

2SHB 2030 - S COMM AMD

By Committee on Human Services & Corrections

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that guardianship can
4 be an appropriate permanent plan for some children who have been found
5 to be dependent children under chapter 13.34 RCW and who cannot live
6 with their parents. The legislature intends to strengthen stability
7 and permanency for children by recognizing the value of a guardianship
8 placement with relatives or other long-term caregivers, dismissal of
9 dependencies, elimination of the need for continued governmental
10 intervention in family life, and provision of support to the
11 guardianship.

12 **Sec. 2.** RCW 13.34.030 and 2003 c 227 s 2 are each amended to read
13 as follows:

14 For purposes of this chapter:

15 (1) "Abandoned" means when the child's parent, guardian, or other
16 custodian has expressed, either by statement or conduct, an intent to
17 forego, for an extended period, parental rights or responsibilities
18 despite an ability to exercise such rights and responsibilities. If
19 the court finds that the petitioner has exercised due diligence in
20 attempting to locate the parent, no contact between the child and the
21 child's parent, guardian, or other custodian for a period of three
22 months creates a rebuttable presumption of abandonment, even if there
23 is no expressed intent to abandon.

24 (2) "Child" and "juvenile" means any individual under the age of
25 eighteen years.

26 (3) "Current placement episode" means the period of time that
27 begins with the most recent date that the child was removed from the
28 home of the parent, guardian, or legal custodian for purposes of
29 placement in out-of-home care and continues until: (a) The child

1 returns home; (b) an adoption decree, a permanent custody order, or
2 guardianship order is entered; or (c) the dependency is dismissed,
3 whichever occurs first.

4 (4) "Dependency guardian" means the person, nonprofit corporation,
5 or Indian tribe appointed by the court (~~(pursuant to this chapter)~~)
6 prior to the effective date of this act for the limited purpose of
7 assisting the court in the supervision of the dependency.

8 (5) "Dependent child" means any child who:

9 (a) Has been abandoned;

10 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
11 person legally responsible for the care of the child; or

12 (c) Has no parent, guardian, or custodian capable of adequately
13 caring for the child, such that the child is in circumstances which
14 constitute a danger of substantial damage to the child's psychological
15 or physical development.

16 (6) "Developmental disability" means a disability attributable to
17 mental retardation, cerebral palsy, epilepsy, autism, or another
18 neurological or other condition of an individual found by the secretary
19 to be closely related to mental retardation or to require treatment
20 similar to that required for individuals with mental retardation, which
21 disability originates before the individual attains age eighteen, which
22 has continued or can be expected to continue indefinitely, and which
23 constitutes a substantial handicap to the individual.

24 (7) "Guardian" means the person or agency that: (a) Has been
25 appointed as the guardian of a child in a legal proceeding (~~(other~~
26 ~~than)~~), including a guardian appointed in a proceeding under this
27 chapter; and (b) has the legal right to custody of the child pursuant
28 to such appointment. (~~(The term "guardian" shall not include a~~
29 ~~"dependency guardian" appointed pursuant to a proceeding under this~~
30 ~~chapter.)~~)

31 (8) "Guardian ad litem" means a person, appointed by the court to
32 represent the best interests of a child in a proceeding under this
33 chapter, or in any matter which may be consolidated with a proceeding
34 under this chapter. A "court-appointed special advocate" appointed by
35 the court to be the guardian ad litem for the child, or to perform
36 substantially the same duties and functions as a guardian ad litem,
37 shall be deemed to be guardian ad litem for all purposes and uses of
38 this chapter.

1 (9) "Guardian ad litem program" means a court-authorized volunteer
2 program, which is or may be established by the superior court of the
3 county in which such proceeding is filed, to manage all aspects of
4 volunteer guardian ad litem representation for children alleged or
5 found to be dependent. Such management shall include but is not
6 limited to: Recruitment, screening, training, supervision, assignment,
7 and discharge of volunteers.

8 (10) "Guardianship" means a guardianship, established pursuant to
9 this chapter, appointing a person or persons to serve as the legal
10 guardian and custodian of a child who has been a dependent child under
11 this chapter.

12 (11) "Indigent" means a person who, at any stage of a court
13 proceeding, is:

14 (a) Receiving one of the following types of public assistance:
15 Temporary assistance for needy families, general assistance, poverty-
16 related veterans' benefits, food stamps or food stamp benefits
17 transferred electronically, refugee resettlement benefits, medicaid, or
18 supplemental security income; or

19 (b) Involuntarily committed to a public mental health facility; or

20 (c) Receiving an annual income, after taxes, of one hundred twenty-
21 five percent or less of the federally established poverty level; or

22 (d) Unable to pay the anticipated cost of counsel for the matter
23 before the court because his or her available funds are insufficient to
24 pay any amount for the retention of counsel.

25 ((+11+)) (12) "Out-of-home care" means placement in a foster family
26 home or group care facility licensed pursuant to chapter 74.15 RCW or
27 placement in a home, other than that of the child's parent, guardian,
28 or legal custodian, not required to be licensed pursuant to chapter
29 74.15 RCW.

30 ((+12+)) (13) "Preventive services" means preservation services, as
31 defined in chapter 74.14C RCW, and other reasonably available services,
32 including housing services, capable of preventing the need for out-of-
33 home placement while protecting the child. Housing services may
34 include, but are not limited to, referrals to federal, state, local, or
35 private agencies or organizations, assistance with forms and
36 applications, or financial subsidies for housing.

37 ((+13+)) (14) "Shelter care" means temporary physical care in a

1 facility licensed pursuant to RCW 74.15.030 or in a home not required
2 to be licensed pursuant to RCW 74.15.030.

3 ~~((14))~~ (15) "Sibling" means a child's birth brother, birth
4 sister, adoptive brother, adoptive sister, half-brother, or half-
5 sister, or as defined by the law or custom of the Indian child's tribe
6 for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

7 ~~((15))~~ (16) "Social study" means a written evaluation of matters
8 relevant to the disposition of the case and shall contain the following
9 information:

10 (a) A statement of the specific harm or harms to the child that
11 intervention is designed to alleviate;

12 (b) A description of the specific services and activities, for both
13 the parents and child, that are needed in order to prevent serious harm
14 to the child; the reasons why such services and activities are likely
15 to be useful; the availability of any proposed services; and the
16 agency's overall plan for ensuring that the services will be delivered.
17 The description shall identify the services chosen and approved by the
18 parent;

19 (c) If removal is recommended, a full description of the reasons
20 why the child cannot be protected adequately in the home, including a
21 description of any previous efforts to work with the parents and the
22 child in the home; the in-home treatment programs that have been
23 considered and rejected; the preventive services that have been offered
24 or provided and have failed to prevent the need for out-of-home
25 placement, unless the health, safety, and welfare of the child cannot
26 be protected adequately in the home; and the parents' attitude toward
27 placement of the child;

28 (d) A statement of the likely harms the child will suffer as a
29 result of removal;

30 (e) A description of the steps that will be taken to minimize the
31 harm to the child that may result if separation occurs including an
32 assessment of the child's relationship and emotional bond with any
33 siblings, and the agency's plan to provide ongoing contact between the
34 child and the child's siblings if appropriate; and

35 (f) Behavior that will be expected before determination that
36 supervision of the family or placement is no longer necessary.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.34 RCW
2 to read as follows:

3 (1) Any dependency guardianship established under RCW 13.34.232
4 prior to the effective date of this act and in place on the effective
5 date of this act shall remain in effect, notwithstanding the provisions
6 of this act.

