

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3205

Chapter 152, Laws of 2008

60th Legislature
2008 Regular Session

CHILD WELL-BEING--DEPENDENCY CASES

EFFECTIVE DATE: 06/12/08

Passed by the House March 10, 2008
Yeas 94 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 6, 2008
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved March 25, 2008, 1:57 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3205** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 25, 2008

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3205

AS AMENDED BY THE SENATE

Passed Legislature - 2008 Regular Session

State of Washington **60th Legislature** **2008 Regular Session**

By House Appropriations (originally sponsored by Representatives Jarrett, Walsh, Kagi, Roberts, Hunter, Sullivan, Green, Kelley, Morrell, Chase, McIntire, Seaquist, and Kenney)

READ FIRST TIME 02/11/08.

1 AN ACT Relating to promoting the long-term well-being of children;
2 amending RCW 13.34.136, 13.34.145, 43.121.185, 43.121.180, 43.121.020,
3 43.121.015, and 43.15.020; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that meeting the needs
6 of vulnerable children who enter the child welfare system includes
7 protecting the child's right to a safe, stable, and permanent home
8 where the child receives basic nurturing. The legislature also finds
9 that according to measures of timely dependency case processing, many
10 children's cases are not meeting the federal and state standards
11 intended to promote child-centered decision making in dependency cases.
12 The legislature intends to encourage a greater focus on children's
13 developmental needs and to promote closer adherence to timeliness
14 standards in the resolution of dependency cases.

15 **Sec. 2.** RCW 13.34.136 and 2007 c 413 s 7 are each amended to read
16 as follows:

17 (1) A permanency plan shall be developed no later than sixty days
18 from the time the supervising agency assumes responsibility for

1 providing services, including placing the child, or at the time of a
2 hearing under RCW 13.34.130, whichever occurs first. The permanency
3 planning process continues until a permanency planning goal is achieved
4 or dependency is dismissed. The planning process shall include
5 reasonable efforts to return the child to the parent's home.

6 (2) The agency supervising the dependency shall submit a written
7 permanency plan to all parties and the court not less than fourteen
8 days prior to the scheduled hearing. Responsive reports of parties not
9 in agreement with the supervising agency's proposed permanency plan
10 must be provided to the supervising agency, all other parties, and the
11 court at least seven days prior to the hearing.

12 The permanency plan shall include:

13 (a) A permanency plan of care that shall identify one of the
14 following outcomes as a primary goal and may identify additional
15 outcomes as alternative goals: Return of the child to the home of the
16 child's parent, guardian, or legal custodian; adoption; guardianship;
17 permanent legal custody; long-term relative or foster care, until the
18 child is age eighteen, with a written agreement between the parties and
19 the care provider; successful completion of a responsible living skills
20 program; or independent living, if appropriate and if the child is age
21 sixteen or older. The department shall not discharge a child to an
22 independent living situation before the child is eighteen years of age
23 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

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

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

36 (ii) Visitation is the right of the family, including the child and
37 the parent, in cases in which visitation is in the best interest of the
38 child. Early, consistent, and frequent visitation is crucial for

1 maintaining parent-child relationships and making it possible for
2 parents and children to safely reunify. The agency shall encourage the
3 maximum parent and child and sibling contact possible, when it is in
4 the best interest of the child, including regular visitation and
5 participation by the parents in the care of the child while the child
6 is in placement. Visitation shall not be limited as a sanction for a
7 parent's failure to comply with court orders or services where the
8 health, safety, or welfare of the child is not at risk as a result of
9 the visitation. Visitation may be limited or denied only if the court
10 determines that such limitation or denial is necessary to protect the
11 child's health, safety, or welfare. The court and the agency should
12 rely upon community resources, relatives, foster parents, and other
13 appropriate persons to provide transportation and supervision for
14 visitation to the extent that such resources are available, and
15 appropriate, and the child's safety would not be compromised.

