

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6792

60th Legislature
2008 Regular Session

Passed by the Senate March 13, 2008
YEAS 49 NAYS 0

President of the Senate

Passed by the House March 12, 2008
YEAS 97 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6792** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6792

AS AMENDED BY THE HOUSE

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Hargrove and Stevens)

READ FIRST TIME 02/07/08.

1 AN ACT Relating to dependency matters; amending RCW 13.34.215,
2 13.34.065, 13.34.136, 26.44.063, 74.13.031, 46.20.035, 41.06.142,
3 74.15.240, and 13.34.105; reenacting and amending RCW 71.24.035; adding
4 a new section to chapter 74.13 RCW; adding a new section to chapter
5 74.15 RCW; creating new sections; and providing an effective date.

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

7 **Sec. 1.** RCW 13.34.215 and 2007 c 413 s 1 are each amended to read
8 as follows:

9 (1) A child may petition the juvenile court to reinstate the
10 previously terminated parental rights of his or her parent under the
11 following circumstances:

12 (a) The child was previously found to be a dependent child under
13 this chapter;

14 (b) The child's parent's rights were terminated in a proceeding
15 under this chapter;

16 (c) The child has not achieved his or her permanency plan within
17 three years of a final order of termination(~~(, or if the final order~~
18 ~~was appealed, within three years of exhaustion of any right to appeal~~
19 ~~the order terminating parental rights)); and~~

1 (d) (~~Absent good cause,~~) The child must be at least twelve years
2 old at the time the petition is filed. Upon the child's motion for
3 good cause shown, or on its own motion, the court may hear a petition
4 filed by a child younger than twelve years old.

5 (2) A child seeking to petition under this section shall be
6 provided counsel at no cost to the child.

7 (3) The petition must be signed by the child in the absence of a
8 showing of good cause as to why the child could not do so.

9 (4) If, after a threshold hearing to consider the parent's apparent
10 fitness and interest in reinstatement of parental rights, (~~it~~
11 ~~appears~~) the court finds by a preponderance of the evidence that the
12 best interests of the child may be served by reinstatement of parental
13 rights, the juvenile court shall order that a hearing on the merits of
14 the petition be held.

15 (5) The court shall give prior notice for any proceeding under this
16 section, or cause prior notice to be given, to the department, the
17 child's attorney, and the child. The court shall also order the
18 department to give prior notice of any hearing to the child's former
19 parent whose parental rights are the subject of the petition, any
20 parent whose rights have not been terminated, the child's current
21 foster parent, relative caregiver, guardian or custodian, and the
22 child's tribe, if applicable.

23 (6) The juvenile court shall conditionally grant the petition if it
24 finds by clear and convincing evidence that the child has not achieved
25 his or her permanency plan and is not likely to imminently achieve his
26 or her permanency plan and that reinstatement of parental rights is in
27 the child's best interest. In determining whether reinstatement is in
28 the child's best interest the court shall consider, but is not limited
29 to, the following:

30 (a) Whether the parent whose rights are to be reinstated is a fit
31 parent and has remedied his or her deficits as provided in the record
32 of the prior termination proceedings and prior termination order;

33 (b) The age and maturity of the child, and the ability of the child
34 to express his or her preference;

35 (c) Whether the reinstatement of parental rights will present a
36 risk to the child's health, welfare, or safety; and

37 (d) Other material changes in circumstances, if any, that may have
38 occurred which warrant the granting of the petition.

1 (7) In determining whether the child has or has not achieved his or
2 her permanency plan or whether the child is likely to achieve his or
3 her permanency plan, the department shall provide the court, and the
4 court shall review, information related to any efforts to achieve the
5 permanency plan including efforts to achieve adoption or a permanent
6 guardianship.

7 (8)(a) If the court conditionally grants the petition under
8 subsection (6) of this section, the case will be continued for six
9 months and a temporary order of reinstatement entered. During this
10 period, the child shall be placed in the custody of the parent. The
11 department shall develop a permanency plan for the child reflecting the
12 plan to be reunification and shall provide transition services to the
13 family as appropriate.

14 (b) If the child must be removed from the parent due to abuse or
15 neglect allegations prior to the expiration of the conditional six-
16 month period, the court shall dismiss the petition for reinstatement of
17 parental rights if the court finds the allegations have been proven by
18 a preponderance of the evidence.

19 (c) If the child has been successfully placed with the parent for
20 six months, the court order reinstating parental rights remains in
21 effect and the court shall dismiss the dependency.

22 (9) After the child has been placed with the parent for six months,
23 the court shall hold a hearing. If the placement with the parent has
24 been successful, the court shall enter a final order of reinstatement
25 of parental rights, which shall restore all rights, powers, privileges,
26 immunities, duties, and obligations of the parent as to the child,
27 including those relating to custody, control, and support of the child.
28 The court shall dismiss the dependency and direct the clerk's office to
29 provide a certified copy of the final order of reinstatement of
30 parental rights to the parent at no cost.

31 (10) The granting of the petition under this section does not
32 vacate or otherwise affect the validity of the original termination
33 order.

34 ((+10+)) (11) Any parent whose rights are reinstated under this
35 section shall not be liable for any child support owed to the
36 department pursuant to RCW 13.34.160 or Title 26 RCW or costs of other
37 services provided to a child for the time period from the date of

1 termination of parental rights to the date parental rights are
2 reinstated.

3 ~~((+11+))~~ (12) A proceeding to reinstate parental rights is a
4 separate action from the termination of parental rights proceeding and
5 does not vacate the original termination of parental rights. An order
6 granted under this section reinstates the parental rights to the child.
7 This reinstatement is a recognition that the situation of the parent
8 and child have changed since the time of the termination of parental
9 rights and reunification is now appropriate.

10 ~~((+12+))~~ (13) This section is retroactive and applies to any child
11 who is under the jurisdiction of the juvenile court at the time of the
12 hearing regardless of the date parental rights were terminated.

13 (14) The state, the department, and its employees are not liable
14 for civil damages resulting from any act or omission in the provision
15 of services under this section, unless the act or omission constitutes
16 gross negligence. This section does not create any duty and shall not
17 be construed to create a duty where none exists. This section does not
18 create a cause of action against the state, the department, or its
19 employees concerning the original termination.

20 **Sec. 2.** RCW 13.34.065 and 2007 c 413 s 5 are each amended to read
21 as follows:

22 (1)(a) When a child is taken into custody, the court shall hold a
23 shelter care hearing within seventy-two hours, excluding Saturdays,
24 Sundays, and holidays. The primary purpose of the shelter care hearing
25 is to determine whether the child can be immediately and safely
26 returned home while the adjudication of the dependency is pending.

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

35 (2)(a) The department of social and health services shall submit a
36 recommendation to the court as to the further need for shelter care in

1 all cases in which it is the petitioner. In all other cases, the
2 recommendation shall be submitted by the juvenile court probation
3 counselor.

4 (b) All parties have the right to present testimony to the court
5 regarding the need or lack of need for shelter care.

