

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 6642**

58th Legislature  
2004 Regular Session

Passed by the Senate March 9, 2004  
YEAS 42 NAYS 7

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**President of the Senate**

Passed by the House March 4, 2004  
YEAS 96 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**ENGROSSED SUBSTITUTE SENATE BILL  
6642** as passed by the Senate and  
the House of Representatives on  
the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 6642

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AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

State of Washington                      58th Legislature                      2004 Regular Session

By Senate Committee on Children & Family Services & Corrections  
(originally sponsored by Senators Stevens, Hargrove, Schmidt,  
Carlson, Mulliken, Hewitt, Roach and McAuliffe)

READ FIRST TIME 02/09/04.

1            AN ACT Relating to case conferences following shelter care  
2 hearings; amending RCW 13.34.067, 13.34.062, and 13.34.094; creating a  
3 new section; and providing an effective date.

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

5            **Sec. 1.** RCW 13.34.067 and 2001 c 332 s 1 are each amended to read  
6 as follows:

7            (1) Following shelter care and no later than (~~twenty-five~~) thirty  
8 days prior to fact-finding, the department(~~(, upon the parent's request~~  
9 ~~or counsel for the parent's request,)~~) shall (~~(facilitate)~~) convene a  
10 case conference as required in the shelter care order to develop and  
11 specify in a written service agreement the expectations of both the  
12 department and the parent regarding (~~(the care and placement of the~~  
13 ~~child))~~) voluntary services for the parent.

14            (~~(The department shall invite to)~~) The case conference shall  
15 include the parent, counsel for the parent, (~~(the foster parent or~~  
16 ~~other out of home care provider,)~~) caseworker, counsel for the state,  
17 guardian ad litem, (~~(counselor, or other relevant health care~~  
18 ~~provider))~~) counsel for the child, and any other person (~~(connected to~~  
19 ~~the development and well being of the child))~~) agreed upon by the

1 parties. Once the shelter care order is entered, the department is not  
2 required to provide additional notice of the case conference to any  
3 participants in the case conference.

4 The ~~((initial))~~ written service agreement expectations must  
5 correlate with the court's findings at the shelter care hearing. The  
6 written service agreement must set forth specific ~~((criteria that~~  
7 ~~enables the court to measure the performance of both the department and~~  
8 ~~the parent, and must be updated throughout the dependency process to~~  
9 ~~reflect changes in expectations. The service agreement must serve as~~  
10 ~~the unifying document for all expectations established in the~~  
11 ~~department's various case planning and case management documents and~~  
12 ~~the findings and orders of the court during dependency proceedings.~~

13 ~~The court shall review the written service agreement at each stage~~  
14 ~~of the dependency proceedings and evaluate the performance of both the~~  
15 ~~department and the parent for consistent, measurable progress in~~  
16 ~~complying with the expectations identified in the agreement)) services~~  
17 to be provided to the parent.

18 The case conference agreement must be agreed to and signed by the  
19 parties. The court shall not consider the content of the discussions  
20 at the case conference at the time of the fact-finding hearing for the  
21 purposes of establishing that the child is a dependent child, and the  
22 court shall not consider any documents or written materials presented  
23 at the case conference but not incorporated into the case conference  
24 agreement, unless the documents or written materials were prepared for  
25 purposes other than or as a result of the case conference and are  
26 otherwise admissible under the rules of evidence.

27 (2) At any other stage in a dependency proceeding, the department,  
28 upon the parent's request, shall ~~((facilitate))~~ convene a case  
29 conference.

30 **Sec. 2.** RCW 13.34.062 and 2001 c 332 s 2 are each amended to read  
31 as follows:

32 (1) The written notice of custody and rights required by RCW  
33 13.34.060 shall be in substantially the following form:

34 "NOTICE

35 Your child has been placed in temporary custody under the  
36 supervision of Child Protective Services (or other person or agency).

1 You have important legal rights and you must take steps to protect your  
2 interests.

3 1. A court hearing will be held before a judge within 72 hours of  
4 the time your child is taken into custody excluding Saturdays, Sundays,  
5 and holidays. You should call the court at \_\_\_\_\_ (insert appropriate  
6 phone number here) \_\_\_\_\_ for specific information about the date, time,  
7 and location of the court hearing.

8 2. You have the right to have a lawyer represent you at the  
9 hearing. Your right to representation continues after the shelter care  
10 hearing. You have the right to records the department intends to rely  
11 upon. A lawyer can look at the files in your case, talk to child  
12 protective services and other agencies, tell you about the law, help  
13 you understand your rights, and help you at hearings. If you cannot  
14 afford a lawyer, the court will appoint one to represent you. To get  
15 a court-appointed lawyer you must contact: \_\_\_\_\_ (explain local  
16 procedure) \_\_\_\_\_.

17 3. At the hearing, you have the right to speak on your own behalf,  
18 to introduce evidence, to examine witnesses, and to receive a decision  
19 based solely on the evidence presented to the judge.

20 4. If your hearing occurs before a court commissioner, you have the  
21 right to have the decision of the court commissioner reviewed by a  
22 superior court judge. To obtain that review, you must, within ten days  
23 after the entry of the decision of the court commissioner, file with  
24 the court a motion for revision of the decision, as provided in RCW  
25 2.24.050.

26 You should be present at any shelter care hearing. If you do not  
27 come, the judge will not hear what you have to say.