16 (iii) A child shall be placed as close to the child's home as
17 possible, preferably in the child's own neighborhood, unless the court
18 finds that placement at a greater distance is necessary to promote the
19 child's or parents' well-being.

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

23 (v) Unless it is not in the best interests of the child, whenever
24 practical, the plan should ensure the child remains enrolled in the
25 school the child was attending at the time the child entered foster
26 care.

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

32 (c) If the court has ordered, pursuant to RCW 13.34.130(~~(+4)~~) (5),
33 that a termination petition be filed, a specific plan as to where the
34 child will be placed, what steps will be taken to achieve permanency
35 for the child, services to be offered or provided to the child, and, if
36 visitation would be in the best interests of the child, a
37 recommendation to the court regarding visitation between parent and
38 child pending a fact-finding hearing on the termination petition. The

1 agency shall not be required to develop a plan of services for the
2 parents or provide services to the parents if the court orders a
3 termination petition be filed. However, reasonable efforts to ensure
4 visitation and contact between siblings shall be made unless there is
5 reasonable cause to believe the best interests of the child or siblings
6 would be jeopardized.

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

16 (4) If the court determines that the continuation of reasonable
17 efforts to prevent or eliminate the need to remove the child from his
18 or her home or to safely return the child home should not be part of
19 the permanency plan of care for the child, reasonable efforts shall be
20 made to place the child in a timely manner and to complete whatever
21 steps are necessary to finalize the permanent placement of the child.

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

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

26 (7) For purposes related to permanency planning:

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

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

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

35 **Sec. 3.** RCW 13.34.145 and 2007 c 413 s 9 are each amended to read
36 as follows:

37 (1) The purpose of a permanency planning hearing is to review the

1 permanency plan for the child, inquire into the welfare of the child
2 and progress of the case, and reach decisions regarding the permanent
3 placement of the child.

4 (a) A permanency planning hearing shall be held in all cases where
5 the child has remained in out-of-home care for at least nine months and
6 an adoption decree, guardianship order, or permanent custody order has
7 not previously been entered. The hearing shall take place no later
8 than twelve months following commencement of the current placement
9 episode.

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

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

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

31 (3) At the permanency planning hearing, the court shall conduct the
32 following inquiry:

33 (a) If a goal of long-term foster or relative care has been
34 achieved prior to the permanency planning hearing, the court shall
35 review the child's status to determine whether the placement and the
36 plan for the child's care remain appropriate.

37 (b) In cases where the primary permanency planning goal has not
38 been achieved, the court shall inquire regarding the reasons why the

1 primary goal has not been achieved and determine what needs to be done
2 to make it possible to achieve the primary goal. The court shall
3 review the permanency plan prepared by the agency and make explicit
4 findings regarding each of the following:

5 (i) The continuing necessity for, and the safety and
6 appropriateness of, the placement;

7 (ii) The extent of compliance with the permanency plan by the
8 agency and any other service providers, the child's parents, the child,
9 and the child's guardian, if any;

10 (iii) The extent of any efforts to involve appropriate service
11 providers in addition to agency staff in planning to meet the special
12 needs of the child and the child's parents;

13 (iv) The progress toward eliminating the causes for the child's
14 placement outside of his or her home and toward returning the child
15 safely to his or her home or obtaining a permanent placement for the
16 child;

17 (v) The date by which it is likely that the child will be returned
18 to his or her home or placed for adoption, with a guardian or in some
19 other alternative permanent placement; and

20 (vi) If the child has been placed outside of his or her home for
21 fifteen of the most recent twenty-two months, not including any period
22 during which the child was a runaway from the out-of-home placement or
23 the first six months of any period during which the child was returned
24 to his or her home for a trial home visit, the appropriateness of the
25 permanency plan, whether reasonable efforts were made by the agency to
26 achieve the goal of the permanency plan, and the circumstances which
27 prevent the child from any of the following:

28 (A) Being returned safely to his or her home;

29 (B) Having a petition for the involuntary termination of parental
30 rights filed on behalf of the child;

31 (C) Being placed for adoption;

32 (D) Being placed with a guardian;

33 (E) Being placed in the home of a fit and willing relative of the
34 child; or

35 (F) Being placed in some other alternative permanent placement,
36 including independent living or long-term foster care.

