
SUBSTITUTE HOUSE BILL 2030

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Roberts and Kagi; by request of Department of Social and Health Services)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to guardianship of dependent children; amending RCW
2 13.34.030, 13.34.110, 13.34.145, 13.34.230, 13.34.231, 13.34.232,
3 13.34.233, 13.34.234, 13.34.236, and 13.32A.030; reenacting and
4 amending RCW 74.15.020; adding new sections to chapter 13.34 RCW;
5 creating a new section; and providing an effective date.

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

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

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

18 For purposes of this chapter:

1 (1) "Abandoned" means when the child's parent, guardian, or other
2 custodian has expressed, either by statement or conduct, an intent to
3 forego, for an extended period, parental rights or responsibilities
4 despite an ability to exercise such rights and responsibilities. If
5 the court finds that the petitioner has exercised due diligence in
6 attempting to locate the parent, no contact between the child and the
7 child's parent, guardian, or other custodian for a period of three
8 months creates a rebuttable presumption of abandonment, even if there
9 is no expressed intent to abandon.

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

12 (3) "Current placement episode" means the period of time that
13 begins with the most recent date that the child was removed from the
14 home of the parent, guardian, or legal custodian for purposes of
15 placement in out-of-home care and continues until: (a) The child
16 returns home; (b) an adoption decree, a permanent custody order, or
17 guardianship order is entered; or (c) the dependency is dismissed,
18 whichever occurs first.

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

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

24 (a) Has been abandoned;

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

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

31 (6) "Developmental disability" means a disability attributable to
32 mental retardation, cerebral palsy, epilepsy, autism, or another
33 neurological or other condition of an individual found by the secretary
34 to be closely related to mental retardation or to require treatment
35 similar to that required for individuals with mental retardation, which
36 disability originates before the individual attains age eighteen, which
37 has continued or can be expected to continue indefinitely, and which
38 constitutes a substantial handicap to the individual.

1 (7) "Guardian" means the person or agency that: (a) Has been
2 appointed as the guardian of a child in a legal proceeding (~~either~~
3 ~~than~~), including a guardian appointed in a proceeding under this
4 chapter; and (b) has the legal right to custody of the child pursuant
5 to such appointment. (~~The term "guardian" shall not include a~~
6 ~~"dependency guardian" appointed pursuant to a proceeding under this~~
7 ~~chapter.~~)

8 (8) "Guardian ad litem" means a person, appointed by the court to
9 represent the best interests of a child in a proceeding under this
10 chapter, or in any matter which may be consolidated with a proceeding
11 under this chapter. A "court-appointed special advocate" appointed by
12 the court to be the guardian ad litem for the child, or to perform
13 substantially the same duties and functions as a guardian ad litem,
14 shall be deemed to be guardian ad litem for all purposes and uses of
15 this chapter.

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

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

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

29 (a) Receiving one of the following types of public assistance:
30 Temporary assistance for needy families, general assistance, poverty-
31 related veterans' benefits, food stamps or food stamp benefits
32 transferred electronically, refugee resettlement benefits, medicaid, or
33 supplemental security income; or

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

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

37 (d) Unable to pay the anticipated cost of counsel for the matter

1 before the court because his or her available funds are insufficient to
2 pay any amount for the retention of counsel.

3 ~~((+11+))~~ (12) "Out-of-home care" means placement in a foster family
4 home or group care facility licensed pursuant to chapter 74.15 RCW or
5 placement in a home, other than that of the child's parent, guardian,
6 or legal custodian, not required to be licensed pursuant to chapter
7 74.15 RCW.

8 ~~((+12+))~~ (13) "Preventive services" means preservation services, as
9 defined in chapter 74.14C RCW, and other reasonably available services,
10 including housing services, capable of preventing the need for out-of-
11 home placement while protecting the child. Housing services may
12 include, but are not limited to, referrals to federal, state, local, or
13 private agencies or organizations, assistance with forms and
14 applications, or financial subsidies for housing.

15 ~~((+13+))~~ (14) "Shelter care" means temporary physical care in a
16 facility licensed pursuant to RCW 74.15.030 or in a home not required
17 to be licensed pursuant to RCW 74.15.030.