28 You may call the Child Protective Services' caseworker for more  
29 information about your child. The caseworker's name and telephone  
30 number are: \_\_\_\_\_ (insert name and telephone number) \_\_\_\_\_.

31 5. You (~~((may request that the department facilitate))~~) have a right  
32 to a case conference to develop a written service agreement following  
33 the shelter care hearing. The service agreement may not conflict with  
34 the court's order of shelter care. You may request that a  
35 multidisciplinary team, family group conference, or prognostic  
36 staffing(~~(, or case conference))~~) be convened for your child's case.  
37 You may participate in these processes with your counsel present."

1           Upon receipt of the written notice, the parent, guardian, or legal  
2 custodian shall acknowledge such notice by signing a receipt prepared  
3 by child protective services. If the parent, guardian, or legal  
4 custodian does not sign the receipt, the reason for lack of a signature  
5 shall be written on the receipt. The receipt shall be made a part of  
6 the court's file in the dependency action.

7           If after making reasonable efforts to provide notification, child  
8 protective services is unable to determine the whereabouts of the  
9 parents, guardian, or legal custodian, the notice shall be delivered or  
10 sent to the last known address of the parent, guardian, or legal  
11 custodian.

12           (2) If child protective services is not required to give notice  
13 under RCW 13.34.060(2) and subsection (1) of this section, the juvenile  
14 court counselor assigned to the matter shall make all reasonable  
15 efforts to advise the parents, guardian, or legal custodian of the time  
16 and place of any shelter care hearing, request that they be present,  
17 and inform them of their basic rights as provided in RCW 13.34.090.

18           (3) Reasonable efforts to advise and to give notice, as required in  
19 RCW 13.34.060(2) and subsections (1) and (2) of this section, shall  
20 include, at a minimum, investigation of the whereabouts of the parent,  
21 guardian, or legal custodian. If such reasonable efforts are not  
22 successful, or the parent, guardian, or legal custodian does not appear  
23 at the shelter care hearing, the petitioner shall testify at the  
24 hearing or state in a declaration:

25           (a) The efforts made to investigate the whereabouts of, and to  
26 advise, the parent, guardian, or legal custodian; and

27           (b) Whether actual advice of rights was made, to whom it was made,  
28 and how it was made, including the substance of any oral communication  
29 or copies of written materials used.

30           (4) The court shall hear evidence regarding notice given to, and  
31 efforts to notify, the parent, guardian, or legal custodian and shall  
32 examine the need for shelter care. The court shall hear evidence  
33 regarding the efforts made to place the child with a relative. The  
34 court shall make an express finding as to whether the notice required  
35 under RCW 13.34.060(2) and subsections (1) and (2) of this section was  
36 given to the parent, guardian, or legal custodian. All parties have  
37 the right to present testimony to the court regarding the need or lack  
38 of need for shelter care. Hearsay evidence before the court regarding

1 the need or lack of need for shelter care must be supported by sworn  
2 testimony, affidavit, or declaration of the person offering such  
3 evidence.

4 (5)(a) A shelter care order issued pursuant to RCW 13.34.065 shall  
5 include the requirement for a case conference as provided in RCW  
6 13.34.067. However, if the parent is not present at the shelter care  
7 hearing, or does not agree to the case conference, the court shall not  
8 include the requirement for the case conference in the shelter care  
9 order.

10 (b) If the court orders a case conference, the shelter care order  
11 shall include notice to all parties and establish the date, time, and  
12 location of the case conference which shall be no later than thirty  
13 days prior to the fact-finding hearing.

14 (c) The court may order a conference or meeting as an alternative  
15 to the case conference required under RCW 13.34.067 so long as the  
16 conference or meeting ordered by the court meets all requirements under  
17 RCW 13.34.067, including the requirement of a written agreement  
18 specifying the services to be provided to the parent.

19 (6) A shelter care order issued pursuant to RCW 13.34.065 may be  
20 amended at any time with notice and hearing thereon. The shelter care  
21 decision of placement shall be modified only upon a showing of change  
22 in circumstances. No child may be placed in shelter care for longer  
23 than thirty days without an order, signed by the judge, authorizing  
24 continued shelter care.

25 ~~((+6+))~~ (7) Any parent, guardian, or legal custodian who for good  
26 cause is unable to attend the initial shelter care hearing may request  
27 that a subsequent shelter care hearing be scheduled. The request shall  
28 be made to the clerk of the court where the petition is filed prior to  
29 the initial shelter care hearing. Upon the request of the parent, the  
30 court shall schedule the hearing within seventy-two hours of the  
31 request, excluding Saturdays, Sundays, and holidays. The clerk shall  
32 notify all other parties of the hearing by any reasonable means.

33 **Sec. 3.** RCW 13.34.094 and 2001 c 332 s 6 are each amended to read  
34 as follows:

35 The department shall, within existing resources, provide to parents  
36 requesting or participating in a multidisciplinary team, family group

1 conference, case conference, or prognostic staffing(~~(, or case~~  
2 ~~conference,)~~) information that describes these processes prior to the  
3 processes being undertaken.

4 NEW SECTION. **Sec. 4.** If specific funding for the purposes of this  
5 act, referencing this act by bill or chapter number, is not provided by  
6 June 30, 2004, in the omnibus appropriations act, this act is null and  
7 void.

8 NEW SECTION. **Sec. 5.** This act takes effect July 1, 2004.

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