7 (2) The department of social and health services is authorized to
8 review the child's situation with the dependency guardian to mutually
9 determine the need for continued department involvement in the
10 dependency guardianship.

11 (3) The dependency guardian and the department may move the court
12 to modify a dependency guardianship established prior to the effective
13 date of this act and convert it to a guardianship under this chapter.
14 If both the dependency guardian and the department agree that the
15 dependency guardianship should be converted, and the court finds that
16 it is in the best interests of the child, the court shall grant the
17 motion.

18 **Sec. 4.** RCW 13.34.110 and 2001 c 332 s 7 are each amended to read
19 as follows:

20 (1) The court shall hold a fact-finding hearing on the petition
21 and, unless the court dismisses the petition, shall make written
22 findings of fact, stating the reasons therefor. The rules of evidence
23 shall apply at the fact-finding hearing and the parent, guardian, or
24 legal custodian of the child shall have all of the rights provided in
25 RCW 13.34.090(1). The petitioner shall have the burden of establishing
26 by a preponderance of the evidence that the child is dependent within
27 the meaning of RCW 13.34.030.

28 (2)(a) The parent, guardian, or legal custodian of the child may
29 waive his or her right to a fact-finding hearing by stipulating or
30 agreeing to the entry of an order of dependency establishing that the
31 child is dependent within the meaning of RCW 13.34.030. The parent,
32 guardian, or legal custodian may also stipulate or agree to an order of
33 disposition pursuant to RCW 13.34.130 at the same time. Any stipulated
34 or agreed order of dependency or disposition must be signed by the
35 parent, guardian, or legal custodian and his or her attorney, unless
36 the parent, guardian, or legal custodian has waived his or her right to
37 an attorney in open court, and by the petitioner and the attorney,

1 guardian ad litem, or court-appointed special advocate for the child,
2 if any. If the department of social and health services is not the
3 petitioner and is required by the order to supervise the placement of
4 the child or provide services to any party, the department must also
5 agree to and sign the order.

6 (b) Entry of any stipulated or agreed order of dependency or
7 disposition is subject to approval by the court. The court shall
8 receive and review a social study before entering a stipulated or
9 agreed order and shall consider whether the order is consistent with
10 the allegations of the dependency petition and the problems that
11 necessitated the child's placement in out-of-home care. No social file
12 or social study may be considered by the court in connection with the
13 fact-finding hearing or prior to factual determination, except as
14 otherwise admissible under the rules of evidence.

15 (c) Prior to the entry of any stipulated or agreed order of
16 dependency, the parent, guardian, or legal custodian of the child and
17 his or her attorney must appear before the court and the court within
18 available resources must inquire and establish on the record that:

19 (i) The parent, guardian, or legal custodian understands the terms
20 of the order or orders he or she has signed, including his or her
21 responsibility to participate in remedial services as provided in any
22 disposition order;

23 (ii) The parent, guardian, or legal custodian understands that
24 entry of the order starts a process that could result in the filing of
25 a petition to terminate his or her relationship with the child within
26 the time frames required by state and federal law if he or she fails to
27 comply with the terms of the dependency or disposition orders or fails
28 to substantially remedy the problems that necessitated the child's
29 placement in out-of-home care;

30 (iii) The parent, guardian, or legal custodian understands that the
31 entry of the stipulated or agreed order of dependency is an admission
32 that the child is dependent within the meaning of RCW 13.34.030 and
33 shall have the same legal effect as a finding by the court that the
34 child is dependent by at least a preponderance of the evidence, and
35 that the parent, guardian, or legal custodian shall not have the right
36 in any subsequent proceeding for termination of parental rights or
37 ((dependency)) guardianship pursuant to this chapter or nonparental

1 custody pursuant to chapter 26.10 RCW to challenge or dispute the fact
2 that the child was found to be dependent; and

3 (iv) The parent, guardian, or legal custodian knowingly and
4 willingly stipulated and agreed to and signed the order or orders,
5 without duress, and without misrepresentation or fraud by any other
6 party.

7 If a parent, guardian, or legal custodian fails to appear before
8 the court after stipulating or agreeing to entry of an order of
9 dependency, the court may enter the order upon a finding that the
10 parent, guardian, or legal custodian had actual notice of the right to
11 appear before the court and chose not to do so. The court may require
12 other parties to the order, including the attorney for the parent,
13 guardian, or legal custodian, to appear and advise the court of the
14 parent's, guardian's, or legal custodian's notice of the right to
15 appear and understanding of the factors specified in this subsection.
16 A parent, guardian, or legal custodian may choose to waive his or her
17 presence at the in-court hearing for entry of the stipulated or agreed
18 order of dependency by submitting to the court through counsel a
19 completed stipulated or agreed dependency fact-finding/disposition
20 statement in a form determined by the Washington state supreme court
21 pursuant to General Rule GR 9.

22 (3) Immediately after the entry of the findings of fact, the court
23 shall hold a disposition hearing, unless there is good cause for
24 continuing the matter for up to fourteen days. If good cause is shown,
25 the case may be continued for longer than fourteen days. Notice of the
26 time and place of the continued hearing may be given in open court. If
27 notice in open court is not given to a party, that party shall be
28 notified by certified mail of the time and place of any continued
29 hearing. Unless there is reasonable cause to believe the health,
30 safety, or welfare of the child would be jeopardized or efforts to
31 reunite the parent and child would be hindered, the court shall direct
32 the department to notify those adult persons who: (a) Are related by
33 blood or marriage to the child in the following degrees: Parent,
34 grandparent, brother, sister, stepparent, stepbrother, stepsister,
35 uncle, or aunt; (b) are known to the department as having been in
36 contact with the family or child within the past twelve months; and (c)
37 would be an appropriate placement for the child. Reasonable cause to

1 dispense with notification to a parent under this section must be
2 proved by clear, cogent, and convincing evidence.

3 The parties need not appear at the fact-finding or dispositional
4 hearing if the parties, their attorneys, the guardian ad litem, and
5 court-appointed special advocates, if any, are all in agreement.

6 **Sec. 5.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read
7 as follows:

8 (1) A permanency plan shall be developed no later than sixty days
9 from the time the supervising agency assumes responsibility for
10 providing services, including placing the child, or at the time of a
11 hearing under RCW 13.34.130, whichever occurs first. The permanency
12 planning process continues until a permanency planning goal is achieved
13 or dependency is dismissed. The planning process shall include
14 reasonable efforts to return the child to the parent's home.

