

ESSB 5811 - H COMM AMD

By Committee on Early Learning & Children's Services

ADOPTED AS AMENDED 04/13/2009

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

3 "Sec. 1. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read  
4 as follows:

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

10 (b) Any parent, guardian, or legal custodian who for good cause is  
11 unable to attend the shelter care hearing may request that a subsequent  
12 shelter care hearing be scheduled. The request shall be made to the  
13 clerk of the court where the petition is filed prior to the initial  
14 shelter care hearing. Upon the request of the parent, the court shall  
15 schedule the hearing within seventy-two hours of the request, excluding  
16 Saturdays, Sundays, and holidays. The clerk shall notify all other  
17 parties of the hearing by any reasonable means.

18 (2)(a) The department of social and health services shall submit a  
19 recommendation to the court as to the further need for shelter care in  
20 all cases in which it is the petitioner. In all other cases, the  
21 recommendation shall be submitted by the juvenile court probation  
22 counselor.

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

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

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

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

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

5 (iii) If the parent, guardian, or custodian is not represented by  
6 counsel, the right to be represented. If the parent, guardian, or  
7 custodian is indigent, the court shall appoint counsel as provided in  
8 RCW 13.34.090; and

9 (b) If a parent, guardian, or legal custodian desires to waive the  
10 shelter care hearing, the court shall determine, on the record and with  
11 the parties present, whether such waiver is knowing and voluntary. A  
12 parent may not waive his or her right to the shelter care hearing  
13 unless he or she appears in court and the court determines that the  
14 waiver is knowing and voluntary. Regardless of whether the court  
15 accepts the parental waiver of the shelter care hearing, the court must  
16 provide notice to the parents of their rights required under (a) of  
17 this subsection and make the finding required under subsection (4) of  
18 this section.

19 (4) At the shelter care hearing the court shall examine the need  
20 for shelter care and inquire into the status of the case. The  
21 paramount consideration for the court shall be the health, welfare, and  
22 safety of the child. At a minimum, the court shall inquire into the  
23 following:

24 (a) Whether the notice required under RCW 13.34.062 was given to  
25 all known parents, guardians, or legal custodians of the child. The  
26 court shall make an express finding as to whether the notice required  
27 under RCW 13.34.062 was given to the parent, guardian, or legal  
28 custodian. If actual notice was not given to the parent, guardian, or  
29 legal custodian and the whereabouts of such person is known or can be  
30 ascertained, the court shall order the supervising agency or the  
31 department of social and health services to make reasonable efforts to  
32 advise the parent, guardian, or legal custodian of the status of the  
33 case, including the date and time of any subsequent hearings, and their  
34 rights under RCW 13.34.090;

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

37 (c) What efforts have been made to place the child with a relative.  
38 The court shall ask the parents whether the department discussed with

1 them the placement of the child with a relative or other suitable  
2 person described in RCW 13.34.130(1)(b) and shall make an express  
3 finding regarding the department's efforts;

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

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

8 (f) Whether it is in the best interest of the child to remain  
9 enrolled in the school, developmental program, or child care the child  
10 was in prior to placement and what efforts have been made to maintain  
11 the child in the school, program, or child care if it would be in the  
12 best interest of the child to remain in the same school, program, or  
13 child care;

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

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

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

23 (j) Whether any orders for examinations, evaluations, or immediate  
24 services are needed. The court may not order a parent to undergo  
25 examinations, evaluation, or services at the shelter care hearing  
26 unless the parent agrees to the examination, evaluation, or service;

27 (k) The terms and conditions for parental, sibling, and family  
28 visitation.