18 ~~((+14+))~~ (15) "Sibling" means a child's birth brother, birth
19 sister, adoptive brother, adoptive sister, half-brother, or half-
20 sister, or as defined by the law or custom of the Indian child's tribe
21 for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

22 ~~((+15+))~~ (16) "Social study" means a written evaluation of matters
23 relevant to the disposition of the case and shall contain the following
24 information:

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

27 (b) A description of the specific services and activities, for both
28 the parents and child, that are needed in order to prevent serious harm
29 to the child; the reasons why such services and activities are likely
30 to be useful; the availability of any proposed services; and the
31 agency's overall plan for ensuring that the services will be delivered.
32 The description shall identify the services chosen and approved by the
33 parent;

34 (c) If removal is recommended, a full description of the reasons
35 why the child cannot be protected adequately in the home, including a
36 description of any previous efforts to work with the parents and the
37 child in the home; the in-home treatment programs that have been
38 considered and rejected; the preventive services that have been offered

1 or provided and have failed to prevent the need for out-of-home
2 placement, unless the health, safety, and welfare of the child cannot
3 be protected adequately in the home; and the parents' attitude toward
4 placement of the child;

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

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

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

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

16 (1) Any dependency guardianship established under RCW 13.34.232
17 prior to the effective date of this act and in place on the effective
18 date of this act shall remain in effect, notwithstanding the provisions
19 of this act.

20 (2) The department of social and health services is authorized to
21 review the child's situation with the dependency guardian to mutually
22 determine the need for continued department involvement in the
23 dependency guardianship and whether the dependency guardian is willing
24 to enter into a guardianship subsidy agreement as authorized under RCW
25 13.34.234.

26 (3) The dependency guardian and the department may move the court
27 to modify a dependency guardianship established prior to the effective
28 date of this act and convert it to a guardianship under this chapter.
29 If both the dependency guardian and the department agree that the
30 dependency guardianship should be converted, and the court finds that
31 it is in the best interests of the child, the court shall grant the
32 motion.

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

35 (1) The court shall hold a fact-finding hearing on the petition
36 and, unless the court dismisses the petition, shall make written

1 findings of fact, stating the reasons therefor. The rules of evidence
2 shall apply at the fact-finding hearing and the parent, guardian, or
3 legal custodian of the child shall have all of the rights provided in
4 RCW 13.34.090(1). The petitioner shall have the burden of establishing
5 by a preponderance of the evidence that the child is dependent within
6 the meaning of RCW 13.34.030.

7 (2)(a) The parent, guardian, or legal custodian of the child may
8 waive his or her right to a fact-finding hearing by stipulating or
9 agreeing to the entry of an order of dependency establishing that the
10 child is dependent within the meaning of RCW 13.34.030. The parent,
11 guardian, or legal custodian may also stipulate or agree to an order of
12 disposition pursuant to RCW 13.34.130 at the same time. Any stipulated
13 or agreed order of dependency or disposition must be signed by the
14 parent, guardian, or legal custodian and his or her attorney, unless
15 the parent, guardian, or legal custodian has waived his or her right to
16 an attorney in open court, and by the petitioner and the attorney,
17 guardian ad litem, or court-appointed special advocate for the child,
18 if any. If the department of social and health services is not the
19 petitioner and is required by the order to supervise the placement of
20 the child or provide services to any party, the department must also
21 agree to and sign the order.

22 (b) Entry of any stipulated or agreed order of dependency or
23 disposition is subject to approval by the court. The court shall
24 receive and review a social study before entering a stipulated or
25 agreed order and shall consider whether the order is consistent with
26 the allegations of the dependency petition and the problems that
27 necessitated the child's placement in out-of-home care. No social file
28 or social study may be considered by the court in connection with the
29 fact-finding hearing or prior to factual determination, except as
30 otherwise admissible under the rules of evidence.

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

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

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

8 (iii) The parent, guardian, or legal custodian understands that the
9 entry of the stipulated or agreed order of dependency is an admission
10 that the child is dependent within the meaning of RCW 13.34.030 and
11 shall have the same legal effect as a finding by the court that the
12 child is dependent by at least a preponderance of the evidence, and
13 that the parent, guardian, or legal custodian shall not have the right
14 in any subsequent proceeding for termination of parental rights or
15 (~~dependency~~) guardianship pursuant to this chapter or nonparental
16 custody pursuant to chapter 26.10 RCW to challenge or dispute the fact
17 that the child was found to be dependent; and

18 (iv) The parent, guardian, or legal custodian knowingly and
19 willingly stipulated and agreed to and signed the order or orders,
20 without duress, and without misrepresentation or fraud by any other
21 party.