37 At this hearing, the court shall order the department to file a
38 petition seeking termination of parental rights if the child has been

1 in out-of-home care for fifteen of the last twenty-two months since the
2 date the dependency petition was filed unless the court makes a good
3 cause exception as to why the filing of a termination of parental
4 rights petition is not appropriate. Any good cause finding shall be
5 reviewed at all subsequent hearings pertaining to the child. For
6 purposes of this section, "good cause exception" includes but is not
7 limited to the following: The child is being cared for by a relative;
8 the department has not provided to the child's family such services as
9 the court and the department have deemed necessary for the child's safe
10 return home; or the department has documented in the case plan a
11 compelling reason for determining that filing a petition to terminate
12 parental rights would not be in the child's best interests.

13 (c)(i) If the permanency plan identifies independent living as a
14 goal, the court shall make a finding that the provision of services to
15 assist the child in making a transition from foster care to independent
16 living will allow the child to manage his or her financial, personal,
17 social, educational, and nonfinancial affairs prior to approving
18 independent living as a permanency plan of care.

19 (ii) The permanency plan shall also specifically identify the
20 services that will be provided to assist the child to make a successful
21 transition from foster care to independent living.

22 (iii) The department shall not discharge a child to an independent
23 living situation before the child is eighteen years of age unless the
24 child becomes emancipated pursuant to chapter 13.64 RCW.

25 (d) If the child has resided in the home of a foster parent or
26 relative for more than six months prior to the permanency planning
27 hearing, the court shall also enter a finding regarding whether the
28 foster parent or relative was informed of the hearing as required in
29 RCW 74.13.280 (~~and 13.34.138~~), 13.34.215(5), and 13.34.096.

30 (4) In all cases, at the permanency planning hearing, the court
31 shall:

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

34 (ii) Modify the permanency plan, and order implementation of the
35 modified plan; and

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

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

4 (5) Following the first permanency planning hearing, the court
5 shall hold a further permanency planning hearing in accordance with
6 this section at least once every twelve months until a permanency
7 planning goal is achieved or the dependency is dismissed, whichever
8 occurs first.

9 (6) Prior to the second permanency planning hearing, the agency
10 that has custody of the child shall consider whether to file a petition
11 for termination of parental rights.

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

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

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

32 (10) Nothing in this chapter may be construed to limit the ability
33 of the agency that has custody of the child to file a petition for
34 termination of parental rights or a guardianship petition at any time
35 following the establishment of dependency. Upon the filing of such a
36 petition, a fact-finding hearing shall be scheduled and held in
37 accordance with this chapter unless the agency requests dismissal of

1 the petition prior to the hearing or unless the parties enter an agreed
2 order terminating parental rights, establishing guardianship, or
3 otherwise resolving the matter.

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

11 (12) Nothing in this chapter may be construed to limit the
12 procedural due process rights of any party in a termination or
13 guardianship proceeding filed under this chapter.

14 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
15 sections 2 and 3 of this act, referencing sections 2 and 3 of this act
16 by bill or chapter number and section number, is not provided by June
17 30, 2008, in the omnibus appropriations act, sections 2 and 3 of this
18 act are null and void.

19 **Sec. 5.** RCW 43.121.185 and 2007 c 466 s 4 are each amended to read
20 as follows:

21 To recognize the focus on home visitation services, ((the
22 Washington council for the prevention of child abuse and neglect is
23 hereby renamed)) the children's trust of Washington is hereby renamed
24 the council for children and families. ((All references to the
25 Washington council for the prevention of child abuse and neglect in the
26 Revised Code of Washington shall be construed to mean the children's
27 trust of Washington.))