6 (c) Hearsay evidence before the court regarding the need or lack of
7 need for shelter care must be supported by sworn testimony, affidavit,
8 or declaration of the person offering such evidence.

9 (3)(a) At the commencement of the hearing, the court shall notify
10 the parent, guardian, or custodian of the following:

11 (i) The parent, guardian, or custodian has the right to a shelter
12 care hearing;

13 (ii) The nature of the shelter care hearing, the rights of the
14 parents, and the proceedings that will follow; and

15 (iii) If the parent, guardian, or custodian is not represented by
16 counsel, the right to be represented. If the parent, guardian, or
17 custodian is indigent, the court shall appoint counsel as provided in
18 RCW 13.34.090; and

19 (b) If a parent, guardian, or legal custodian desires to waive the
20 shelter care hearing, the court shall determine, on the record and with
21 the parties present, whether such waiver is knowing and voluntary. A
22 parent may not waive his or her right to the shelter care hearing
23 unless he or she appears in court and the court determines that the
24 waiver is knowing and voluntary. Regardless of whether the court
25 accepts the parental waiver of the shelter care hearing, the court must
26 provide notice to the parents of their rights required under (a) of
27 this subsection and make the finding required under subsection (4) of
28 this section.

29 (4) At the shelter care hearing the court shall examine the need
30 for shelter care and inquire into the status of the case. The
31 paramount consideration for the court shall be the health, welfare, and
32 safety of the child. At a minimum, the court shall inquire into the
33 following:

34 (a) Whether the notice required under RCW 13.34.062 was given to
35 all known parents, guardians, or legal custodians of the child. The
36 court shall make an express finding as to whether the notice required
37 under RCW 13.34.062 was given to the parent, guardian, or legal
38 custodian. If actual notice was not given to the parent, guardian, or

1 legal custodian and the whereabouts of such person is known or can be
2 ascertained, the court shall order the supervising agency or the
3 department of social and health services to make reasonable efforts to
4 advise the parent, guardian, or legal custodian of the status of the
5 case, including the date and time of any subsequent hearings, and their
6 rights under RCW 13.34.090;

7 (b) Whether the child can be safely returned home while the
8 adjudication of the dependency is pending;

9 (c) What efforts have been made to place the child with a relative;

10 (d) What services were provided to the family to prevent or
11 eliminate the need for removal of the child from the child's home;

12 (e) Is the placement proposed by the agency the least disruptive
13 and most family-like setting that meets the needs of the child;

14 (f) Whether it is in the best interest of the child to remain
15 enrolled in the school, developmental program, or child care the child
16 was in prior to placement and what efforts have been made to maintain
17 the child in the school, program, or child care if it would be in the
18 best interest of the child to remain in the same school, program, or
19 child care;

20 (g) Appointment of a guardian ad litem or attorney;

21 (h) Whether the child is or may be an Indian child as defined in 25
22 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare
23 act apply, and whether there is compliance with the Indian child
24 welfare act, including notice to the child's tribe;

25 (i) Whether, as provided in RCW 26.44.063, restraining orders, or
26 orders expelling an allegedly abusive (~~parent~~) household member from
27 the home of a nonabusive parent, guardian, or legal custodian, will
28 allow the child to safely remain in the home;

29 (j) Whether any orders for examinations, evaluations, or immediate
30 services are needed. (~~However,~~) The court may not order a parent to
31 undergo examinations, evaluation, or services at the shelter care
32 hearing unless the parent agrees to the examination, evaluation, or
33 service;

34 (k) The terms and conditions for parental, sibling, and family
35 visitation.

36 (5)(a) The court shall release a child alleged to be dependent to
37 the care, custody, and control of the child's parent, guardian, or

1 legal custodian unless the court finds there is reasonable cause to
2 believe that:

3 (i) After consideration of the specific services that have been
4 provided, reasonable efforts have been made to prevent or eliminate the
5 need for removal of the child from the child's home and to make it
6 possible for the child to return home; and

7 (ii)(A) The child has no parent, guardian, or legal custodian to
8 provide supervision and care for such child; or

9 (B) The release of such child would present a serious threat of
10 substantial harm to such child, notwithstanding an order entered
11 pursuant to RCW 26.44.063; or

12 (C) The parent, guardian, or custodian to whom the child could be
13 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

14 (b) If the court does not release the child to his or her parent,
15 guardian, or legal custodian, (~~and the child was initially placed with~~
16 ~~a relative pursuant to RCW 13.34.060(1),~~) the court shall order
17 (~~continued~~) placement with a relative, unless there is reasonable
18 cause to believe the health, safety, or welfare of the child would be
19 jeopardized or that the efforts to reunite the parent and child will be
20 hindered. The relative must be willing and available to:

21 (i) Care for the child and be able to meet any special needs of the
22 child;

23 (ii) Facilitate the child's visitation with siblings, if such
24 visitation is part of the supervising agency's plan or is ordered by
25 the court; and

26 (iii) Cooperate with the department in providing necessary
27 background checks and home studies.

28 (c) If the child was not initially placed with a relative, and the
29 court does not release the child to his or her parent, guardian, or
30 legal custodian, the supervising agency shall make reasonable efforts
31 to locate a relative pursuant to RCW 13.34.060(1).

32 (d) If a relative is not available, the court shall order continued
33 shelter care or order placement with another suitable person, and the
34 court shall set forth its reasons for the order. If the court orders
35 placement of the child with a person not related to the child and not
36 licensed to provide foster care, the placement is subject to all terms
37 and conditions of this section that apply to relative placements.

1 (e) Any placement with a relative, or other person approved by the
2 court pursuant to this section, shall be contingent upon cooperation
3 with the agency case plan and compliance with court orders related to
4 the care and supervision of the child including, but not limited to,
5 court orders regarding parent-child contacts, sibling contacts, and any
6 other conditions imposed by the court. Noncompliance with the case
7 plan or court order is grounds for removal of the child from the home
8 of the relative or other person, subject to review by the court.

9 (f) Uncertainty by a parent, guardian, legal custodian, relative,
10 or other suitable person that the alleged abuser has in fact abused the
11 child shall not, alone, be the basis upon which a child is removed from
12 the care of a parent, guardian, or legal custodian under (a) of this
13 subsection, nor shall it be a basis, alone, to preclude placement with
14 a relative under (b) of this subsection or with another suitable person
15 under (d) of this subsection.

16 (6)(a) A shelter care order issued pursuant to this section shall
17 include the requirement for a case conference as provided in RCW
18 13.34.067. However, if the parent is not present at the shelter care
19 hearing, or does not agree to the case conference, the court shall not
20 include the requirement for the case conference in the shelter care
21 order.

22 (b) If the court orders a case conference, the shelter care order
23 shall include notice to all parties and establish the date, time, and
24 location of the case conference which shall be no later than thirty
25 days before the fact-finding hearing.

26 (c) The court may order another conference, case staffing, or
27 hearing as an alternative to the case conference required under RCW
28 13.34.067 so long as the conference, case staffing, or hearing ordered
29 by the court meets all requirements under RCW 13.34.067, including the
30 requirement of a written agreement specifying the services to be
31 provided to the parent.