15 (a) Whenever a child is placed in out-of-home care pursuant to RCW
16 13.34.130, the agency that has custody of the child shall provide the
17 court with a written permanency plan of care directed towards securing
18 a safe, stable, and permanent home for the child as soon as possible.
19 The plan shall identify one of the following outcomes as the primary
20 goal and may also identify additional outcomes as alternative goals:
21 Return of the child to the home of the child's parent, guardian, or
22 legal custodian; adoption; guardianship; permanent legal custody; long-
23 term relative or foster care, until the child is age eighteen, with a
24 written agreement between the parties and the care provider; a
25 responsible living skills program; and independent living, if
26 appropriate and if the child is age sixteen or older and the provisions
27 of subsection (2) of this section are met.

28 (b) The identified outcomes and goals of the permanency plan may
29 change over time based upon the circumstances of the particular case.

30 (c) Permanency planning goals should be achieved at the earliest
31 possible date, preferably before the child has been in out-of-home care
32 for fifteen months. In cases where parental rights have been
33 terminated, the child is legally free for adoption, and adoption has
34 been identified as the primary permanency planning goal, it shall be a
35 goal to complete the adoption within six months following entry of the
36 termination order.

37 (d) For purposes related to permanency planning:

1 (i) "Guardianship" means (~~(a dependency)~~) guardianship(~~(, a legal~~
2 ~~guardianship pursuant to chapter 11.88 RCW)~~) pursuant to RCW 13.34.232,
3 or equivalent laws of another state or a federally recognized Indian
4 tribe.

5 (ii) (~~("Permanent custody order" means a custody order entered~~
6 ~~pursuant to chapter 26.10 RCW.~~

7 ~~(iii))~~) "Permanent legal custody" or "permanent custody order"
8 means legal custody pursuant to chapter 26.10 RCW or equivalent laws of
9 another state or of a federally recognized Indian tribe.

10 (2) Whenever a permanency plan identifies independent living as a
11 goal, the plan shall also specifically identify the services that will
12 be provided to assist the child to make a successful transition from
13 foster care to independent living. Before the court approves
14 independent living as a permanency plan of care, the court shall make
15 a finding that the provision of services to assist the child in making
16 a transition from foster care to independent living will allow the
17 child to manage his or her financial, personal, social, educational,
18 and nonfinancial affairs. The department shall not discharge a child
19 to an independent living situation before the child is eighteen years
20 of age unless the child becomes emancipated pursuant to chapter 13.64
21 RCW.

22 (3) A permanency planning hearing shall be held in all cases where
23 the child has remained in out-of-home care for at least nine months and
24 an adoption decree, guardianship order, or permanent custody order has
25 not previously been entered. The hearing shall take place no later
26 than twelve months following commencement of the current placement
27 episode.

28 (4) Whenever a child is removed from the home of a (~~(dependency~~
29 ~~guardian or)~~) long-term relative or foster care provider, and the child
30 is not returned to the home of the parent, guardian, or legal custodian
31 but is placed in out-of-home care, a permanency planning hearing shall
32 take place no later than twelve months, as provided in subsection (3)
33 of this section, following the date of removal unless, prior to the
34 hearing, the child returns to the home of the (~~(dependency guardian~~
35 ~~or)~~) long-term care provider, the child is placed in the home of the
36 parent, guardian, or legal custodian, an adoption decree, guardianship
37 order, or a permanent custody order is entered, or the dependency is
38 dismissed.

1 (5) No later than ten working days prior to the permanency planning
2 hearing, the agency having custody of the child shall submit a written
3 permanency plan to the court and shall mail a copy of the plan to all
4 parties and their legal counsel, if any.

5 (6) At the permanency planning hearing, the court shall enter
6 findings as required by RCW 13.34.138 and shall review the permanency
7 plan prepared by the agency. If the child has resided in the home of
8 a foster parent or relative for more than six months prior to the
9 permanency planning hearing, the court shall also enter a finding
10 regarding whether the foster parent or relative was informed of the
11 hearing as required in RCW 74.13.280 and 13.34.138. If a goal of long-
12 term foster or relative care has been achieved prior to the permanency
13 planning hearing, the court shall review the child's status to
14 determine whether the placement and the plan for the child's care
15 remain appropriate. In cases where the primary permanency planning
16 goal has not been achieved, the court shall inquire regarding the
17 reasons why the primary goal has not been achieved and determine what
18 needs to be done to make it possible to achieve the primary goal. In
19 all cases, the court shall:

20 (a)(i) Order the permanency plan prepared by the agency to be
21 implemented; or

22 (ii) Modify the permanency plan, and order implementation of the
23 modified plan; and

24 (b)(i) Order the child returned home only if the court finds that
25 a reason for removal as set forth in RCW 13.34.130 no longer exists; or

26 (ii) Order the child to remain in out-of-home care for a limited
27 specified time period while efforts are made to implement the
28 permanency plan.

29 (7) If the court orders the child returned home, casework
30 supervision shall continue for at least six months, at which time a
31 review hearing shall be held pursuant to RCW 13.34.138, and the court
32 shall determine the need for continued intervention.

33 (8) The juvenile court may hear a petition for permanent legal
34 custody when: (a) The court has ordered implementation of a permanency
35 plan that includes permanent legal custody; and (b) the party pursuing
36 the permanent legal custody is the party identified in the permanency
37 plan as the prospective legal custodian. During the pendency of such
38 proceeding, the court shall conduct review hearings and further

1 permanency planning hearings as provided in this chapter. (~~At the~~
2 ~~conclusion of the legal guardianship or permanent legal custody~~
3 ~~proceeding, a juvenile court hearing shall be held for the purpose of~~
4 ~~determining whether dependency should be dismissed.~~) If a
5 (~~guardianship or~~) permanent custody order has been entered, the
6 dependency shall be dismissed.

7 (9) Continued juvenile court jurisdiction under this chapter shall
8 not be a barrier to the entry of an order establishing a (~~legal~~)
9 guardianship or permanent legal custody when the requirements of
10 subsection (8) of this section are met.

11 (10) Following the first permanency planning hearing, the court
12 shall hold a further permanency planning hearing in accordance with
13 this section at least once every twelve months until a permanency
14 planning goal is achieved or the dependency is dismissed, whichever
15 occurs first.

16 (11) Except as provided in RCW 13.34.235, the status of all
17 dependent children shall continue to be reviewed by the court at least
18 once every six months, in accordance with RCW 13.34.138, until the
19 dependency is dismissed. Prior to the second permanency planning
20 hearing, the agency that has custody of the child shall consider
21 whether to file a petition for termination of parental rights.

22 (12) Nothing in this chapter may be construed to limit the ability
23 of the agency that has custody of the child to file a petition for
24 termination of parental rights or a guardianship petition at any time
25 following the establishment of dependency. Upon the filing of such a
26 petition, a fact-finding hearing shall be scheduled and held in
27 accordance with this chapter unless the agency requests dismissal of
28 the petition prior to the hearing or unless the parties enter an agreed
29 order terminating parental rights, establishing a guardianship, or
30 otherwise resolving the matter.

31 (13) The approval of a permanency plan that does not contemplate
32 return of the child to the parent does not relieve the supervising
33 agency of its obligation to provide reasonable services, under this
34 chapter, intended to effectuate the return of the child to the parent,
35 including but not limited to, visitation rights. The court shall
36 consider the child's relationships with siblings in accordance with RCW
37 13.34.130.