28 **Sec. 6.** RCW 43.121.180 and 2007 c 466 s 3 are each amended to read
29 as follows:

30 (1) Within available funds, the ((children's trust of Washington))
31 council for children and families shall fund evidence-based and
32 research-based home visitation programs for improving parenting skills
33 and outcomes for children. Home visitation programs must be voluntary
34 and must address the needs of families to alleviate the effect on child
35 development of factors such as poverty, single parenthood, parental

1 unemployment or underemployment, parental disability, or parental lack
2 of high school diploma, which research shows are risk factors for child
3 abuse and neglect and poor educational outcomes.

4 (2) The (~~children's trust of Washington~~) council for children and
5 families shall develop a plan with the department of social and health
6 services, the department of health, the department of early learning,
7 and the family policy council to coordinate or consolidate home
8 visitation services for children and families and report to the
9 appropriate committees of the legislature by December 1, 2007, with
10 their recommendations for implementation of the plan.

11 **Sec. 7.** RCW 43.121.020 and 2007 c 144 s 1 are each amended to read
12 as follows:

13 (1) There is established in the executive office of the governor a
14 (~~Washington council for the prevention of child abuse and neglect~~)
15 council for children and families subject to the jurisdiction of the
16 governor.

17 (2) The council shall be composed of the chairperson and fourteen
18 other members as follows:

19 (a) The chairperson and six other members shall be appointed by the
20 governor and shall be selected for their interest and expertise in the
21 prevention of child abuse. A minimum of four designees by the governor
22 shall not be affiliated with governmental agencies. The appointments
23 shall be made on a geographic basis to assure statewide representation.
24 Members appointed by the governor shall serve for three-year terms.
25 Vacancies shall be filled for any unexpired term by appointment in the
26 same manner as the original appointments were made.

27 (b) The secretary of social and health services or the secretary's
28 designee, the superintendent of public instruction or the
29 superintendent's designee, the director of the department of early
30 learning or the director's designee, and the secretary of the
31 department of health or the secretary's designee shall serve as voting
32 members of the council.

33 (c) In addition to the members of the council, four members of the
34 legislature shall serve as nonvoting, ex officio members of the
35 council, one from each political caucus of the house of representatives
36 to be appointed by the speaker of the house of representatives and one

1 from each political caucus of the senate to be appointed by the
2 president of the senate.

3 **Sec. 8.** RCW 43.121.015 and 1988 c 278 s 4 are each amended to read
4 as follows:

5 As used in this chapter, the following terms have the meanings
6 indicated unless the context clearly requires otherwise.

7 (1) "Child" means an unmarried person who is under eighteen years
8 of age.

9 (2) "Council" means the (~~Washington council for the prevention of~~
10 ~~child abuse and neglect~~) council for children and families.

11 (3) "Primary prevention" of child abuse and neglect means any
12 effort designed to inhibit or preclude the initial occurrence of child
13 abuse and neglect, both by the promotion of positive parenting and
14 family interaction, and the remediation of factors linked to causes of
15 child maltreatment.

16 (4) "Secondary prevention" means services and programs that
17 identify and assist families under such stress that abuse or neglect is
18 likely or families display symptoms associated with child abuse or
19 neglect.

20 **Sec. 9.** RCW 43.15.020 and 2006 c 317 s 4 are each amended to read
21 as follows:

22 The lieutenant governor serves as president of the senate and is
23 responsible for making appointments to, and serving on, the committees
24 and boards as set forth in this section.