32 (7)(a) A shelter care order issued pursuant to this section may be
33 amended at any time with notice and hearing thereon. The shelter care
34 decision of placement shall be modified only upon a showing of change
35 in circumstances. No child may be placed in shelter care for longer
36 than thirty days without an order, signed by the judge, authorizing
37 continued shelter care.

1 (b)(i) An order releasing the child on any conditions specified in
2 this section may at any time be amended, with notice and hearing
3 thereon, so as to return the child to shelter care for failure of the
4 parties to conform to the conditions originally imposed.

5 (ii) The court shall consider whether nonconformance with any
6 conditions resulted from circumstances beyond the control of the
7 parent, guardian, or legal custodian and give weight to that fact
8 before ordering return of the child to shelter care.

9 (8)(a) If a child is returned home from shelter care a second time
10 in the case, or if the supervisor of the caseworker deems it necessary,
11 the multidisciplinary team may be reconvened.

12 (b) If a child is returned home from shelter care a second time in
13 the case a law enforcement officer must be present and file a report to
14 the department.

15 **Sec. 3.** RCW 13.34.136 and 2007 c 413 s 7 are each amended to read
16 as follows:

17 (1) Whenever a child is ordered removed from the home, a permanency
18 plan shall be developed no later than sixty days from the time the
19 supervising agency assumes responsibility for providing services,
20 including placing the child, or at the time of a hearing under RCW
21 13.34.130, whichever occurs first. The permanency planning process
22 continues until a permanency planning goal is achieved or dependency is
23 dismissed. The planning process shall include reasonable efforts to
24 return the child to the parent's home.

25 (2) The agency supervising the dependency shall submit a written
26 permanency plan to all parties and the court not less than fourteen
27 days prior to the scheduled hearing. Responsive reports of parties not
28 in agreement with the supervising agency's proposed permanency plan
29 must be provided to the supervising agency, all other parties, and the
30 court at least seven days prior to the hearing.

31 The permanency plan shall include:

32 (a) A permanency plan of care that shall identify one of the
33 following outcomes as a primary goal and may identify additional
34 outcomes as alternative goals: Return of the child to the home of the
35 child's parent, guardian, or legal custodian; adoption; guardianship;
36 permanent legal custody; long-term relative or foster care, until the
37 child is age eighteen, with a written agreement between the parties and

1 the care provider; successful completion of a responsible living skills
2 program; or independent living, if appropriate and if the child is age
3 sixteen or older. The department shall not discharge a child to an
4 independent living situation before the child is eighteen years of age
5 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

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

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

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

36 (iii) A child shall be placed as close to the child's home as
37 possible, preferably in the child's own neighborhood, unless the court

1 finds that placement at a greater distance is necessary to promote the
2 child's or parents' well-being.

3 (iv) The plan shall state whether both in-state and, where
4 appropriate, out-of-state placement options have been considered by the
5 department.

6 (v) Unless it is not in the best interests of the child, whenever
7 practical, the plan should ensure the child remains enrolled in the
8 school the child was attending at the time the child entered foster
9 care.

10 (vi) The agency charged with supervising a child in placement shall
11 provide all reasonable services that are available within the agency,
12 or within the community, or those services which the department has
13 existing contracts to purchase. It shall report to the court if it is
14 unable to provide such services; and

15 (c) If the court has ordered, pursuant to RCW 13.34.130(~~(+4)~~) (5),
16 that a termination petition be filed, a specific plan as to where the
17 child will be placed, what steps will be taken to achieve permanency
18 for the child, services to be offered or provided to the child, and, if
19 visitation would be in the best interests of the child, a
20 recommendation to the court regarding visitation between parent and
21 child pending a fact-finding hearing on the termination petition. The
22 agency shall not be required to develop a plan of services for the
23 parents or provide services to the parents if the court orders a
24 termination petition be filed. However, reasonable efforts to ensure
25 visitation and contact between siblings shall be made unless there is
26 reasonable cause to believe the best interests of the child or siblings
27 would be jeopardized.

28 (3) Permanency planning goals should be achieved at the earliest
29 possible date(~~(, preferably before)~~). If the child has been in out-of-
30 home care for fifteen of the most recent twenty-two months, the court
31 shall require the department to file a petition seeking termination of
32 parental rights in accordance with RCW 13.34.145(3)(b)(vi). In cases
33 where parental rights have been terminated, the child is legally free
34 for adoption, and adoption has been identified as the primary
35 permanency planning goal, it shall be a goal to complete the adoption
36 within six months following entry of the termination order.

37 (4) If the court determines that the continuation of reasonable
38 efforts to prevent or eliminate the need to remove the child from his

1 or her home or to safely return the child home should not be part of
2 the permanency plan of care for the child, reasonable efforts shall be
3 made to place the child in a timely manner and to complete whatever
4 steps are necessary to finalize the permanent placement of the child.

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

7 (6) The court shall consider the child's relationships with the
8 child's siblings in accordance with RCW 13.34.130(3).

9 (7) For purposes related to permanency planning:

10 (a) "Guardianship" means a dependency guardianship or a legal
11 guardianship pursuant to chapter 11.88 RCW or equivalent laws of
12 another state or a federally recognized Indian tribe.

13 (b) "Permanent custody order" means a custody order entered
14 pursuant to chapter 26.10 RCW.

15 (c) "Permanent legal custody" means legal custody pursuant to
16 chapter 26.10 RCW or equivalent laws of another state or a federally
17 recognized Indian tribe.

18 **Sec. 4.** RCW 26.44.063 and 2000 c 119 s 12 are each amended to read
19 as follows:

20 (1) It is the intent of the legislature to minimize trauma to a
21 child involved in an allegation of sexual or physical abuse. The
22 legislature declares that removing the child from the home or the care
23 of a parent, guardian, or legal custodian often has the effect of
24 further traumatizing the child. It is, therefore, the legislature's
25 intent that the alleged (~~offender~~) abuser, rather than the child,
26 shall be removed or restrained from the (~~home~~) child's residence and
27 that this should be done at the earliest possible point of intervention
28 in accordance with RCW 10.31.100, (~~13.34.130~~) chapter 13.34 RCW, this
29 section, and RCW 26.44.130.

30 (2) In any judicial proceeding in which it is alleged that a child
31 has been subjected to sexual or physical abuse, if the court finds
32 reasonable grounds to believe that an incident of sexual or physical
33 abuse has occurred, the court may, on its own motion, or the motion of
34 the guardian ad litem or other parties, issue a temporary restraining
35 order or preliminary injunction restraining or enjoining the person
36 accused of committing the abuse from:

37 (a) Molesting or disturbing the peace of the alleged victim;

1 (b) Entering the family home of the alleged victim except as
2 specifically authorized by the court;

3 (c) Having any contact with the alleged victim, except as
4 specifically authorized by the court;

5 (d) Knowingly coming within, or knowingly remaining within, a
6 specified distance of a specified location.