1 (14) Nothing in this chapter may be construed to limit the
2 procedural due process rights of any party in a termination or
3 guardianship proceeding filed under this chapter.

4 **Sec. 6.** RCW 13.34.230 and 1981 c 195 s 1 are each amended to read
5 as follows:

6 Any party to a dependency proceeding, including the supervising
7 agency, may file a petition in juvenile court requesting that a
8 guardianship be (~~created~~) established as to a dependent child. The
9 petition shall conform to the requirements of RCW 13.34.040, shall be
10 served upon the parties as provided in RCW 13.34.070(8), and shall
11 allege all applicable requirements of RCW 13.34.231. The proposed
12 guardian and department of social and health services shall receive
13 notice of any guardianship proceedings and have the right to intervene
14 in the proceedings.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.34 RCW
16 to read as follows:

17 (1) Every guardianship petition filed in proceedings under RCW
18 13.34.231 shall contain a statement alleging whether the child is or
19 may be an Indian child as defined in 25 U.S.C. Sec. 1903. If the child
20 is an Indian child as defined under the Indian child welfare act, the
21 provisions of that act shall apply.

22 (2) Every order or decree entered in any proceeding under this
23 chapter shall contain a finding that the Indian child welfare act does
24 or does not apply. Where there is a finding that the Indian child
25 welfare act does apply, the decree or order must also contain a finding
26 that all notice requirements and evidentiary requirements under the
27 Indian child welfare act have been satisfied.

28 **Sec. 8.** RCW 13.34.231 and 2000 c 122 s 29 are each amended to read
29 as follows:

30 (1) At the hearing on a (~~dependency~~) guardianship petition, all
31 parties have the right to present evidence and cross examine witnesses.
32 The rules of evidence apply to the conduct of the hearing.

33 (2) A guardianship shall be established if the court finds by a
34 preponderance of the evidence that:

1 ~~((1))~~ (a) The child has been found to be a dependent child under
2 RCW 13.34.030;

3 ~~((2))~~ (b) A dispositional order has been entered pursuant to RCW
4 13.34.130;

5 ~~((3))~~ (c) The child has been removed or will, at the time of the
6 hearing, have been removed from the custody of the parent for a period
7 of at least six months pursuant to a finding of dependency under RCW
8 13.34.030;

9 ~~((4))~~ (d) The services ordered under RCW 13.34.130 and 13.34.136
10 have been offered or provided and all necessary services, reasonably
11 available, capable of correcting the parental deficiencies within the
12 foreseeable future have been offered or provided;

13 ~~((5))~~ (e) There is little likelihood that conditions will be
14 remedied so that the child can be returned to the parent in the near
15 future; ~~(and~~

16 ~~(6) A)~~ (f) The child has been in the home of the proposed guardian
17 for a period of at least six months;

18 (g) The proposed guardian has signed a statement acknowledging the
19 guardian's rights and responsibilities toward the child and the
20 guardian's understanding and acceptance that the guardianship is
21 commitment to care for the child until the child reaches age eighteen;

22 (h) Guardianship is a more reasonable or appropriate option for the
23 child than adoption, and guardianship, rather than termination of the
24 parent-child relationship or continuation of efforts to return the
25 child to the custody of the parent, would be in the best interest of
26 the child.

27 (3) In determining whether the guardianship is in the best interest
28 of the child, the court shall consider the following factors:

29 (a) The nature of the relationship between the child and the
30 child's parent or parents;

31 (b) The relationship of the proposed guardian to the child;

32 (c) The nature of the child's relationships with siblings and the
33 extent to which a guardianship will allow or facilitate maintaining
34 such relationships;

35 (d) The child's preference, if expressed, for the guardianship;

36 (e) The ability of the proposed guardian to meet the familial and
37 cultural needs of the child;

1 (f) The position of the child's tribe regarding the proposed
2 guardianship, if the child is an Indian child as defined in 25 U.S.C.
3 Sec. 1903.

4 (4)(a) The court may not establish a guardianship for a child who
5 is under the age of twelve years or who has no legal parent unless the
6 court, in addition to making the findings set forth in this section,
7 determines that exceptional circumstances exist. Exceptional
8 circumstances may include, but are not limited to:

9 (i) The child has special needs, and a suitable guardian is willing
10 to accept custody of the child under this chapter; or

11 (ii) Establishment of a guardianship will allow the child to be
12 placed with or maintain contact with siblings to an extent unlikely to
13 be achieved through other permanency options.

14 (b) A finding of exceptional circumstances is not required for such
15 child, in addition to the other requirements set forth in this section,
16 if the proposed guardian is a person who has made a commitment to
17 provide for the long-term care of the child and: (i) Is related to the
18 child as described in RCW 74.15.020(2); (ii) has been a long-term care
19 giver to the child and has acted as a parent figure to the child and is
20 viewed by the child as a parent figure; or (iii) has been identified by
21 the child's family and the child, if the child is age twelve years old,
22 or older, as the preferred guardian.

23 **Sec. 9.** RCW 13.34.232 and 1994 c 288 s 7 are each amended to read
24 as follows:

25 (1) If the court has made a finding under RCW 13.34.231, it shall
26 enter an order establishing a ~~((dependency))~~ guardianship for the child
27 and shall dismiss the dependency. The order shall:

28 (a) Appoint a person ~~((or agency))~~ to serve as ~~((dependency))~~ legal
29 guardian ~~((for the limited purpose of assisting the court to supervise~~
30 ~~the dependency))~~ of the child;

31 (b) Specify the ~~((dependency))~~ guardian's rights and
32 responsibilities concerning the care, custody, and control of the
33 child~~((A dependency guardian shall not have the authority to consent~~
34 ~~to the child's adoption));~~

35 (c) Specify the ~~((dependency))~~ guardian's authority, if any, to
36 receive, invest, and expend funds, benefits, or property belonging to
37 the child; and

1 (d) Specify an appropriate frequency and type of ~~((visitation))~~
2 contact between the parent and the child~~((; and~~
3 ~~(e) Specify the need for any continued involvement of the~~
4 ~~supervising agency and the nature of that involvement, if any))~~ and
5 between the child and the child's siblings.
6 (2) ~~((Unless the court specifies otherwise in the guardianship~~
7 ~~order,))~~ The ~~((dependency))~~ guardian shall maintain the physical and
8 legal custody of the child and have the following rights and duties:
9 (a) Protect, discipline, and educate the child;
10 (b) Provide food, clothing, shelter, education as required by
11 law~~((, and routine health care for the child));~~
12 (c) Consent to necessary health and surgical care and sign a
13 release of health care information to appropriate authorities, pursuant
14 to law;
15 (d) Consent to social and school activities of the child; ~~((and))~~
16 (e) If the child has independent funds or other valuable property
17 under the control of the guardian, the guardian shall provide an annual
18 written accounting to the court regarding receipt and expenditure by
19 the ~~((dependency))~~ guardian of any such funds~~((, benefits,))~~ or
20 property ~~((belonging to the child and expenditures made therefrom)).~~
21 However, the guardian shall not be required to account for any routine
22 benefit funds received on behalf of the child from a public social
23 service agency; and
24 (f) Notify the court of a change of address of the guardian or
25 child. However, unless specifically ordered by the court, the notice
26 requirements and standards for relocation set forth in chapter 26.09
27 RCW shall not apply to guardianships established pursuant to this
28 chapter.
29 (3) As used in this section, the term "health care" includes, but
30 is not limited to, medical, dental, psychological, and psychiatric care
31 and treatment.
32 (4) ~~((The child shall remain dependent for the duration of the~~
33 ~~guardianship. While the guardianship remains in effect, the dependency~~
34 ~~guardian shall be a party to any dependency proceedings pertaining to~~
35 ~~the child.~~
36 ~~(5))~~) The guardianship shall remain in effect only until the child
37 is eighteen years of age or until the court terminates the guardianship
38 order, whichever occurs sooner.

