 that a termination petition be filed, a specific plan as to where the
3 child will be placed, what steps will be taken to return the child
4 home, what steps the agency will take to promote existing appropriate
5 sibling relationships and/or facilitate placement together or contact
6 in accordance with the best interests of each child, and what actions
7 the agency will take to maintain parent-child ties. All aspects of the
8 plan shall include the goal of achieving permanence for the child.

9 (i) The agency plan shall specify what services the parents will be
10 offered to enable them to resume custody, what requirements the parents
11 must meet to resume custody, and a time limit for each service plan and
12 parental requirement.

13 (ii) Visitation is the right of the family, including the child and
14 the parent. Early, consistent, and frequent visitation is crucial for
15 maintaining parent-child relationships and making it possible for
16 parents and children to safely reunify. The agency shall encourage the
17 maximum parent and child and sibling contact possible, including
18 regular visitation and participation by the parents in the care of the
19 child while the child is in placement. Visitation shall not be limited
20 as a sanction for a parent's failure to comply with court orders or
21 services where the health, safety, or welfare of the child is not at
22 risk as a result of the visitation. Visitation may be limited or
23 denied only if the court determines that such limitation or denial is
24 necessary to protect the child's health, safety, or welfare. The court
25 and the agency should rely upon community resources, relatives, foster
26 parents, and other appropriate persons to provide transportation and
27 supervision for visitation to the extent that such resources are
28 available and the child's safety would not be compromised. Supervision
29 of visitation shall not be required except when necessary to protect
30 the child's health, safety, or welfare.

31 (iii) A child shall be placed as close to the child's home as
32 possible, preferably in the child's own neighborhood, unless the court
33 finds that placement at a greater distance is necessary to promote the
34 child's or parents' well-being.

35 (iv) The agency charged with supervising a child in placement shall
36 provide all reasonable services that are available within the agency,
37 or within the community, or those services which the department has

1 existing contracts to purchase. It shall report to the court if it is
2 unable to provide such services; and

3 (c) If the court has ordered, pursuant to RCW 13.34.130(4), that a
4 termination petition be filed, a specific plan as to where the child
5 will be placed, what steps will be taken to achieve permanency for the
6 child, services to be offered or provided to the child, and, if
7 visitation would be in the best interests of the child, a
8 recommendation to the court regarding visitation between parent and
9 child pending a fact-finding hearing on the termination petition. The
10 agency shall not be required to develop a plan of services for the
11 parents or provide services to the parents if the court orders a
12 termination petition be filed. However, reasonable efforts to ensure
13 visitation and contact between siblings shall be made unless there is
14 reasonable cause to believe the best interests of the child or siblings
15 would be jeopardized.

16 (2) If the court determines that the continuation of reasonable
17 efforts to prevent or eliminate the need to remove the child from his
18 or her home or to safely return the child home should not be part of
19 the permanency plan of care for the child, reasonable efforts shall be
20 made to place the child in a timely manner and to complete whatever
21 steps are necessary to finalize the permanent placement of the child.

22 (3) The court shall consider the child's relationships with the
23 child's siblings in accordance with RCW 13.34.130(3).

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