29 (5)(a) The court shall release a child alleged to be dependent to  
30 the care, custody, and control of the child's parent, guardian, or  
31 legal custodian unless the court finds there is reasonable cause to  
32 believe that:

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

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

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

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

6 (b) If the court does not release the child to his or her parent,  
7 guardian, or legal custodian, the court shall order placement with a  
8 relative or other suitable person as described in RCW 13.34.130(1)(b),  
9 ~~((unless there is reasonable cause to believe the health, safety, or~~  
10 ~~welfare of the child would be jeopardized or that the efforts to~~  
11 ~~reunite the parent and child will be hindered))~~ if the court determines  
12 that placement with the relative or other suitable person is in the  
13 child's best interests. The relative or other suitable person must be  
14 willing and available to:

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

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

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

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

26 (d) If a relative is not available, the court shall order continued  
27 shelter care or order placement with another suitable person, and the  
28 court shall set forth its reasons for the order. If the court orders  
29 placement of the child with a person not related to the child and not  
30 licensed to provide foster care, the placement is subject to all terms  
31 and conditions of this section that apply to relative placements.

32 (e) Any placement with a relative, or other person approved by the  
33 court pursuant to this section, shall be contingent upon cooperation  
34 with the agency case plan and compliance with court orders related to  
35 the care and supervision of the child including, but not limited to,  
36 court orders regarding parent-child contacts, sibling contacts, and any  
37 other conditions imposed by the court. Noncompliance with the case

1 plan or court order is grounds for removal of the child from the home  
2 of the relative or other person, subject to review by the court.

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

10 (6)(a) A shelter care order issued pursuant to this section shall  
11 include the requirement for a case conference as provided in RCW  
12 13.34.067. However, if the parent is not present at the shelter care  
13 hearing, or does not agree to the case conference, the court shall not  
14 include the requirement for the case conference in the shelter care  
15 order.

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

20 (c) The court may order another conference, case staffing, or  
21 hearing as an alternative to the case conference required under RCW  
22 13.34.067 so long as the conference, case staffing, or hearing ordered  
23 by the court meets all requirements under RCW 13.34.067, including the  
24 requirement of a written agreement specifying the services to be  
25 provided to the parent.

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

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

36 (ii) The court shall consider whether nonconformance with any  
37 conditions resulted from circumstances beyond the control of the

1 parent, guardian, or legal custodian and give weight to that fact  
2 before ordering return of the child to shelter care.

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

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

9 **Sec. 2.** RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are  
10 each reenacted and amended to read as follows:

11 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has  
12 been proven by a preponderance of the evidence that the child is  
13 dependent within the meaning of RCW 13.34.030 after consideration of  
14 the social study prepared pursuant to RCW 13.34.110 and after a  
15 disposition hearing has been held pursuant to RCW 13.34.110, the court  
16 shall enter an order of disposition pursuant to this section.

17 (1) The court shall order one of the following dispositions of the  
18 case:

19 (a) Order a disposition other than removal of the child from his or  
20 her home, which shall provide a program designed to alleviate the  
21 immediate danger to the child, to mitigate or cure any damage the child  
22 has already suffered, and to aid the parents so that the child will not  
23 be endangered in the future. In determining the disposition, the court  
24 should choose those services, including housing assistance, that least  
25 interfere with family autonomy and are adequate to protect the child.

26 (b) Order the child to be removed from his or her home and into the  
27 custody, control, and care of a relative or other suitable person or  
28 the department or a licensed child placing agency for supervision of  
29 the child's placement. The department or agency supervising the  
30 child's placement has the authority to place the child, subject to  
31 review and approval by the court (i) with a relative as defined in RCW  
32 74.15.020(2)(a), (ii) ~~((in a foster family home or group care facility~~  
33 ~~licensed pursuant to chapter 74.15 RCW, or (iii))~~ in the home of  
34 another suitable person if the child or family has a preexisting  
35 relationship with that person, and the person has completed all  
36 required criminal history background checks and otherwise appears to  
37 the department or supervising agency to be suitable and competent to