1 (5) The court shall not have the authority, in a guardianship
2 proceeding, to order the department of social and health services to
3 supervise or to provide services to the guardian and/or the child.

4 (6) Letters of guardianship shall be issued to the guardian upon
5 the filing of the order appointing the guardian pursuant to this
6 chapter.

7 **Sec. 10.** RCW 13.34.233 and 2000 c 122 s 30 are each amended to
8 read as follows:

9 (1) Any party, including the guardian, may ~~((request))~~ apply to the
10 court ~~((under RCW 13.34.150))~~ to modify or terminate a ~~((dependency))~~
11 guardianship order. ~~((Notice of any motion to modify or terminate the~~
12 guardianship shall be served on all other parties, including any agency
13 that was responsible for supervising the child's placement at the time
14 the guardianship petition was filed. Notice in all cases shall be
15 served upon the department. If the department was not previously a
16 party to the guardianship proceeding, the department shall nevertheless
17 have the right to: ~~(a) Initiate a proceeding to modify or terminate a~~
18 guardianship; and ~~(b) intervene at any stage of such a proceeding)~~ If
19 the applicant is represented by counsel, counsel shall move for an
20 order to show cause why the relief should not be granted, pursuant to
21 this section. If the applicant is not represented by counsel, he or
22 she may move for an order to show cause, or may deliver a written
23 request to the clerk of the court. The written request must contain
24 the reasons that justify a modification or termination of the
25 guardianship order.

26 (2) By the next judicial day after receipt of an unrepresented
27 person's request to modify or terminate a guardianship order, the clerk
28 shall deliver the request to the court. The court may: (a) Direct the
29 clerk to schedule a hearing; (b) appoint a guardian ad litem to
30 investigate the issues raised by the application or take any emergency
31 action the court deems necessary to protect the juvenile who is the
32 subject of the guardianship until a hearing can be held; or (c) deny
33 the application without scheduling a hearing, if it appears, based on
34 documents in the court file, that the application is frivolous. Prior
35 to denying an application without a hearing, the court may request a
36 response from any party. Any denial of an application without a
37 hearing shall be in writing with the reasons for denial explained. A

1 copy of the order shall be mailed by the clerk to the applicant, to the
2 guardian, and to any other person or agency entitled to notice. Unless
3 within thirty days after receiving the request from the clerk the court
4 directs otherwise, the clerk shall schedule a hearing on the request
5 and mail notice to the guardian, the child if the child is age twelve
6 or older, the applicant, the department, and any other person entitled
7 to receive notice. The court shall hold a hearing on the motion before
8 modifying or terminating the guardianship.

9 (3) The terms of a guardianship order may be modified only if the
10 court finds, by a preponderance of the evidence and upon the basis of
11 facts that have arisen since the entry of the guardianship order, that
12 a substantial change in circumstances has occurred and that the
13 modification is in the best interest of the child.

14 (4) The guardianship may be (~~modified or~~) terminated (~~upon the~~
15 ~~motion of any party or the department~~) only if the court finds, by a
16 preponderance of the evidence and upon the basis of facts that have
17 arisen since entry of the guardianship order, that (~~there has been~~)
18 a substantial change (~~of~~) has occurred in the circumstances
19 (~~subsequent to the establishment of the guardianship~~) and that (~~it~~)
20 the termination is in the (~~child's~~) best interest (~~to modify or~~
21 ~~terminate the guardianship. The court shall hold a hearing on the~~
22 ~~motion before modifying or terminating a guardianship~~) of the child
23 and is necessary to serve the best interests of the child.

24 (~~3~~) Upon entry of an order terminating the guardianship, the
25 dependency guardian shall not have any rights or responsibilities with
26 respect to the child and shall not have legal standing to participate
27 as a party in further dependency proceedings pertaining to the child.
28 The court may allow the child's dependency guardian to attend
29 dependency review proceedings pertaining to the child for the sole
30 purpose of providing information about the child to the court.

31 (~~4~~) (5) The court may only terminate a guardianship on the
32 application of a parent who is seeking a return of custody of the
33 child, if it finds by a preponderance of the evidence and on the basis
34 of facts that have arisen since the guardianship was established that:

35 (a) The parent has substantially and successfully addressed the
36 parenting deficiencies identified by the court in the dependency
37 action, or the circumstances of the parent have changed, and the child

1 would no longer be at risk of harm to the child's health, welfare, and
2 safety if returned to the care and custody of the parent;

3 (b) The child, if age twelve or older, agrees to the return to the
4 parent; and

5 (c) Termination of the guardianship and return of the child to the
6 care and custody of the parent is in the best interests of the child.

7 The court must also consider other relevant factors including but
8 not limited to the length and stability of the guardianship, the
9 strength of the relationship between the child and the guardian, the
10 amount and nature of parent-child contact during the guardianship, and
11 the wishes of the guardian.

12 If the court finds that an application by a parent to terminate a
13 guardianship has been made in bad faith, the court shall assess the
14 attorneys' fees and court costs against the parent.

15 (6) The court may terminate a guardianship on the stipulation of
16 the child, if the child is age twelve or older, the child's guardian,
17 and a parent of the child who is seeking to regain custody of the child
18 if it finds by a preponderance of the evidence and on the basis of
19 facts that have arisen since the guardianship was established that:

20 (a) The parent has substantially and successfully addressed the
21 parenting deficiencies identified by the court in the dependency
22 action, or the circumstances of the parent have changed, and the child
23 would no longer be at risk of harm to the child's health, welfare, and
24 safety if returned to the care and custody of the parent;

25 (b) The guardian of the child agrees that the parent is presently
26 able to provide appropriate care for the child and agrees to the return
27 of the child to the parent's care and custody;

28 (c) The child if age twelve or older agrees to the return to the
29 parent; and

30 (d) Termination of the guardianship and return of the child to the
31 care and custody of the parent is in the best interests of the child.

32 (7) At any time during a proceeding for modification or termination
33 of a guardianship order, the court may, on its own motion or on the
34 motion of any party, appoint a guardian ad litem or attorney for the
35 child to represent and be an advocate for the best interests of the
36 child.