22 If a parent, guardian, or legal custodian fails to appear before
23 the court after stipulating or agreeing to entry of an order of
24 dependency, the court may enter the order upon a finding that the
25 parent, guardian, or legal custodian had actual notice of the right to
26 appear before the court and chose not to do so. The court may require
27 other parties to the order, including the attorney for the parent,
28 guardian, or legal custodian, to appear and advise the court of the
29 parent's, guardian's, or legal custodian's notice of the right to
30 appear and understanding of the factors specified in this subsection.
31 A parent, guardian, or legal custodian may choose to waive his or her
32 presence at the in-court hearing for entry of the stipulated or agreed
33 order of dependency by submitting to the court through counsel a
34 completed stipulated or agreed dependency fact-finding/disposition
35 statement in a form determined by the Washington state supreme court
36 pursuant to General Rule GR 9.

37 (3) Immediately after the entry of the findings of fact, the court
38 shall hold a disposition hearing, unless there is good cause for

1 continuing the matter for up to fourteen days. If good cause is shown,
2 the case may be continued for longer than fourteen days. Notice of the
3 time and place of the continued hearing may be given in open court. If
4 notice in open court is not given to a party, that party shall be
5 notified by certified mail of the time and place of any continued
6 hearing. Unless there is reasonable cause to believe the health,
7 safety, or welfare of the child would be jeopardized or efforts to
8 reunite the parent and child would be hindered, the court shall direct
9 the department to notify those adult persons who: (a) Are related by
10 blood or marriage to the child in the following degrees: Parent,
11 grandparent, brother, sister, stepparent, stepbrother, stepsister,
12 uncle, or aunt; (b) are known to the department as having been in
13 contact with the family or child within the past twelve months; and (c)
14 would be an appropriate placement for the child. Reasonable cause to
15 dispense with notification to a parent under this section must be
16 proved by clear, cogent, and convincing evidence.

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

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

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

29 (a) Whenever a child is placed in out-of-home care pursuant to RCW
30 13.34.130, the agency that has custody of the child shall provide the
31 court with a written permanency plan of care directed towards securing
32 a safe, stable, and permanent home for the child as soon as possible.
33 The plan shall identify one of the following outcomes as the primary
34 goal and may also identify additional outcomes as alternative goals:
35 Return of the child to the home of the child's parent, guardian, or
36 legal custodian; adoption; guardianship; permanent legal custody; long-
37 term relative or foster care, until the child is age eighteen, with a

1 written agreement between the parties and the care provider; a
2 responsible living skills program; and independent living, if
3 appropriate and if the child is age sixteen or older and the provisions
4 of subsection (2) of this section are met.

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

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

14 (d) For purposes related to permanency planning:

15 (i) "Guardianship" means (~~(a dependency)~~) guardianship(~~(, a legal~~
16 ~~guardianship pursuant to chapter 11.88 RCW)~~) pursuant to RCW 13.34.232,
17 or equivalent laws of another state or a federally recognized Indian
18 tribe.

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

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

24 (2) Whenever a permanency plan identifies independent living as a
25 goal, the plan shall also specifically identify the services that will
26 be provided to assist the child to make a successful transition from
27 foster care to independent living. Before the court approves
28 independent living as a permanency plan of care, the court shall make
29 a finding that the provision of services to assist the child in making
30 a transition from foster care to independent living will allow the
31 child to manage his or her financial, personal, social, educational,
32 and nonfinancial affairs. The department shall not discharge a child
33 to an independent living situation before the child is eighteen years
34 of age unless the child becomes emancipated pursuant to chapter 13.64
35 RCW.

36 (3) A permanency planning hearing shall be held in all cases where
37 the child has remained in out-of-home care for at least nine months and
38 an adoption decree, guardianship order, or permanent custody order has

1 not previously been entered. The hearing shall take place no later
2 than twelve months following commencement of the current placement
3 episode.