1 provide care for the child, or (iii) in a foster family home or group  
2 care facility licensed pursuant to chapter 74.15 RCW. Absent good  
3 cause, the department or supervising agency shall follow the wishes of  
4 the natural parent regarding the placement of the child in accordance  
5 with RCW 13.34.260. The department or supervising agency may only  
6 place a child with a person not related to the child as defined in RCW  
7 74.15.020(2)(a) when the court finds that such placement is in the best  
8 interest of the child. (~~Unless there is reasonable cause to believe~~  
9 ~~that the health, safety, or welfare of the child would be jeopardized~~  
10 ~~or that efforts to reunite the parent and child will be hindered,~~  
11 ~~such)) The court shall consider the child's existing relationships and  
12 attachments in order to minimize disruption when determining whether  
13 the child shall be placed with a person who is: (A) Related to the  
14 child as defined in RCW 74.15.020(2)(a) with whom the child has a  
15 relationship and is comfortable; or (B) a suitable person as described  
16 in this subsection (1)(b); and (~~(+B+))~~ (C) willing, appropriate, and  
17 available to care for the child.~~

18 (2) Placement of the child with a relative (~~under this~~  
19 ~~subsection)) or other suitable person as described in subsection (1)(b)  
20 of this section shall be given preference by the court. An order for  
21 out-of-home placement may be made only if the court finds that  
22 reasonable efforts have been made to prevent or eliminate the need for  
23 removal of the child from the child's home and to make it possible for  
24 the child to return home, specifying the services that have been  
25 provided to the child and the child's parent, guardian, or legal  
26 custodian, and that preventive services have been offered or provided  
27 and have failed to prevent the need for out-of-home placement, unless  
28 the health, safety, and welfare of the child cannot be protected  
29 adequately in the home, and that:~~

30 (a) There is no parent or guardian available to care for such  
31 child;

32 (b) The parent, guardian, or legal custodian is not willing to take  
33 custody of the child; or

34 (c) The court finds, by clear, cogent, and convincing evidence, a  
35 manifest danger exists that the child will suffer serious abuse or  
36 neglect if the child is not removed from the home and an order under  
37 RCW 26.44.063 would not protect the child from danger.

1 (3) If the court has ordered a child removed from his or her home  
2 pursuant to subsection (1)(b) of this section, the court shall consider  
3 whether it is in a child's best interest to be placed with, have  
4 contact with, or have visits with siblings.

5 (a) There shall be a presumption that such placement, contact, or  
6 visits are in the best interests of the child provided that:

7 (i) The court has jurisdiction over all siblings subject to the  
8 order of placement, contact, or visitation pursuant to petitions filed  
9 under this chapter or the parents of a child for whom there is no  
10 jurisdiction are willing to agree; and

11 (ii) There is no reasonable cause to believe that the health,  
12 safety, or welfare of any child subject to the order of placement,  
13 contact, or visitation would be jeopardized or that efforts to reunite  
14 the parent and child would be hindered by such placement, contact, or  
15 visitation. In no event shall parental visitation time be reduced in  
16 order to provide sibling visitation.

17 (b) The court may also order placement, contact, or visitation of  
18 a child with a step-brother or step-sister provided that in addition to  
19 the factors in (a) of this subsection, the child has a relationship and  
20 is comfortable with the step-sibling.

21 (4) If the court has ordered a child removed from his or her home  
22 pursuant to subsection (1)(b) of this section and placed into  
23 nonparental or nonrelative care, the court shall order a placement that  
24 allows the child to remain in the same school he or she attended prior  
25 to the initiation of the dependency proceeding when such a placement is  
26 practical and in the child's best interest.

27 (5) If the court has ordered a child removed from his or her home  
28 pursuant to subsection (1)(b) of this section, the court may order that  
29 a petition seeking termination of the parent and child relationship be  
30 filed if the requirements of RCW 13.34.132 are met.

31 (6) If there is insufficient information at the time of the  
32 disposition hearing upon which to base a determination regarding the  
33 suitability of a proposed placement with a relative or other suitable  
34 person, the child shall remain in foster care and the court shall  
35 direct the supervising agency to conduct necessary background  
36 investigations as provided in chapter 74.15 RCW and report the results  
37 of such investigation to the court within thirty days. However, if  
38 such relative or other person appears otherwise suitable and competent



1 to provide care and treatment, the criminal history background check  
2 need not be completed before placement, but as soon as possible after  
3 placement. Any placements with relatives or other suitable persons,  
4 pursuant to this section, shall be contingent upon cooperation by the  
5 relative or other suitable person with the agency case plan and  
6 compliance with court orders related to the care and supervision of the  
7 child including, but not limited to, court orders regarding parent-  
8 child contacts, sibling contacts, and any other conditions imposed by  
9 the court. Noncompliance with the case plan or court order shall be  
10 grounds for removal of the child from the relative's or other suitable  
11 person's home, subject to review by the court.