25 (1) The lieutenant governor serves on the following boards and
26 committees:

27 (a) Capitol furnishings preservation committee, RCW 27.48.040;

28 (b) Washington higher education facilities authority, RCW
29 28B.07.030;

30 (c) Productivity board, also known as the employee involvement and
31 recognition board, RCW 41.60.015;

32 (d) State finance committee, RCW 43.33.010;

33 (e) State capitol committee, RCW 43.34.010;

34 (f) Washington health care facilities authority, RCW 70.37.030;

35 (g) State medal of merit nominating committee, RCW 1.40.020;

36 (h) Medal of valor committee, RCW 1.60.020; and

- 1 (i) Association of Washington generals, RCW 43.15.030.
- 2 (2) The lieutenant governor, and when serving as president of the
3 senate, appoints members to the following boards and committees:
- 4 (a) Organized crime advisory board, RCW 43.43.858;
- 5 (b) Civil legal aid oversight committee, RCW 2.53.010;
- 6 (c) Office of public defense advisory committee, RCW 2.70.030;
- 7 (d) Washington state gambling commission, RCW 9.46.040;
- 8 (e) Sentencing guidelines commission, RCW 9.94A.860;
- 9 (f) State building code council, RCW 19.27.070;
- 10 (g) Women's history consortium board of advisors, RCW 27.34.365;
- 11 (h) Financial literacy public-private partnership, RCW 28A.300.450;
- 12 (i) Joint administrative rules review committee, RCW 34.05.610;
- 13 (j) Capital projects advisory review board, RCW ((~~39.10.800~~))
14 39.10.220;
- 15 (k) Select committee on pension policy, RCW 41.04.276;
- 16 (l) Legislative ethics board, RCW 42.52.310;
- 17 (m) Washington citizens' commission on salaries, RCW 43.03.305;
- 18 (n) Oral history advisory committee, RCW 43.07.230;
- 19 (o) State council on aging, RCW 43.20A.685;
- 20 (p) State investment board, RCW 43.33A.020;
- 21 (q) Capitol campus design advisory committee, RCW 43.34.080;
- 22 (r) Washington state arts commission, RCW 43.46.015;
- 23 (s) Information services board, RCW 43.105.032;
- 24 (t) K-20 educational network board, RCW 43.105.800;
- 25 (u) Municipal research council, RCW 43.110.010;
- 26 (v) ((~~Washington council for the prevention of child abuse and~~
27 ~~neglect~~)) Council for children and families, RCW 43.121.020;
- 28 (w) PNWER-Net working subgroup under chapter 43.147 RCW;
- 29 (x) Community economic revitalization board, RCW 43.160.030;
- 30 (y) Washington economic development finance authority, RCW
31 43.163.020;
- 32 (z) Tourism development advisory committee, RCW 43.330.095;
- 33 (aa) Life sciences discovery fund authority, RCW 43.350.020;
- 34 (bb) Legislative children's oversight committee, RCW 44.04.220;
- 35 (cc) Joint legislative audit and review committee, RCW 44.28.010;
- 36 (dd) Joint committee on energy supply and energy conservation, RCW
37 44.39.015;

1 (ee) Legislative evaluation and accountability program committee,
2 RCW 44.48.010;
3 (ff) Agency council on coordinated transportation, RCW 47.06B.020;
4 (gg) Manufactured housing task force, RCW 59.22.090;
5 (hh) Washington horse racing commission, RCW 67.16.014;
6 (ii) Correctional industries board of directors, RCW 72.09.080;
7 (jj) Joint committee on veterans' and military affairs, RCW
8 73.04.150;
9 (kk) Washington state parks centennial advisory committee, RCW
10 79A.75.010;
11 (ll) Puget Sound council, RCW 90.71.030;
12 (mm) Joint legislative committee on water supply during drought,
13 RCW 90.86.020;
14 (nn) Statute law committee, RCW 1.08.001; and
15 (oo) Joint legislative oversight committee on trade policy, RCW
16 44.55.020.

Passed by the House March 10, 2008.

Passed by the Senate March 6, 2008.

Approved by the Governor March 25, 2008.

Filed in Office of Secretary of State March 25, 2008.