4 (4) Whenever a child is removed from the home of a ((~~dependency~~
5 ~~guardian or~~)) long-term relative or foster care provider, and the child
6 is not returned to the home of the parent, guardian, or legal custodian
7 but is placed in out-of-home care, a permanency planning hearing shall
8 take place no later than twelve months, as provided in subsection (3)
9 of this section, following the date of removal unless, prior to the
10 hearing, the child returns to the home of the ((~~dependency guardian~~
11 ~~or~~)) long-term care provider, the child is placed in the home of the
12 parent, guardian, or legal custodian, an adoption decree, guardianship
13 order, or a permanent custody order is entered, or the dependency is
14 dismissed.

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

19 (6) At the permanency planning hearing, the court shall enter
20 findings as required by RCW 13.34.138 and shall review the permanency
21 plan prepared by the agency. If the child has resided in the home of
22 a foster parent or relative for more than six months prior to the
23 permanency planning hearing, the court shall also enter a finding
24 regarding whether the foster parent or relative was informed of the
25 hearing as required in RCW 74.13.280 and 13.34.138. If a goal of long-
26 term foster or relative care has been achieved prior to the permanency
27 planning hearing, the court shall review the child's status to
28 determine whether the placement and the plan for the child's care
29 remain appropriate. In cases where the primary permanency planning
30 goal has not been achieved, the court shall inquire regarding the
31 reasons why the primary goal has not been achieved and determine what
32 needs to be done to make it possible to achieve the primary goal. In
33 all cases, the court shall:

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

36 (ii) Modify the permanency plan, and order implementation of the
37 modified plan; and

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

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

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

10 (8) The juvenile court may hear a petition for permanent legal
11 custody when: (a) The court has ordered implementation of a permanency
12 plan that includes permanent legal custody; and (b) the party pursuing
13 the permanent legal custody is the party identified in the permanency
14 plan as the prospective legal custodian. During the pendency of such
15 proceeding, the court shall conduct review hearings and further
16 permanency planning hearings as provided in this chapter. ~~((At the
17 conclusion of the legal guardianship or permanent legal custody
18 proceeding, a juvenile court hearing shall be held for the purpose of
19 determining whether dependency should be dismissed.))~~ If a
20 ~~((guardianship or))~~ permanent custody order has been entered, the
21 dependency shall be dismissed.

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

26 (10) Following the first permanency planning hearing, the court
27 shall hold a further permanency planning hearing in accordance with
28 this section at least once every twelve months until a permanency
29 planning goal is achieved or the dependency is dismissed, whichever
30 occurs first.

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

37 (12) Nothing in this chapter may be construed to limit the ability
38 of the agency that has custody of the child to file a petition for

1 termination of parental rights or a guardianship petition at any time
2 following the establishment of dependency. Upon the filing of such a
3 petition, a fact-finding hearing shall be scheduled and held in
4 accordance with this chapter unless the agency requests dismissal of
5 the petition prior to the hearing or unless the parties enter an agreed
6 order terminating parental rights, establishing a guardianship, or
7 otherwise resolving the matter.

8 (13) The approval of a permanency plan that does not contemplate
9 return of the child to the parent does not relieve the supervising
10 agency of its obligation to provide reasonable services, under this
11 chapter, intended to effectuate the return of the child to the parent,
12 including but not limited to, visitation rights. The court shall
13 consider the child's relationships with siblings in accordance with RCW
14 13.34.130.

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

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

20 Any party to a dependency proceeding, including the supervising
21 agency, may file a petition in juvenile court requesting that a
22 guardianship be (~~created~~) established as to a dependent child. The
23 petition shall conform to the requirements of RCW 13.34.040, shall be
24 served upon the parties as provided in RCW 13.34.070(8), and shall
25 allege all applicable requirements of RCW 13.34.231. The proposed
26 guardian and department of social and health services shall receive
27 notice of any guardianship proceedings and have the right to intervene
28 in the proceedings.

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

31 (1) Every guardianship petition filed in proceedings under RCW
32 13.34.231 shall contain a statement alleging whether the child is or
33 may be an Indian child as defined in 25 U.S.C. Sec. 1903. If the child
34 is an Indian child as defined under the Indian child welfare act, the
35 provisions of that act shall apply.

1 (2) Every order or decree entered in any proceeding under this
2 chapter shall contain a finding that the Indian child welfare act does
3 or does not apply. Where there is a finding that the Indian child
4 welfare act does apply, the decree or order must also contain a finding
5 that all notice requirements and evidentiary requirements under the
6 Indian child welfare act have been satisfied.