12 **Sec. 3.** RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are  
13 each reenacted and amended to read as follows:

14 (1) (~~Except for children whose cases are reviewed by a citizen~~  
15 ~~review board under chapter 13.70 RCW,~~) The status of all children  
16 found to be dependent shall be reviewed by the court at least every six  
17 months from the beginning date of the placement episode or the date  
18 dependency is established, whichever is first. The purpose of the  
19 hearing shall be to review the progress of the parties and determine  
20 whether court supervision should continue.

21 (a) The initial review hearing shall be an in-court review and  
22 shall be set six months from the beginning date of the placement  
23 episode or no more than ninety days from the entry of the disposition  
24 order, whichever comes first. The requirements for the initial review  
25 hearing, including the in-court review requirement, shall be  
26 accomplished within existing resources.

27 (b) The initial review hearing may be a permanency planning hearing  
28 when necessary to meet the time frames set forth in RCW 13.34.145  
29 (1)(a) or 13.34.134.

30 (2)(a) A child shall not be returned home at the review hearing  
31 unless the court finds that a reason for removal as set forth in RCW  
32 13.34.130 no longer exists. The parents, guardian, or legal custodian  
33 shall report to the court the efforts they have made to correct the  
34 conditions which led to removal. If a child is returned, casework  
35 supervision shall continue for a period of six months, at which time  
36 there shall be a hearing on the need for continued intervention.

1 (b) Prior to the child returning home, the department must complete  
2 the following:

3 (i) Identify all adults residing in the home and conduct background  
4 checks on those persons;

5 (ii) Identify any persons who may act as a caregiver for the child  
6 in addition to the parent with whom the child is being placed and  
7 determine whether such persons are in need of any services in order to  
8 ensure the safety of the child, regardless of whether such persons are  
9 a party to the dependency. The department or supervising agency may  
10 recommend to the court and the court may order that placement of the  
11 child in the parent's home be contingent on or delayed based on the  
12 need for such persons to engage in or complete services to ensure the  
13 safety of the child prior to placement. If services are recommended  
14 for the caregiver, and the caregiver fails to engage in or follow  
15 through with the recommended services, the department or supervising  
16 agency must promptly notify the court; and

17 (iii) Notify the parent with whom the child is being placed that he  
18 or she has an ongoing duty to notify the department or supervising  
19 agency of all persons who reside in the home or who may act as a  
20 caregiver for the child both prior to the placement of the child in the  
21 home and subsequent to the placement of the child in the home as long  
22 as the court retains jurisdiction of the dependency proceeding or the  
23 department is providing or monitoring either remedial services to the  
24 parent or services to ensure the safety of the child to any caregivers.

25 Caregivers may be required to engage in services under this  
26 subsection solely for the purpose of ensuring the present and future  
27 safety of a child who is a ward of the court. This subsection does not  
28 grant party status to any individual not already a party to the  
29 dependency proceeding, create an entitlement to services or a duty on  
30 the part of the department or supervising agency to provide services,  
31 or create judicial authority to order the provision of services to any  
32 person other than for the express purposes of this section or RCW  
33 13.34.025 or if the services are unavailable or unsuitable or the  
34 person is not eligible for such services.