37 (8) Upon entry of an order terminating the guardianship, the
38 ((child shall remain dependent and the)) court shall either return the

1 child to the child's parent or order the child into the custody,
2 control, and care of (~~the department or a licensed child placing~~
3 ~~agency for placement in a foster home or group care facility licensed~~
4 ~~pursuant to chapter 74.15 RCW or in a home not required to be licensed~~
5 ~~pursuant to such chapter~~) a substitute guardian. The court shall not
6 place a child in the custody of the child's parent unless the court
7 finds that reasons for removal as set forth in RCW 13.34.130 no longer
8 exist and that such placement is in the child's best interest. (~~The~~
9 ~~court shall thereafter conduct reviews as provided in RCW 13.34.138~~
10 ~~and, where applicable, shall hold a permanency planning hearing in~~
11 ~~accordance with RCW 13.34.145.~~) The court may place a child in shelter
12 care or other out-of-home care licensed by the department under chapter
13 74.15 RCW if the court determines such placement is necessary and may
14 request that the department file a dependency petition on behalf of the
15 child.

16 **Sec. 11.** RCW 13.34.234 and 1994 c 288 s 9 are each amended to read
17 as follows:

18 (~~Establishment of a dependency guardianship under RCW 13.34.231~~
19 ~~and 13.34.232 does not preclude the dependency guardian from receiving~~
20 ~~foster care payments.~~)

21 (1) The department of social and health services shall establish,
22 within available funds, a limited state-funded guardianship support
23 program to provide medical and counseling assistance for children with
24 extraordinary medical or mental health needs in a guardianship
25 established under this chapter.

26 (2) Only a child who meets the following criteria shall be eligible
27 for the guardianship support program:

28 (a) The order establishing the guardianship was entered pursuant to
29 this chapter after July 31, 2006. Guardianships established before
30 July 1, 2006, and guardianships established pursuant to chapter 11.88
31 RCW or pursuant to any other guardianship statute shall not be eligible
32 for this program;

33 (b) The child had an extraordinary physical, mental, or emotional
34 disability that existed and was documented prior to the entry of the
35 order establishing the guardianship or was at high risk of future
36 physical, mental, or emotional disability as a result of conditions the
37 child was exposed to prior to the establishment of the guardianship;

1 (c) The child resides in the state of Washington with the child's
2 legal guardian; and

3 (d) The child's legal guardian lacks the necessary financial means
4 to care for the child's special needs.

5 (3) If a child meets the criteria in subsection (2) of this
6 section, the department may enter into an agreement with the child's
7 guardian to provide medical and counseling assistance.

8 (4) Any services provided pursuant to an agreement between the
9 guardian and the department shall be met from the department's medical
10 program. Such services shall be limited to:

11 (a) Services provided after finalization of an agreement between
12 the guardian and the department pursuant to this section.

13 (b) Services not covered by the guardian's insurance or other
14 available assistance; and

15 (c) Services related to the eligible child's identified physical,
16 mental, or emotional disability, or risk of such disability, that
17 existed prior to the guardianship being established.

18 (5) Any payment by the department for services provided pursuant to
19 an agreement shall be made directly to the provider of services
20 according to the department's established procedures.

21 NEW SECTION. Sec. 12. A new section is added to chapter 13.34 RCW
22 to read as follows:

23 In deciding whether to grant a petition for guardianship of a
24 special needs child, the superior court shall consider any subsidy
25 agreement made or proposed to be made between the department and any
26 prospective guardian for any payment or payments which are to be
27 provided by the department in support of the guardianship. Before the
28 date of the hearing on the petition for guardianship, the department
29 shall file a copy of any initial agreement with the court. If the
30 court, in its judgment, finds the provision made in an agreement to be
31 inadequate, it may make any recommendation as it deems warranted with
32 respect to the agreement to the department. The court shall not,
33 however, solely by virtue of this section, be empowered to direct the
34 department to make payment. This section shall not be deemed to limit
35 any other power of the superior court with respect to the guardianship
36 or any related matter.

1 **Sec. 13.** RCW 13.34.236 and 1994 c 288 s 10 are each amended to
2 read as follows:

3 (1) Any suitable person over the age of twenty-one years who is not
4 otherwise disqualified by this section(~~(, any nonprofit corporation, or~~
5 ~~any Indian tribe)) may be appointed the ((dependency)) guardian of a
6 child under RCW 13.34.232. (~~No person is qualified to serve as a~~
7 ~~dependency guardian unless the person meets the minimum requirements to~~
8 ~~care for children as provided in RCW 74.15.030.)~~)~~

9 (2) Before the court may establish a guardianship of a child, the
10 department, a private agency licensed under the provisions of chapter
11 74.15 RCW or other state's licensing authority, or the child's tribe if
12 the child is an Indian child, shall have available in its files or
13 shall complete a current home study approving the proposed guardian.
14 The home study shall include a criminal history background check under
15 RCW 74.15.030 of those persons age sixteen and older residing in the
16 proposed guardian's home. The department shall be required to complete
17 the home study only if the department currently is providing services
18 to the child.

19 (3) The court shall not approve a guardianship until the child has
20 resided with the proposed guardian for a minimum of six months and the
21 department or supervising private agency has recommended that the
22 guardianship be established and, if the child is an Indian child, the
23 child's tribe does not object to the establishment of the guardianship.

24 (4) If the preferences of a child's parent were not considered
25 under RCW 13.34.260 as they relate to the proposed ((dependency))
26 guardian, the court shall consider such preferences before appointing
27 the ((dependency)) guardian.

28 **Sec. 14.** RCW 13.32A.030 and 2000 c 123 s 2 are each amended to
29 read as follows:

30 As used in this chapter the following terms have the meanings
31 indicated unless the context clearly requires otherwise:

32 (1) "Abuse or neglect" means the injury, sexual abuse, sexual
33 exploitation, negligent treatment, or maltreatment of a child by any
34 person under circumstances which indicate that the child's health,
35 welfare, and safety is harmed, excluding conduct permitted under RCW
36 9A.16.100. An abused child is a child who has been subjected to child
37 abuse or neglect as defined in this section.

1 (2) "Administrator" means the individual who has the daily
2 administrative responsibility of a crisis residential center, or his or
3 her designee.

4 (3) "At-risk youth" means a juvenile:

5 (a) Who is absent from home for at least seventy-two consecutive
6 hours without consent of his or her parent;

7 (b) Who is beyond the control of his or her parent such that the
8 child's behavior endangers the health, safety, or welfare of the child
9 or any other person; or

10 (c) Who has a substance abuse problem for which there are no
11 pending criminal charges related to the substance abuse.

12 (4) "Child," "juvenile," and "youth" mean any unemancipated
13 individual who is under the chronological age of eighteen years.