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

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

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

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

16 ~~((+2))~~ (b) A dispositional order has been entered pursuant to RCW
17 13.34.130;

18 ~~((+3))~~ (c) The child has been removed or will, at the time of the
19 hearing, have been removed from the custody of the parent for a period
20 of at least six months pursuant to a finding of dependency under RCW
21 13.34.030;

22 ~~((+4))~~ (d) The services ordered under RCW 13.34.130 and 13.34.136
23 have been offered or provided and all necessary services, reasonably
24 available, capable of correcting the parental deficiencies within the
25 foreseeable future have been offered or provided;

26 ~~((+5))~~ (e) There is little likelihood that conditions will be
27 remedied so that the child can be returned to the parent in the near
28 future; ~~((and~~

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

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

35 (h) Guardianship is a more reasonable or appropriate option for the
36 child than adoption, and guardianship, rather than termination of the

1 parent-child relationship or continuation of efforts to return the
2 child to the custody of the parent, would be in the best interest of
3 the child.

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

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

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

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

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

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

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

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

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

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

28 (b) A finding of exceptional circumstances is not required for such
29 child, in addition to the other requirements set forth in this section,
30 if the proposed guardian is a person who has made a commitment to
31 provide for the long-term care of the child and: (i) Is related to the
32 child as described in RCW 74.15.020(2); (ii) has been a long-term care
33 giver to the child and has acted as a parent figure to the child and is
34 viewed by the child as a parent figure; or (iii) has been identified by
35 the child's family and the child, if the child is age twelve years old,
36 or older, as the preferred guardian.

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

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

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

9 (b) Specify the ~~((dependency))~~ guardian's rights and
10 responsibilities concerning the care, custody, and control of the
11 child~~((A dependency guardian shall not have the authority to consent~~
12 ~~to the child's adoption));~~

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

16 (d) Specify an appropriate frequency and type of ~~((visitation))~~
17 contact between the parent and the child~~((and~~

18 ~~specify the need for any continued involvement of the~~
19 ~~supervising agency and the nature of that involvement, if any))~~ and
20 between the child and the child's siblings.

21 (2) ~~((Unless the court specifies otherwise in the guardianship~~
22 ~~order,))~~ The ~~((dependency))~~ guardian shall maintain the physical and
23 legal custody of the child and have the following rights and duties:

24 (a) Protect, discipline, and educate the child;

25 (b) Provide food, clothing, shelter, education as required by
26 law~~((, and routine health care for the child));~~

27 (c) Consent to necessary health and surgical care and sign a
28 release of health care information to appropriate authorities, pursuant
29 to law;

30 (d) Consent to social and school activities of the child; ~~((and))~~

31 (e) If the child has independent funds or other valuable property
32 under the control of the guardian, the guardian shall provide an annual
33 written accounting to the court regarding receipt and expenditure by
34 the ~~((dependency))~~ guardian of any such funds~~((, benefits,))~~ or
35 property ~~((belonging to the child and expenditures made therefrom)).~~
36 However, the guardian shall not be required to account for any routine
37 benefit funds received on behalf of the child from a public social
38 service agency; and

1 (f) Notify the court of a change of address of the guardian or
2 child. However, unless specifically ordered by the court, the notice
3 requirements and standards for relocation set forth in chapter 26.09
4 RCW shall not apply to guardianships established pursuant to this
5 chapter.

6 (3) As used in this section, the term "health care" includes, but
7 is not limited to, medical, dental, psychological, and psychiatric care
8 and treatment.

9 ~~(4) ((The child shall remain dependent for the duration of the~~
10 ~~guardianship. While the guardianship remains in effect, the dependency~~
11 ~~guardian shall be a party to any dependency proceedings pertaining to~~
12 ~~the child.~~

13 ~~(5))~~ The guardianship shall remain in effect only until the child
14 is eighteen years of age or until the court terminates the guardianship
15 order, whichever occurs sooner.