7 (3) If the caretaker is willing, and does comply with the duties
8 prescribed in subsection (8) of this section, uncertainty by the
9 caretaker that the alleged abuser has in fact abused the alleged victim
10 shall not, alone, be a basis to remove the alleged victim from the
11 caretaker, nor shall it be considered neglect.

12 (4) In issuing a temporary restraining order or preliminary
13 injunction, the court may impose any additional restrictions that the
14 court in its discretion determines are necessary to protect the child
15 from further abuse or emotional trauma pending final resolution of the
16 abuse allegations.

17 ((+4)) (5) The court shall issue a temporary restraining order
18 prohibiting a person from entering the family home if the court finds
19 that the order would eliminate the need for an out-of-home placement to
20 protect the child's right to nurturance, health, and safety and is
21 sufficient to protect the child from further sexual or physical abuse
22 or coercion.

23 ((+5)) (6) The court may issue a temporary restraining order
24 without requiring notice to the party to be restrained or other parties
25 only if it finds on the basis of the moving affidavit or other evidence
26 that irreparable injury could result if an order is not issued until
27 the time for responding has elapsed.

28 ((+6)) (7) A temporary restraining order or preliminary
29 injunction:

30 (a) Does not prejudice the rights of a party or any child which are
31 to be adjudicated at subsequent hearings in the proceeding; and

32 (b) May be revoked or modified.

33 ((+7)) (8) The person having physical custody of the child shall
34 have an affirmative duty to assist in the enforcement of the
35 restraining order including but not limited to a duty to notify the
36 court as soon as practicable of any violation of the order, a duty to
37 request the assistance of law enforcement officers to enforce the
38 order, and a duty to notify the department of social and health

1 services of any violation of the order as soon as practicable if the
2 department is a party to the action. Failure by the custodial party to
3 discharge these affirmative duties shall be subject to contempt
4 proceedings.

5 ~~((+8+))~~ (9) Willful violation of a court order entered under this
6 section is a misdemeanor. A written order shall contain the court's
7 directive and shall bear the legend: "Violation of this order with
8 actual notice of its terms is a criminal offense under chapter 26.44
9 RCW, is also subject to contempt proceedings, and will subject a
10 violator to arrest."

11 ~~((+9+))~~ (10) If a restraining order issued under this section is
12 modified or terminated, the clerk of the court shall notify the law
13 enforcement agency specified in the order on or before the next
14 judicial day. Upon receipt of notice that an order has been
15 terminated, the law enforcement agency shall remove the order from any
16 computer-based criminal intelligence system.

17 **Sec. 5.** RCW 71.24.035 and 2007 c 414 s 2, 2007 c 410 s 8, and 2007
18 c 375 s 12 are each reenacted and amended to read as follows:

19 (1) The department is designated as the state mental health
20 authority.

21 (2) The secretary shall provide for public, client, and licensed
22 service provider participation in developing the state mental health
23 program, developing contracts with regional support networks, and any
24 waiver request to the federal government under medicaid.

25 (3) The secretary shall provide for participation in developing the
26 state mental health program for children and other underserved
27 populations, by including representatives on any committee established
28 to provide oversight to the state mental health program.

29 (4) The secretary shall be designated as the regional support
30 network if the regional support network fails to meet state minimum
31 standards or refuses to exercise responsibilities under RCW 71.24.045.

32 (5) The secretary shall:

33 (a) Develop a biennial state mental health program that
34 incorporates regional biennial needs assessments and regional mental
35 health service plans and state services for adults and children with
36 mental illness. The secretary shall also develop a six-year state
37 mental health plan;

1 (b) Assure that any regional or county community mental health
2 program provides access to treatment for the region's residents,
3 including parents who are (~~defendants~~) respondents in dependency
4 cases, in the following order of priority: (i) Persons with acute
5 mental illness; (ii) adults with chronic mental illness and children
6 who are severely emotionally disturbed; and (iii) persons who are
7 seriously disturbed. Such programs shall provide:

8 (A) Outpatient services;

9 (B) Emergency care services for twenty-four hours per day;

10 (C) Day treatment for persons with mental illness which includes
11 training in basic living and social skills, supported work, vocational
12 rehabilitation, and day activities. Such services may include
13 therapeutic treatment. In the case of a child, day treatment includes
14 age-appropriate basic living and social skills, educational and
15 prevocational services, day activities, and therapeutic treatment;

16 (D) Screening for patients being considered for admission to state
17 mental health facilities to determine the appropriateness of admission;

18 (E) Employment services, which may include supported employment,
19 transitional work, placement in competitive employment, and other work-
20 related services, that result in persons with mental illness becoming
21 engaged in meaningful and gainful full or part-time work. Other
22 sources of funding such as the division of vocational rehabilitation
23 may be utilized by the secretary to maximize federal funding and
24 provide for integration of services;

25 (F) Consultation and education services; and

26 (G) Community support services;

27 (c) Develop and adopt rules establishing state minimum standards
28 for the delivery of mental health services pursuant to RCW 71.24.037
29 including, but not limited to:

30 (i) Licensed service providers. These rules shall permit a county-
31 operated mental health program to be licensed as a service provider
32 subject to compliance with applicable statutes and rules. The
33 secretary shall provide for deeming of compliance with state minimum
34 standards for those entities accredited by recognized behavioral health
35 accrediting bodies recognized and having a current agreement with the
36 department;

37 (ii) Regional support networks; and

1 (iii) Inpatient services, evaluation and treatment services and
2 facilities under chapter 71.05 RCW, resource management services, and
3 community support services;

4 (d) Assure that the special needs of persons who are minorities,
5 elderly, disabled, children, low-income, and parents who are
6 (~~defendants~~) respondents in dependency cases are met within the
7 priorities established in this section;

8 (e) Establish a standard contract or contracts, consistent with
9 state minimum standards and RCW 71.24.320(~~(7)~~) and 71.24.330(~~(7) and~~
10 ~~71.24.3201~~)), which shall be used in contracting with regional support
11 networks. The standard contract shall include a maximum fund balance,
12 which shall be consistent with that required by federal regulations or
13 waiver stipulations;

14 (f) Establish, to the extent possible, a standardized auditing
15 procedure which minimizes paperwork requirements of regional support
16 networks and licensed service providers. The audit procedure shall
17 focus on the outcomes of service and not the processes for
18 accomplishing them;

19 (g) Develop and maintain an information system to be used by the
20 state and regional support networks that includes a tracking method
21 which allows the department and regional support networks to identify
22 mental health clients' participation in any mental health service or
23 public program on an immediate basis. The information system shall not
24 include individual patient's case history files. Confidentiality of
25 client information and records shall be maintained as provided in this
26 chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

27 (h) License service providers who meet state minimum standards;

28 (i) Certify regional support networks that meet state minimum
29 standards;

30 (j) Periodically monitor the compliance of certified regional
31 support networks and their network of licensed service providers for
32 compliance with the contract between the department, the regional
33 support network, and federal and state rules at reasonable times and in
34 a reasonable manner;

35 (k) Fix fees to be paid by evaluation and treatment centers to the
36 secretary for the required inspections;

37 (l) Monitor and audit regional support networks and licensed

1 service providers as needed to assure compliance with contractual
2 agreements authorized by this chapter;

3 (m) Adopt such rules as are necessary to implement the department's
4 responsibilities under this chapter;

5 (n) Assure the availability of an appropriate amount, as determined
6 by the legislature in the operating budget by amounts appropriated for
7 this specific purpose, of community-based, geographically distributed
8 residential services;

9 (o) Certify crisis stabilization units that meet state minimum
10 standards; and

11 (p) Certify clubhouses that meet state minimum standards.