14 (5) "Child in need of services" means a juvenile:

15 (a) Who is beyond the control of his or her parent such that the
16 child's behavior endangers the health, safety, or welfare of the child
17 or other person;

18 (b) Who has been reported to law enforcement as absent without
19 consent for at least twenty-four consecutive hours on two or more
20 separate occasions from the home of either parent, a crisis residential
21 center, an out-of-home placement, or a court-ordered placement; and

22 (i) Has exhibited a serious substance abuse problem; or

23 (ii) Has exhibited behaviors that create a serious risk of harm to
24 the health, safety, or welfare of the child or any other person; or

25 (c)(i) Who is in need of: (A) Necessary services, including food,
26 shelter, health care, clothing, or education; or (B) services designed
27 to maintain or reunite the family;

28 (ii) Who lacks access to, or has declined to utilize, these
29 services; and

30 (iii) Whose parents have evidenced continuing but unsuccessful
31 efforts to maintain the family structure or are unable or unwilling to
32 continue efforts to maintain the family structure.

33 (6) "Child in need of services petition" means a petition filed in
34 juvenile court by a parent, child, or the department seeking
35 adjudication of placement of the child.

36 (7) "Crisis residential center" means a secure or semi-secure
37 facility established pursuant to chapter 74.13 RCW.

1 (8) "Custodian" means the person or entity who has the legal right
2 to the custody of the child.

3 (9) "Department" means the department of social and health
4 services.

5 (10) "Extended family member" means an adult who is a grandparent,
6 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin
7 with whom the child has a relationship and is comfortable, and who is
8 willing and available to care for the child.

9 (11) "Guardian" means that person or agency that (a) has been
10 appointed as the guardian of a child in a legal proceeding (~~other than~~
11 ~~a proceeding under chapter 13.34 RCW~~)), and (b) has the right to legal
12 custody of the child pursuant to such appointment. (~~The term~~
13 ~~"guardian" does not include a "dependency guardian" appointed pursuant~~
14 ~~to a proceeding under chapter 13.34 RCW.~~)

15 (12) "Multidisciplinary team" means a group formed to provide
16 assistance and support to a child who is an at-risk youth or a child in
17 need of services and his or her parent. The team shall include the
18 parent, a department case worker, a local government representative
19 when authorized by the local government, and when appropriate, members
20 from the mental health and substance abuse disciplines. The team may
21 also include, but is not limited to, the following persons: Educators,
22 law enforcement personnel, probation officers, employers, church
23 persons, tribal members, therapists, medical personnel, social service
24 providers, placement providers, and extended family members. The team
25 members shall be volunteers who do not receive compensation while
26 acting in a capacity as a team member, unless the member's employer
27 chooses to provide compensation or the member is a state employee.

28 (13) "Out-of-home placement" means a placement in a foster family
29 home or group care facility licensed pursuant to chapter 74.15 RCW or
30 placement in a home, other than that of the child's parent, guardian,
31 or legal custodian, not required to be licensed pursuant to chapter
32 74.15 RCW.

33 (14) "Parent" means the parent or parents who have the legal right
34 to custody of the child. "Parent" includes custodian or guardian.

35 (15) "Secure facility" means a crisis residential center, or
36 portion thereof, that has locking doors, locking windows, or a secured
37 perimeter, designed and operated to prevent a child from leaving
38 without permission of the facility staff.

1 (16) "Semi-secure facility" means any facility, including but not
2 limited to crisis residential centers or specialized foster family
3 homes, operated in a manner to reasonably assure that youth placed
4 there will not run away. Pursuant to rules established by the
5 department, the facility administrator shall establish reasonable hours
6 for residents to come and go from the facility such that no residents
7 are free to come and go at all hours of the day and night. To prevent
8 residents from taking unreasonable actions, the facility administrator,
9 where appropriate, may condition a resident's leaving the facility upon
10 the resident being accompanied by the administrator or the
11 administrator's designee and the resident may be required to notify the
12 administrator or the administrator's designee of any intent to leave,
13 his or her intended destination, and the probable time of his or her
14 return to the center.

15 (17) "Staff secure facility" means a structured group care facility
16 licensed under rules adopted by the department with a ratio of at least
17 one adult staff member to every two children.

18 (18) "Temporary out-of-home placement" means an out-of-home
19 placement of not more than fourteen days ordered by the court at a
20 fact-finding hearing on a child in need of services petition.

21 **Sec. 15.** RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and
22 2001 c 137 s 3 are each reenacted and amended to read as follows:

23 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
24 otherwise clearly indicated by the context thereof, the following terms
25 shall mean:

26 (1) "Agency" means any person, firm, partnership, association,
27 corporation, or facility which receives children, expectant mothers, or
28 persons with developmental disabilities for control, care, or
29 maintenance outside their own homes, or which places, arranges the
30 placement of, or assists in the placement of children, expectant
31 mothers, or persons with developmental disabilities for foster care or
32 placement of children for adoption, and shall include the following
33 irrespective of whether there is compensation to the agency or to the
34 children, expectant mothers or persons with developmental disabilities
35 for services rendered:

36 (a) "Child day-care center" means an agency which regularly

1 provides care for a group of children for periods of less than twenty-
2 four hours;

3 (b) "Child-placing agency" means an agency which places a child or
4 children for temporary care, continued care, or for adoption;

5 (c) "Community facility" means a group care facility operated for
6 the care of juveniles committed to the department under RCW 13.40.185.
7 A county detention facility that houses juveniles committed to the
8 department under RCW 13.40.185 pursuant to a contract with the
9 department is not a community facility;

10 (d) "Crisis residential center" means an agency which is a
11 temporary protective residential facility operated to perform the
12 duties specified in chapter 13.32A RCW, in the manner provided in RCW
13 74.13.032 through 74.13.036;

14 (e) "Emergency respite center" is an agency that may be commonly
15 known as a crisis nursery, that provides emergency and crisis care for
16 up to seventy-two hours to children who have been admitted by their
17 parents or guardians to prevent abuse or neglect. Emergency respite
18 centers may operate for up to twenty-four hours a day, and for up to
19 seven days a week. Emergency respite centers may provide care for
20 children ages birth through seventeen, and for persons eighteen through
21 twenty with developmental disabilities who are admitted with a sibling
22 or siblings through age seventeen. Emergency respite centers may not
23 substitute for crisis residential centers or HOPE centers, or any other
24 services defined under this section, and may not substitute for
25 services which are required under chapter 13.32A or 13.34 RCW;

26 (f) "Family day-care provider" means a child day-care provider who
27 regularly provides child day care for not more than twelve children in
28 the provider's home in the family living quarters;

29 (g) "Foster-family home" means an agency which regularly provides
30 care on a twenty-four hour basis to one or more children, expectant
31 mothers, or persons with developmental disabilities in the family abode
32 of the person or persons under whose direct care and supervision the
33 child, expectant mother, or person with a developmental disability is
34 placed;

35 (h) "Group-care facility" means an agency, other than a foster-
36 family home, which is maintained and operated for the care of a group
37 of children on a twenty-four hour basis;

1 (i) "HOPE center" means an agency licensed by the secretary to
2 provide temporary residential placement and other services to street
3 youth. A street youth may remain in a HOPE center for thirty days
4 while services are arranged and permanent placement is coordinated. No
5 street youth may stay longer than thirty days unless approved by the
6 department and any additional days approved by the department must be
7 based on the unavailability of a long-term placement option. A street
8 youth whose parent wants him or her returned to home may remain in a
9 HOPE center until his or her parent arranges return of the youth, not
10 longer. All other street youth must have court approval under chapter
11 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

12 (j) "Maternity service" means an agency which provides or arranges
13 for care or services to expectant mothers, before or during
14 confinement, or which provides care as needed to mothers and their
15 infants after confinement;

16 (k) "Responsible living skills program" means an agency licensed by
17 the secretary that provides residential and transitional living
18 services to persons ages sixteen to eighteen who are dependent under
19 chapter 13.34 RCW and who have been unable to live in his or her
20 legally authorized residence and, as a result, the minor lived outdoors
21 or in another unsafe location not intended for occupancy by the minor.
22 Dependent minors ages fourteen and fifteen may be eligible if no other
23 placement alternative is available and the department approves the
24 placement;

25 (l) "Service provider" means the entity that operates a community
26 facility.