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

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

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

24 (1) Any party, including the guardian, may ~~((request))~~ apply to the
25 court ~~((under RCW 13.34.150))~~ to modify or terminate a ~~((dependency))~~
26 guardianship order. ~~((Notice of any motion to modify or terminate the~~
27 ~~guardianship shall be served on all other parties, including any agency~~
28 ~~that was responsible for supervising the child's placement at the time~~
29 ~~the guardianship petition was filed. Notice in all cases shall be~~
30 ~~served upon the department. If the department was not previously a~~
31 ~~party to the guardianship proceeding, the department shall nevertheless~~
32 ~~have the right to: (a) Initiate a proceeding to modify or terminate a~~
33 ~~guardianship; and (b) intervene at any stage of such a proceeding))~~ If
34 the applicant is represented by counsel, counsel shall move for an
35 order to show cause why the relief should not be granted, pursuant to
36 this section. If the applicant is not represented by counsel, he or
37 she may move for an order to show cause, or may deliver a written

1 request to the clerk of the court. The written request must contain
2 the reasons that justify a modification or termination of the
3 guardianship order.

4 (2) By the next judicial day after receipt of an unrepresented
5 person's request to modify or terminate a guardianship order, the clerk
6 shall deliver the request to the court. The court may: (a) Direct the
7 clerk to schedule a hearing; (b) appoint a guardian ad litem to
8 investigate the issues raised by the application or take any emergency
9 action the court deems necessary to protect the juvenile who is the
10 subject of the guardianship until a hearing can be held; or (c) deny
11 the application without scheduling a hearing, if it appears, based on
12 documents in the court file, that the application is frivolous. Prior
13 to denying an application without a hearing, the court may request a
14 response from any party. Any denial of an application without a
15 hearing shall be in writing with the reasons for denial explained. A
16 copy of the order shall be mailed by the clerk to the applicant, to the
17 guardian, and to any other person or agency entitled to notice. Unless
18 within thirty days after receiving the request from the clerk the court
19 directs otherwise, the clerk shall schedule a hearing on the request
20 and mail notice to the guardian, the child if the child is age twelve
21 or older, the applicant, the department, and any other person entitled
22 to receive notice. The court shall hold a hearing on the motion before
23 modifying or terminating the guardianship.

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

29 (4) The guardianship may be ((modified or)) terminated ((upon the
30 motion of any party or the department)) only if the court finds, by a

31 preponderance of the evidence and upon the basis of facts that have
32 arisen since entry of the guardianship order, that ((there has been))
33 a substantial change ((of)) has occurred in the circumstances
34 ((subsequent to the establishment of the guardianship)) of the child or
35 of the guardian and that ((it)) the termination is in the ((child's))
36 best interest ((to modify or terminate the guardianship. The court
37 shall hold a hearing on the motion before modifying or terminating a

1 guardianship)) of the child and is necessary to serve the best
2 interests of the child.

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

10 ~~(4))~~ (5) The court may only terminate a guardianship on the
11 application of a parent who is seeking a return of custody of the
12 child, if it finds by a preponderance of the evidence and on the basis
13 of facts that have arisen since the guardianship was established that:

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

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

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

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

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

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

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

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

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

8 (8) Upon entry of an order terminating the guardianship, the
9 ((child shall remain dependent and the)) court shall either return the
10 child to the child's parent or order the child into the custody,
11 control, and care of ((the department or a licensed child placing
12 agency for placement in a foster home or group care facility licensed
13 pursuant to chapter 74.15 RCW or in a home not required to be licensed
14 pursuant to such chapter)) a substitute guardian. The court shall not
15 place a child in the custody of the child's parent unless the court
16 finds that reasons for removal as set forth in RCW 13.34.130 no longer
17 exist and that such placement is in the child's best interest. ((The
18 court shall thereafter conduct reviews as provided in RCW 13.34.138
19 and, where applicable, shall hold a permanency planning hearing in
20 accordance with RCW 13.34.145.)) The court may place a child in shelter
21 care or other out-of-home care licensed by the department under chapter
22 74.15 RCW if the court determines such placement is necessary and may
23 request that the department file a dependency petition on behalf of the
24 child.

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

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

30 (1) The department of social and health services may provide
31 subsidies for special needs children placed in guardianships approved
32 under RCW 13.34.232. It is the intent of the legislature that the
33 department model any guardianship subsidy program on the department's
34 adoption support program.

35 (2) The department shall, by rule, establish eligibility standards
36 for the guardianship subsidy. Children eligible for a subsidy shall

1 include special needs children whose guardian was receiving temporary
2 assistance for needy families or foster care payments from the
3 department, during the dependency, to meet the child's needs.

4 (3) The department, by rule, shall adopt maximum rates for
5 guardianship subsidies to assist the guardian to meet the child's
6 special needs.