12 (6) The secretary shall use available resources only for regional
13 support networks, except to the extent authorized, and in accordance
14 with any priorities or conditions specified, in the biennial
15 appropriations act.

16 (7) Each certified regional support network and licensed service
17 provider shall file with the secretary, on request, such data,
18 statistics, schedules, and information as the secretary reasonably
19 requires. A certified regional support network or licensed service
20 provider which, without good cause, fails to furnish any data,
21 statistics, schedules, or information as requested, or files fraudulent
22 reports thereof, may have its certification or license revoked or
23 suspended.

24 (8) The secretary may suspend, revoke, limit, or restrict a
25 certification or license, or refuse to grant a certification or license
26 for failure to conform to: (a) The law; (b) applicable rules and
27 regulations; (c) applicable standards; or (d) state minimum standards.

28 (9) The superior court may restrain any regional support network or
29 service provider from operating without certification or a license or
30 any other violation of this section. The court may also review,
31 pursuant to procedures contained in chapter 34.05 RCW, any denial,
32 suspension, limitation, restriction, or revocation of certification or
33 license, and grant other relief required to enforce the provisions of
34 this chapter.

35 (10) Upon petition by the secretary, and after hearing held upon
36 reasonable notice to the facility, the superior court may issue a
37 warrant to an officer or employee of the secretary authorizing him or

1 her to enter at reasonable times, and examine the records, books, and
2 accounts of any regional support network or service provider refusing
3 to consent to inspection or examination by the authority.

4 (11) Notwithstanding the existence or pursuit of any other remedy,
5 the secretary may file an action for an injunction or other process
6 against any person or governmental unit to restrain or prevent the
7 establishment, conduct, or operation of a regional support network or
8 service provider without certification or a license under this chapter.

9 (12) The standards for certification of evaluation and treatment
10 facilities shall include standards relating to maintenance of good
11 physical and mental health and other services to be afforded persons
12 pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall
13 otherwise assure the effectuation of the purposes of these chapters.

14 (13) The standards for certification of crisis stabilization units
15 shall include standards that:

16 (a) Permit location of the units at a jail facility if the unit is
17 physically separate from the general population of the jail;

18 (b) Require administration of the unit by mental health
19 professionals who direct the stabilization and rehabilitation efforts;
20 and

21 (c) Provide an environment affording security appropriate with the
22 alleged criminal behavior and necessary to protect the public safety.

23 (14) The standards for certification of a clubhouse shall at a
24 minimum include:

25 (a) The facilities may be peer-operated and must be
26 recovery-focused;

27 (b) Members and employees must work together;

28 (c) Members must have the opportunity to participate in all the
29 work of the clubhouse, including administration, research, intake and
30 orientation, outreach, hiring, training and evaluation of staff, public
31 relations, advocacy, and evaluation of clubhouse effectiveness;

32 (d) Members and staff and ultimately the clubhouse director must be
33 responsible for the operation of the clubhouse, central to this
34 responsibility is the engagement of members and staff in all aspects of
35 clubhouse operations;

36 (e) Clubhouse programs must be comprised of structured activities
37 including but not limited to social skills training, vocational

1 rehabilitation, employment training and job placement, and community
2 resource development;

3 (f) Clubhouse programs must provide in-house educational programs
4 that significantly utilize the teaching and tutoring skills of members
5 and assist members by helping them to take advantage of adult education
6 opportunities in the community;

7 (g) Clubhouse programs must focus on strengths, talents, and
8 abilities of its members;

9 (h) The work-ordered day may not include medication clinics, day
10 treatment, or other therapy programs within the clubhouse.

11 (15) The department shall distribute appropriated state and federal
12 funds in accordance with any priorities, terms, or conditions specified
13 in the appropriations act.

14 (16) The secretary shall assume all duties assigned to the
15 nonparticipating regional support networks under chapters 71.05, 71.34,
16 and 71.24 RCW. Such responsibilities shall include those which would
17 have been assigned to the nonparticipating counties in regions where
18 there are not participating regional support networks.

19 The regional support networks, or the secretary's assumption of all
20 responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be
21 included in all state and federal plans affecting the state mental
22 health program including at least those required by this chapter, the
23 medicaid program, and P.L. 99-660. Nothing in these plans shall be
24 inconsistent with the intent and requirements of this chapter.

25 (17) The secretary shall:

26 (a) Disburse funds for the regional support networks within sixty
27 days of approval of the biennial contract. The department must either
28 approve or reject the biennial contract within sixty days of receipt.

29 (b) Enter into biennial contracts with regional support networks.
30 The contracts shall be consistent with available resources. No
31 contract shall be approved that does not include progress toward
32 meeting the goals of this chapter by taking responsibility for: (i)
33 Short-term commitments; (ii) residential care; and (iii) emergency
34 response systems.

35 (c) Notify regional support networks of their allocation of
36 available resources at least sixty days prior to the start of a new
37 biennial contract period.

1 (d) Deny all or part of the funding allocations to regional support
2 networks based solely upon formal findings of noncompliance with the
3 terms of the regional support network's contract with the department.
4 Regional support networks disputing the decision of the secretary to
5 withhold funding allocations are limited to the remedies provided in
6 the department's contracts with the regional support networks.

7 (18) The department, in cooperation with the state congressional
8 delegation, shall actively seek waivers of federal requirements and
9 such modifications of federal regulations as are necessary to allow
10 federal medicaid reimbursement for services provided by free-standing
11 evaluation and treatment facilities certified under chapter 71.05 RCW.
12 The department shall periodically report its efforts to the appropriate
13 committees of the senate and the house of representatives.

14 **Sec. 6.** RCW 74.13.031 and 2007 c 413 s 10 are each amended to read
15 as follows:

16 The department shall have the duty to provide child welfare
17 services and shall:

18 (1) Develop, administer, supervise, and monitor a coordinated and
19 comprehensive plan that establishes, aids, and strengthens services for
20 the protection and care of runaway, dependent, or neglected children.

