

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6642

Chapter 147, Laws of 2004

58th Legislature
2004 Regular Session

SHELTER CARE CASE CONFERENCES

EFFECTIVE DATE: 7/1/04

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

BRAD OWEN

President of the Senate

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

FRANK CHOPP

Speaker of the House of Representatives

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.

MILTON H. DOUMIT JR.

Secretary

Approved March 26, 2004.

FILED

March 26, 2004 - 3:18 p.m.

GARY F. LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6642

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.
Passed by the Senate March 9, 2004.
Passed by the House March 4, 2004.
Approved by the Governor March 26, 2004.
Filed in Office of Secretary of State March 26, 2004.