7 (4) The department, by rule, shall adopt a process for adjustment
8 of the subsidy through negotiation between the department and the
9 guardian review. The department, by rule, shall adopt a review and
10 appeal process through which a guardian may appeal subsidy decisions
11 made by the department.

12 (5) The department may, within available funds, establish benefits
13 that encourage and provide incentives for persons related to the child
14 to become the child's guardian pursuant to RCW 13.34.232.

15 (6) In accordance with rules adopted under this section, the
16 department may enter into a written agreement with the guardian, with
17 the agreement signed by the department and the guardian, to provide for
18 basic subsidy payments following the court's order establishing the
19 guardianship.

20 (7) An agreement for a guardianship subsidy, although subject to
21 review and adjustment through negotiation between the department and
22 the guardian, constitutes a contract within the meaning of Article I,
23 section 13, of the state Constitution. A decision of the state to
24 discontinue or reduce general appropriations made available for the
25 purpose of the subsidy shall not affect the state's obligation to
26 comply with the terms of existing guardianship subsidy agreements,
27 subject to such review and negotiated adjustment as provided in rule.

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

30 In deciding whether to grant a petition for guardianship of a
31 special needs child, the superior court shall consider any subsidy
32 agreement made or proposed to be made between the department and any
33 prospective guardian for any payment or payments which are to be
34 provided by the department in support of the guardianship. Before the
35 date of the hearing on the petition for guardianship, the department
36 shall file a copy of any initial agreement with the court. If the
37 court, in its judgment, finds the provision made in an agreement to be

1 inadequate, it may make any recommendation as it deems warranted with
2 respect to the agreement to the department. The court shall not,
3 however, solely by virtue of this section, be empowered to direct the
4 department to make payment. This section shall not be deemed to limit
5 any other power of the superior court with respect to the guardianship
6 or any related matter.

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

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

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

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

30 (4) If the preferences of a child's parent were not considered
31 under RCW 13.34.260 as they relate to the proposed ((~~dependency~~))
32 guardian, the court shall consider such preferences before appointing
33 the ((~~dependency~~)) guardian.

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

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

3 (1) "Abuse or neglect" means the injury, sexual abuse, sexual
4 exploitation, negligent treatment, or maltreatment of a child by any
5 person under circumstances which indicate that the child's health,
6 welfare, and safety is harmed, excluding conduct permitted under RCW
7 9A.16.100. An abused child is a child who has been subjected to child
8 abuse or neglect as defined in this section.

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

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

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

15 (b) 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 any other person; or

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

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

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

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

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

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

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

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

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

1 (iii) Whose parents have evidenced continuing but unsuccessful
2 efforts to maintain the family structure or are unable or unwilling to
3 continue efforts to maintain the family structure.

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

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

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

11 (9) "Department" means the department of social and health
12 services.

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

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

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

36 (13) "Out-of-home placement" means a placement in a foster family
37 home or group care facility licensed pursuant to chapter 74.15 RCW or

1 placement in a home, other than that of the child's parent, guardian,
2 or legal custodian, not required to be licensed pursuant to chapter
3 74.15 RCW.

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

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

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

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

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

30 **Sec. 15.** RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and
31 2001 c 137 s 3 are each reenacted and amended to read as follows:

32 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
33 otherwise clearly indicated by the context thereof, the following terms
34 shall mean:

35 (1) "Agency" means any person, firm, partnership, association,
36 corporation, or facility which receives children, expectant mothers, or
37 persons with developmental disabilities for control, care, or

1 maintenance outside their own homes, or which places, arranges the
2 placement of, or assists in the placement of children, expectant
3 mothers, or persons with developmental disabilities for foster care or
4 placement of children for adoption, and shall include the following
5 irrespective of whether there is compensation to the agency or to the
6 children, expectant mothers or persons with developmental disabilities
7 for services rendered:

8 (a) "Child day-care center" means an agency which regularly
9 provides care for a group of children for periods of less than twenty-
10 four hours;

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

13 (c) "Community facility" means a group care facility operated for
14 the care of juveniles committed to the department under RCW 13.40.185.
15 A county detention facility that houses juveniles committed to the
16 department under RCW 13.40.185 pursuant to a contract with the
17 department is not a community facility;

18 (d) "Crisis residential center" means an agency which is a
19 temporary protective residential facility operated to perform the
20 duties specified in chapter 13.32A RCW, in the manner provided in RCW
21 74.13.032 through 74.13.036;