21 (2) Within available resources, recruit an adequate number of
22 prospective adoptive and foster homes, both regular and specialized,
23 i.e. homes for children of ethnic minority, including Indian homes for
24 Indian children, sibling groups, handicapped and emotionally disturbed,
25 teens, pregnant and parenting teens, and annually report to the
26 governor and the legislature concerning the department's success in:
27 (a) Meeting the need for adoptive and foster home placements; (b)
28 reducing the foster parent turnover rate; (c) completing home studies
29 for legally free children; and (d) implementing and operating the
30 passport program required by RCW 74.13.285. The report shall include
31 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

32 (3) Investigate complaints of any recent act or failure to act on
33 the part of a parent or caretaker that results in death, serious
34 physical or emotional harm, or sexual abuse or exploitation, or that
35 presents an imminent risk of serious harm, and on the basis of the
36 findings of such investigation, offer child welfare services in
37 relation to the problem to such parents, legal custodians, or persons

1 serving in loco parentis, and/or bring the situation to the attention
2 of an appropriate court, or another community agency(~~(:—PROVIDED,~~
3 ~~That)~~). An investigation is not required of nonaccidental injuries
4 which are clearly not the result of a lack of care or supervision by
5 the child's parents, legal custodians, or persons serving in loco
6 parentis. If the investigation reveals that a crime against a child
7 may have been committed, the department shall notify the appropriate
8 law enforcement agency.

9 (4) Offer, on a voluntary basis, family reconciliation services to
10 families who are in conflict.

11 (~~Monitor out of home placements, on a timely and routine~~
12 ~~basis, to assure the safety, well being, and quality of care being~~
13 ~~provided is within the scope of the intent of the legislature as~~
14 ~~defined in RCW 74.13.010 and 74.15.010, and annually submit a report~~
15 ~~measuring the extent to which the department achieved the specified~~
16 ~~goals to the governor and the legislature)) Monitor placements of
17 children in out-of-home care and in-home dependencies to assure the
18 safety, well-being, and quality of care being provided is within the
19 scope of the intent of the legislature as defined in RCW 74.13.010 and
20 74.15.010. The policy for monitoring placements under this section
21 shall require that children in out-of-home care and in-home
22 dependencies and their caregivers receive a private and individual
23 face-to-face visit each month.~~

24 (a) The department shall conduct the monthly visits with children
25 and caregivers required under this section unless the child's placement
26 is being supervised under a contract between the department and a
27 private agency accredited by a national child welfare accrediting
28 entity, in which case the private agency shall, within existing
29 resources, conduct the monthly visits with the child and with the
30 child's caregiver according to the standards described in this
31 subsection and shall provide the department with a written report of
32 the visits within fifteen days of completing the visits.

33 (b) In cases where the monthly visits required under this
34 subsection are being conducted by a private agency, the department
35 shall conduct a face-to-face health and safety visit with the child at
36 least once every ninety days.

37 (6) Have authority to accept custody of children from parents and
38 to accept custody of children from juvenile courts, where authorized to

1 do so under law, to provide child welfare services including placement
2 for adoption, to provide for the routine and necessary medical, dental,
3 and mental health care, or necessary emergency care of the children,
4 and to provide for the physical care of such children and make payment
5 of maintenance costs if needed. Except where required by Public Law
6 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
7 children for adoption from the department shall discriminate on the
8 basis of race, creed, or color when considering applications in their
9 placement for adoption.

10 (7) Have authority to provide temporary shelter to children who
11 have run away from home and who are admitted to crisis residential
12 centers.

13 (8) Have authority to purchase care for children; and shall follow
14 in general the policy of using properly approved private agency
15 services for the actual care and supervision of such children insofar
16 as they are available, paying for care of such children as are accepted
17 by the department as eligible for support at reasonable rates
18 established by the department.

19 (9) Establish a children's services advisory committee which shall
20 assist the secretary in the development of a partnership plan for
21 utilizing resources of the public and private sectors, and advise on
22 all matters pertaining to child welfare, licensing of child care
23 agencies, adoption, and services related thereto. At least one member
24 shall represent the adoption community.

25 (10)(a) Have authority to provide continued foster care or group
26 care as needed to participate in or complete a high school or
27 vocational school program.

28 (b)(i) Beginning in 2006, the department has the authority to allow
29 up to fifty youth reaching age eighteen to continue in foster care or
30 group care as needed to participate in or complete a posthigh school
31 academic or vocational program, and to receive necessary support and
32 transition services.

33 (ii) In 2007 and 2008, the department has the authority to allow up
34 to fifty additional youth per year reaching age eighteen to remain in
35 foster care or group care as provided in (b)(i) of this subsection.

36 (iii) A youth who remains eligible for such placement and services
37 pursuant to department rules may continue in foster care or group care
38 until the youth reaches his or her twenty-first birthday. Eligibility

1 requirements shall include active enrollment in a posthigh school
2 academic or vocational program and maintenance of a 2.0 grade point
3 average.

4 (11) Refer cases to the division of child support whenever state or
5 federal funds are expended for the care and maintenance of a child,
6 including a child with a developmental disability who is placed as a
7 result of an action under chapter 13.34 RCW, unless the department
8 finds that there is good cause not to pursue collection of child
9 support against the parent or parents of the child. Cases involving
10 individuals age eighteen through twenty shall not be referred to the
11 division of child support unless required by federal law.

12 (12) Have authority within funds appropriated for foster care
13 services to purchase care for Indian children who are in the custody of
14 a federally recognized Indian tribe or tribally licensed child-placing
15 agency pursuant to parental consent, tribal court order, or state
16 juvenile court order; and the purchase of such care shall be subject to
17 the same eligibility standards and rates of support applicable to other
18 children for whom the department purchases care.

19 Notwithstanding any other provision of RCW 13.32A.170 through
20 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
21 services to be provided by the department of social and health services
22 under subsections (4), (6), and (7) of this section, subject to the
23 limitations of these subsections, may be provided by any program
24 offering such services funded pursuant to Titles II and III of the
25 federal juvenile justice and delinquency prevention act of 1974.

26 (13) Within amounts appropriated for this specific purpose, provide
27 preventive services to families with children that prevent or shorten
28 the duration of an out-of-home placement.

29 (14) Have authority to provide independent living services to
30 youths, including individuals who have attained eighteen years of age,
31 and have not attained twenty-one years of age who are or have been in
32 foster care.

33 (15) Consult at least quarterly with foster parents, including
34 members of the foster parent association of Washington state, for the
35 purpose of receiving information and comment regarding how the
36 department is performing the duties and meeting the obligations
37 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
38 recruitment of foster homes, reducing foster parent turnover rates,

1 providing effective training for foster parents, and administering a
2 coordinated and comprehensive plan that strengthens services for the
3 protection of children. Consultation shall occur at the regional and
4 statewide levels.

5 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.13 RCW
6 to read as follows:

7 (1) For the purpose of assisting foster youth in obtaining a
8 Washington state identicard, submission of the information and
9 materials listed in this subsection from the department to the
10 department of licensing is sufficient proof of identity and residency
11 and shall serve as the necessary authorization for the youth to apply
12 for and obtain a Washington state identicard:

13 (a) A written signed statement prepared on department letterhead,
14 verifying the following:

15 (i) The youth is a minor who resides in Washington;

16 (ii) Pursuant to a court order, the youth is dependent and the
17 department or other supervising agency is the legal custodian of the
18 youth under chapter 13.34 RCW or under the interstate compact on the
19 placement of children;

20 (iii) The youth's full name and date of birth;

21 (iv) The youth's social security number, if available;

22 (v) A brief physical description of the youth;

23 (vi) The appropriate address to be listed on the youth's
24 identicard; and

25 (vii) Contact information for the appropriate person at the
26 department.