27 (2) "Agency" shall not include the following:

28 (a) Persons related to the child, expectant mother, or person with
29 developmental disability in the following ways:

30 (i) Any blood relative, including those of half-blood, and
31 including first cousins, nephews or nieces, and persons of preceding
32 generations as denoted by prefixes of grand, great, or great-great;

33 (ii) Stepfather, stepmother, stepbrother, and stepsister;

34 (iii) A person who legally adopts a child or the child's parent as
35 well as the natural and other legally adopted children of such persons,
36 and other relatives of the adoptive parents in accordance with state
37 law;

1 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
2 subsection (2)(a), even after the marriage is terminated; or

3 (v) Extended family members, as defined by the law or custom of the
4 Indian child's tribe or, in the absence of such law or custom, a person
5 who has reached the age of eighteen and who is the Indian child's
6 grandparent, aunt or uncle, brother or sister, brother-in-law or
7 sister-in-law, niece or nephew, first or second cousin, or stepparent
8 who provides care in the family abode on a twenty-four-hour basis to an
9 Indian child as defined in 25 U.S.C. Sec. 1903(4);

10 (b) Persons who are legal guardians, including guardians appointed
11 under the provisions of RCW 13.34.232, of the child, expectant mother,
12 or persons with developmental disabilities;

13 (c) Persons who care for a neighbor's or friend's child or
14 children, with or without compensation, where: (i) The person
15 providing care for periods of less than twenty-four hours does not
16 conduct such activity on an ongoing, regularly scheduled basis for the
17 purpose of engaging in business, which includes, but is not limited to,
18 advertising such care; or (ii) the parent and person providing care on
19 a twenty-four-hour basis have agreed to the placement in writing and
20 the state is not providing any payment for the care;

21 (d) Parents on a mutually cooperative basis exchange care of one
22 another's children;

23 (e) A person, partnership, corporation, or other entity that
24 provides placement or similar services to exchange students or
25 international student exchange visitors or persons who have the care of
26 an exchange student in their home;

27 (f) A person, partnership, corporation, or other entity that
28 provides placement or similar services to international children who
29 have entered the country by obtaining visas that meet the criteria for
30 medical care as established by the United States immigration and
31 naturalization service, or persons who have the care of such an
32 international child in their home;

33 (g) Nursery schools or kindergartens which are engaged primarily in
34 educational work with preschool children and in which no child is
35 enrolled on a regular basis for more than four hours per day;

36 (h) Schools, including boarding schools, which are engaged
37 primarily in education, operate on a definite school year schedule,

1 follow a stated academic curriculum, accept only school-age children
2 and do not accept custody of children;

3 (i) Seasonal camps of three months' or less duration engaged
4 primarily in recreational or educational activities;

5 (j) Hospitals licensed pursuant to chapter 70.41 RCW when
6 performing functions defined in chapter 70.41 RCW, nursing homes
7 licensed under chapter 18.51 RCW and boarding homes licensed under
8 chapter 18.20 RCW;

9 (k) Licensed physicians or lawyers;

10 (l) Facilities providing care to children for periods of less than
11 twenty-four hours whose parents remain on the premises to participate
12 in activities other than employment;

13 (m) Facilities approved and certified under chapter 71A.22 RCW;

14 (n) Any agency having been in operation in this state ten years
15 prior to June 8, 1967, and not seeking or accepting moneys or
16 assistance from any state or federal agency, and is supported in part
17 by an endowment or trust fund;

18 (o) Persons who have a child in their home for purposes of
19 adoption, if the child was placed in such home by a licensed child-
20 placing agency, an authorized public or tribal agency or court or if a
21 replacement report has been filed under chapter 26.33 RCW and the
22 placement has been approved by the court;

23 (p) An agency operated by any unit of local, state, or federal
24 government or an agency, located within the boundaries of a federally
25 recognized Indian reservation, licensed by the Indian tribe;

26 (q) A maximum or medium security program for juvenile offenders
27 operated by or under contract with the department;

28 (r) An agency located on a federal military reservation, except
29 where the military authorities request that such agency be subject to
30 the licensing requirements of this chapter.

31 (3) "Department" means the state department of social and health
32 services.

33 (4) "Juvenile" means a person under the age of twenty-one who has
34 been sentenced to a term of confinement under the supervision of the
35 department under RCW 13.40.185.

36 (5) "Probationary license" means a license issued as a disciplinary
37 measure to an agency that has previously been issued a full license but
38 is out of compliance with licensing standards.

1 (6) "Requirement" means any rule, regulation, or standard of care
2 to be maintained by an agency.

3 (7) "Secretary" means the secretary of social and health services.

4 (8) "Street youth" means a person under the age of eighteen who
5 lives outdoors or in another unsafe location not intended for occupancy
6 by the minor and who is not residing with his or her parent or at his
7 or her legally authorized residence.

8 (9) "Transitional living services" means at a minimum, to the
9 extent funds are available, the following:

10 (a) Educational services, including basic literacy and
11 computational skills training, either in local alternative or public
12 high schools or in a high school equivalency program that leads to
13 obtaining a high school equivalency degree;

14 (b) Assistance and counseling related to obtaining vocational
15 training or higher education, job readiness, job search assistance, and
16 placement programs;

17 (c) Counseling and instruction in life skills such as money
18 management, home management, consumer skills, parenting, health care,
19 access to community resources, and transportation and housing options;

20 (d) Individual and group counseling; and

21 (e) Establishing networks with federal agencies and state and local
22 organizations such as the United States department of labor, employment
23 and training administration programs including the job training
24 partnership act which administers private industry councils and the job
25 corps; vocational rehabilitation; and volunteer programs.

26 NEW SECTION. **Sec. 16.** This act takes effect January 1, 2006."

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By Committee on Human Services & Corrections

27 On page 1, line 1 of the title, after "children;" strike the
28 remainder of the title and insert "amending RCW 13.34.030, 13.34.110,
29 13.34.145, 13.34.230, 13.34.231, 13.34.232, 13.34.233, 13.34.234,

1 13.34.236, and 13.32A.030; reenacting and amending RCW 74.15.020;
2 adding new sections to chapter 13.34 RCW; creating a new section; and
3 providing an effective date."

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