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

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

37 (g) "Foster-family home" means an agency which regularly provides
38 care on a twenty-four hour basis to one or more children, expectant

1 mothers, or persons with developmental disabilities in the family abode
2 of the person or persons under whose direct care and supervision the
3 child, expectant mother, or person with a developmental disability is
4 placed;

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

8 (i) "HOPE center" means an agency licensed by the secretary to
9 provide temporary residential placement and other services to street
10 youth. A street youth may remain in a HOPE center for thirty days
11 while services are arranged and permanent placement is coordinated. No
12 street youth may stay longer than thirty days unless approved by the
13 department and any additional days approved by the department must be
14 based on the unavailability of a long-term placement option. A street
15 youth whose parent wants him or her returned to home may remain in a
16 HOPE center until his or her parent arranges return of the youth, not
17 longer. All other street youth must have court approval under chapter
18 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

19 (j) "Maternity service" means an agency which provides or arranges
20 for care or services to expectant mothers, before or during
21 confinement, or which provides care as needed to mothers and their
22 infants after confinement;

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

32 (l) "Service provider" means the entity that operates a community
33 facility.

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

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

37 (i) Any blood relative, including those of half-blood, and

1 including first cousins, nephews or nieces, and persons of preceding
2 generations as denoted by prefixes of grand, great, or great-great;
3 (ii) Stepfather, stepmother, stepbrother, and stepsister;
4 (iii) A person who legally adopts a child or the child's parent as
5 well as the natural and other legally adopted children of such persons,
6 and other relatives of the adoptive parents in accordance with state
7 law;
8 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
9 subsection (2)(a), even after the marriage is terminated; or
10 (v) Extended family members, as defined by the law or custom of the
11 Indian child's tribe or, in the absence of such law or custom, a person
12 who has reached the age of eighteen and who is the Indian child's
13 grandparent, aunt or uncle, brother or sister, brother-in-law or
14 sister-in-law, niece or nephew, first or second cousin, or stepparent
15 who provides care in the family abode on a twenty-four-hour basis to an
16 Indian child as defined in 25 U.S.C. Sec. 1903(4);
17 (b) Persons who are legal guardians, including guardians appointed
18 under the provisions of RCW 13.34.232, of the child, expectant mother,
19 or persons with developmental disabilities;
20 (c) Persons who care for a neighbor's or friend's child or
21 children, with or without compensation, where: (i) The person
22 providing care for periods of less than twenty-four hours does not
23 conduct such activity on an ongoing, regularly scheduled basis for the
24 purpose of engaging in business, which includes, but is not limited to,
25 advertising such care; or (ii) the parent and person providing care on
26 a twenty-four-hour basis have agreed to the placement in writing and
27 the state is not providing any payment for the care;
28 (d) Parents on a mutually cooperative basis exchange care of one
29 another's children;
30 (e) A person, partnership, corporation, or other entity that
31 provides placement or similar services to exchange students or
32 international student exchange visitors or persons who have the care of
33 an exchange student in their home;
34 (f) A person, partnership, corporation, or other entity that
35 provides placement or similar services to international children who
36 have entered the country by obtaining visas that meet the criteria for
37 medical care as established by the United States immigration and

1 naturalization service, or persons who have the care of such an
2 international child in their home;

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

6 (h) Schools, including boarding schools, which are engaged
7 primarily in education, operate on a definite school year schedule,
8 follow a stated academic curriculum, accept only school-age children
9 and do not accept custody of children;

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

12 (j) Hospitals licensed pursuant to chapter 70.41 RCW when
13 performing functions defined in chapter 70.41 RCW, nursing homes
14 licensed under chapter 18.51 RCW and boarding homes licensed under
15 chapter 18.20 RCW;

16 (k) Licensed physicians or lawyers;

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

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

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

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

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

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

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

1 (3) "Department" means the state department of social and health
2 services.

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

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

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

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

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

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

18 (a) Educational services, including basic literacy and
19 computational skills training, either in local alternative or public
20 high schools or in a high school equivalency program that leads to
21 obtaining a high school equivalency degree;

22 (b) Assistance and counseling related to obtaining vocational
23 training or higher education, job readiness, job search assistance, and
24 placement programs;

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

28 (d) Individual and group counseling; and

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

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

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