27 (b) A photograph of the youth, which may be digitized and
28 integrated into the statement.

29 (2) The department may provide the statement and the photograph via
30 any of the following methods, whichever is most efficient or
31 convenient:

32 (a) Delivered via first-class mail or electronically to the
33 headquarters office of the department of licensing; or

34 (b) Hand-delivered to a local office of the department of licensing
35 by a department case worker.

36 (3) A copy of the statement shall be provided to the youth who

1 shall provide the copy to the department of licensing when making an
2 in-person application for a Washington state identicard.

3 (4) To the extent other identifying information is readily
4 available, the department shall include the additional information with
5 the submission of information required under subsection (1) of this
6 section.

7 **Sec. 8.** RCW 46.20.035 and 2004 c 249 s 2 are each amended to read
8 as follows:

9 The department may not issue an identicard or a Washington state
10 driver's license that is valid for identification purposes unless the
11 applicant meets the identification requirements of subsection (1), (2),
12 or (3) of this section.

13 (1) A driver's license or identicard applicant must provide the
14 department with at least one of the following pieces of valid
15 identifying documentation that contains the signature and a photograph
16 of the applicant:

17 (a) A valid or recently expired driver's license or instruction
18 permit that includes the date of birth of the applicant;

19 (b) A Washington state identicard or an identification card issued
20 by another state;

21 (c) An identification card issued by the United States, a state, or
22 an agency of either the United States or a state, of a kind commonly
23 used to identify the members or employees of the government agency;

24 (d) A military identification card;

25 (e) A United States passport; or

26 (f) An Immigration and Naturalization Service form.

27 (2) An applicant who is a minor may establish identity by providing
28 an affidavit of the applicant's parent or guardian. The parent or
29 guardian must accompany the minor and display or provide:

30 (a) At least one piece of documentation in subsection (1) of this
31 section establishing the identity of the parent or guardian; and

32 (b) Additional documentation establishing the relationship between
33 the parent or guardian and the applicant.

34 (3) A person unable to provide identifying documentation as
35 specified in subsection (1) or (2) of this section may request that the
36 department review other available documentation in order to ascertain
37 identity. The department may waive the requirement if it finds that

1 other documentation clearly establishes the identity of the applicant.
2 Notwithstanding the requirements in subsection (2) of this section, the
3 department shall issue an identicard to an applicant for whom it
4 receives documentation pursuant to section 7 of this act.

5 (4) An identicard or a driver's license that includes a photograph
6 that has been renewed by mail or by electronic commerce is valid for
7 identification purposes if the applicant met the identification
8 requirements of subsection (1), (2), or (3) of this section at the time
9 of previous issuance.

10 (5) The form of an applicant's name, as established under this
11 section, is the person's name of record for the purposes of this
12 chapter.

13 (6) If the applicant is unable to prove his or her identity under
14 this section, the department shall plainly label the license "not valid
15 for identification purposes."

16 **Sec. 9.** RCW 41.06.142 and 2002 c 354 s 208 are each amended to
17 read as follows:

18 (1) Any department, agency, or institution of higher education may
19 purchase services, including services that have been customarily and
20 historically provided by employees in the classified service under this
21 chapter, by contracting with individuals, nonprofit organizations,
22 businesses, employee business units, or other entities if the following
23 criteria are met:

24 (a) The invitation for bid or request for proposal contains
25 measurable standards for the performance of the contract;

26 (b) Employees in the classified service whose positions or work
27 would be displaced by the contract are provided an opportunity to offer
28 alternatives to purchasing services by contract and, if these
29 alternatives are not accepted, compete for the contract under
30 competitive contracting procedures in subsection (4) of this section;

31 (c) The contract with an entity other than an employee business
32 unit includes a provision requiring the entity to consider employment
33 of state employees who may be displaced by the contract;

34 (d) The department, agency, or institution of higher education has
35 established a contract monitoring process to measure contract
36 performance, costs, service delivery quality, and other contract

1 standards, and to cancel contracts that do not meet those standards;
2 and

3 (e) The department, agency, or institution of higher education has
4 determined that the contract results in savings or efficiency
5 improvements. The contracting agency must consider the consequences
6 and potential mitigation of improper or failed performance by the
7 contractor.

8 (2) Any provision contrary to or in conflict with this section in
9 any collective bargaining agreement in effect on July 1, 2005, is not
10 effective beyond the expiration date of the agreement.

11 (3) Contracting for services that is expressly mandated by the
12 legislature or was authorized by law prior to July 1, 2005, including
13 contracts and agreements between public entities, shall not be subject
14 to the processes set forth in subsections (1) (~~and~~), (4) (~~through~~
15 ~~+6~~), and (5) of this section.

16 (4) Competitive contracting shall be implemented as follows:

17 (a) At least ninety days prior to the date the contracting agency
18 requests bids from private entities for a contract for services
19 provided by classified employees, the contracting agency shall notify
20 the classified employees whose positions or work would be displaced by
21 the contract. The employees shall have sixty days from the date of
22 notification to offer alternatives to purchasing services by contract,
23 and the agency shall consider the alternatives before requesting bids.

24 (b) If the employees decide to compete for the contract, they shall
25 notify the contracting agency of their decision. Employees must form
26 one or more employee business units for the purpose of submitting a bid
27 or bids to perform the services.

28 (c) The director of personnel, with the advice and assistance of
29 the department of general administration, shall develop and make
30 available to employee business units training in the bidding process
31 and general bid preparation.

32 (d) The director of general administration, with the advice and
33 assistance of the department of personnel, shall, by rule, establish
34 procedures to ensure that bids are submitted and evaluated in a fair
35 and objective manner and that there exists a competitive market for the
36 service. Such rules shall include, but not be limited to: (i)
37 Prohibitions against participation in the bid evaluation process by
38 employees who prepared the business unit's bid or who perform any of

1 the services to be contracted; (ii) provisions to ensure no bidder
2 receives an advantage over other bidders and that bid requirements are
3 applied equitably to all parties; and (iii) procedures that require the
4 contracting agency to receive complaints regarding the bidding process
5 and to consider them before awarding the contract. Appeal of an
6 agency's actions under this subsection is an adjudicative proceeding
7 and subject to the applicable provisions of chapter 34.05 RCW, the
8 administrative procedure act, with the final decision to be rendered by
9 an administrative law judge assigned under chapter 34.12 RCW.

10 (e) An employee business unit's bid must include the fully
11 allocated costs of the service, including the cost of the employees'
12 salaries and benefits, space, equipment, materials, and other costs
13 necessary to perform the function. An employee business unit's cost
14 shall not include the state's indirect overhead costs unless those
15 costs can be attributed directly to the function in question and would
16 not exist if that function were not performed in state service.

17 (f) A department, agency, or institution of higher education may
18 contract with the department of general administration to conduct the
19 bidding process.

20 (5) As used in this section:

21 (a) "Employee business unit" means a group of employees who perform
22 services to be contracted under this section and who submit a bid for
23 the performance of those services under subsection (4) of this section.

24 (b) "Indirect overhead costs" means the pro rata share of existing
25 agency administrative salaries and benefits, and rent, equipment costs,
26 utilities, and materials associated with those administrative
27 functions.

28 (c) "Competitive contracting" means the process by which classified
29 employees of a department, agency, or institution of higher education
30 compete with businesses, individuals, nonprofit organizations, or other
31 entities for contracts authorized by subsection (1) of this section.

32 ~~((The joint legislative audit and review committee shall
33 conduct a performance audit of the implementation of this section,
34 including the adequacy of the appeals process in subsection (4)(d) of
35 this section, and report to the legislature by January 1, 2007, on the
36 results of the audit.))~~ The requirements of this section do not apply
37 to RCW 74.13.031(5).

1 NEW SECTION. **Sec. 10.** A new section is added to chapter 74.15 RCW
2 to read as follows:

3 To be eligible for placement in a HOPE center, a minor must be
4 either a street youth, as that term is defined in this chapter, or a
5 youth who, without placement in a HOPE center, will continue to
6 participate in increasingly risky behavior. Youth may also self-refer
7 to a HOPE center. Payment for a HOPE center bed is not contingent upon
8 prior approval by the department.

9 **Sec. 11.** RCW 74.15.240 and 1999 c 267 s 14 are each amended to
10 read as follows:

11 To be eligible for placement in a responsible living skills
12 program, the minor must be dependent under chapter 13.34 RCW and must
13 have lived in a HOPE center or in a secure crisis residential center.
14 However, if the minor's caseworker determines that placement in a
15 responsible living skills program would be the most appropriate
16 placement given the minor's current circumstances, prior residence in
17 a HOPE center or secure crisis residential center before placement in
18 a responsible living program is not required. Responsible living
19 skills centers are intended as a placement alternative for dependent
20 youth that the department chooses for the youth because no other
21 services or alternative placements have been successful. Responsible
22 living skills centers are not for dependent youth whose permanency plan
23 includes return to home or family reunification.

24 NEW SECTION. **Sec. 12.** (1) The department of social and health
25 services, in collaboration with the administrative office of the
26 courts, shall implement a pilot program in the Thurston, Spokane, King,
27 and Benton-Franklin counties as follows:

28 (a) A child who is age twelve years or older and who is the subject
29 of a dependency proceeding under chapter 13.34 RCW shall have the
30 following rights with respect to all hearings conducted in the pilot
31 county on his or her behalf:

- 32 (i) The right to receive notice of the proceedings and hearings;
33 (ii) The right to be present at hearings; and
34 (iii) The right to be heard personally.

35 (b) At the request of the child, the child's guardian ad litem or
36 attorney, or upon the court's own motion, the court may conduct an

1 interview with the child in chambers to determine the child's wishes
2 regarding the issues pending before the court. The court may permit
3 counsel to be present at the interview. The court shall cause a record
4 of the interview to be made and to be made part of the record in the
5 case.

6 (c) A child's right to attend a hearing conducted on his or her
7 behalf and to be heard by the court cannot be denied or limited by the
8 court, unless the court makes a specific written finding that such
9 denial or limitation is in the best interests of the child and
10 necessary for the health, safety, and welfare of the child.

11 (d) Prior to each hearing, the child's guardian ad litem or
12 attorney shall determine if the child wishes to be present and to be
13 heard at the hearing. If the child wishes to attend the hearing, the
14 guardian ad litem or attorney shall coordinate with the child's
15 caregiver and the department or supervising agency to make arrangements
16 for the child to attend the hearing. Nothing in this subsection shall
17 be construed to create a duty on the department or supervising agency
18 to transport the child.

19 (2) The pilot shall operate until June 30, 2010. The department of
20 social and health services and the administrative office of the courts
21 shall brief the legislature regarding the pilot by January 31, 2009,
22 and shall provide a final report regarding the effectiveness of the
23 program by December 1, 2010. To the extent funding is available, the
24 department and the administrative office of the courts shall
25 collaborate with other appropriate entities to compile pertinent
26 information regarding the pilot program, including the comments of
27 youth, court personnel, attorneys, and guardians ad litem in the pilot
28 counties.

29 **Sec. 13.** RCW 13.34.105 and 2000 c 124 s 4 are each amended to read
30 as follows:

31 (1) Unless otherwise directed by the court, the duties of the
32 guardian ad litem for a child subject to a proceeding under this
33 chapter, including an attorney specifically appointed by the court to
34 serve as a guardian ad litem, include but are not limited to the
35 following:

36 (a) To investigate, collect relevant information about the child's

1 situation, and report to the court factual information regarding the
2 best interests of the child;

3 (b) To meet with, interview, or observe the child, depending on the
4 child's age and developmental status, and report to the court any views
5 or positions expressed by the child on issues pending before the court;

6 (c) To monitor all court orders for compliance and to bring to the
7 court's attention any change in circumstances that may require a
8 modification of the court's order;

9 ~~((e))~~ (d) To report to the court information on the legal status
10 of a child's membership in any Indian tribe or band;

11 ~~((d))~~ (e) Court-appointed special advocates and guardians ad
12 litem may make recommendations based upon an independent investigation
13 regarding the best interests of the child, which the court may consider
14 and weigh in conjunction with the recommendations of all of the
15 parties; and

16 ~~((e))~~ (f) To represent and be an advocate for the best interests
17 of the child.

18 (2) A guardian ad litem shall be deemed an officer of the court for
19 the purpose of immunity from civil liability.

20 (3) Except for information or records specified in RCW
21 13.50.100~~((5))~~ (7), the guardian ad litem shall have access to all
22 information available to the state or agency on the case. Upon
23 presentation of the order of appointment by the guardian ad litem, any
24 agency, hospital, school organization, division or department of the
25 state, doctor, nurse, or other health care provider, psychologist,
26 psychiatrist, police department, or mental health clinic shall permit
27 the guardian ad litem to inspect and copy any records relating to the
28 child or children involved in the case, without the consent of the
29 parent or guardian of the child, or of the child if the child is under
30 the age of thirteen years, unless such access is otherwise specifically
31 prohibited by law.

32 (4) A guardian ad litem may release confidential information,
33 records, and reports to the office of the family and children's
34 ombudsman for the purposes of carrying out its duties under chapter
35 43.06A RCW.

36 (5) The guardian ad litem shall release case information in
37 accordance with the provisions of RCW 13.50.100.

1 NEW SECTION. **Sec. 14.** Section 6 of this act takes effect December
2 31, 2008.

3 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
4 this act, referencing this act by bill or chapter number, is not
5 provided by June 30, 2008, in the omnibus appropriations act, this act
6 is null and void.

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