35 (c) If the child is not returned home, the court shall establish in  
36 writing:

37 (i) Whether the agency is making reasonable efforts to provide  
38 services to the family and eliminate the need for placement of the

1 child. If additional services, including housing assistance, are  
2 needed to facilitate the return of the child to the child's parents,  
3 the court shall order that reasonable services be offered specifying  
4 such services;

5 (ii) Whether there has been compliance with the case plan by the  
6 child, the child's parents, and the agency supervising the placement;

7 (iii) Whether progress has been made toward correcting the problems  
8 that necessitated the child's placement in out-of-home care;

9 (iv) Whether the services set forth in the case plan and the  
10 responsibilities of the parties need to be clarified or modified due to  
11 the availability of additional information or changed circumstances;

12 (v) Whether there is a continuing need for placement;

13 (vi) Whether the child is in an appropriate placement which  
14 adequately meets all physical, emotional, and educational needs;

15 (vii) Whether preference has been given to placement with the  
16 child's relatives if such placement is in the child's best interests;

17 (viii) Whether both in-state and, where appropriate, out-of-state  
18 placements have been considered;

19 (ix) Whether the parents have visited the child and any reasons why  
20 visitation has not occurred or has been infrequent;

21 (x) Whether terms of visitation need to be modified;

22 (xi) Whether the court-approved long-term permanent plan for the  
23 child remains the best plan for the child;

24 (xii) Whether any additional court orders need to be made to move  
25 the case toward permanency; and

26 (xiii) The projected date by which the child will be returned home  
27 or other permanent plan of care will be implemented.

28 (d) The court at the review hearing may order that a petition  
29 seeking termination of the parent and child relationship be filed.

30 (3)(a) In any case in which the court orders that a dependent child  
31 may be returned to or remain in the child's home, the in-home placement  
32 shall be contingent upon the following:

33 (i) The compliance of the parents with court orders related to the  
34 care and supervision of the child, including compliance with an agency  
35 case plan; and

36 (ii) The continued participation of the parents, if applicable, in  
37 available substance abuse or mental health treatment if substance abuse

1 or mental illness was a contributing factor to the removal of the  
2 child.

3 (b) The following may be grounds for removal of the child from the  
4 home, subject to review by the court:

5 (i) Noncompliance by the parents with the agency case plan or court  
6 order;

7 (ii) The parent's inability, unwillingness, or failure to  
8 participate in available services or treatment for themselves or the  
9 child, including substance abuse treatment if a parent's substance  
10 abuse was a contributing factor to the abuse or neglect; or

11 (iii) The failure of the parents to successfully and substantially  
12 complete available services or treatment for themselves or the child,  
13 including substance abuse treatment if a parent's substance abuse was  
14 a contributing factor to the abuse or neglect.

15 (c) In a pending dependency case in which the court orders that a  
16 dependent child may be returned home and that child is later removed  
17 from the home, the court shall hold a review hearing within thirty days  
18 from the date of removal to determine whether the permanency plan  
19 should be changed, a termination petition should be filed, or other  
20 action is warranted. The best interests of the child shall be the  
21 court's primary consideration in the review hearing.

22 (4) The court's ability to order housing assistance under RCW  
23 13.34.130 and this section is: (a) Limited to cases in which  
24 homelessness or the lack of adequate and safe housing is the primary  
25 reason for an out-of-home placement; and (b) subject to the  
26 availability of funds appropriated for this specific purpose.

27 (5) The court shall consider the child's relationship with siblings  
28 in accordance with RCW 13.34.130(3).

29 **Sec. 4.** RCW 13.34.145 and 2008 c 152 s 3 are each amended to read  
30 as follows:

31 (1) The purpose of a permanency planning hearing is to review the  
32 permanency plan for the child, inquire into the welfare of the child  
33 and progress of the case, and reach decisions regarding the permanent  
34 placement of the child.

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

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

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

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

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

25 (3) At the permanency planning hearing, the court shall conduct the  
26 following inquiry:

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

31 (b) In cases where the primary permanency planning goal has not  
32 been achieved, the court shall inquire regarding the reasons why the  
33 primary goal has not been achieved and determine what needs to be done  
34 to make it possible to achieve the primary goal. The court shall  
35 review the permanency plan prepared by the agency and make explicit  
36 findings regarding each of the following:

37 (i) The continuing necessity for, and the safety and  
38 appropriateness of, the placement;

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

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

7 (iv) The progress toward eliminating the causes for the child's  
8 placement outside of his or her home and toward returning the child  
9 safely to his or her home or obtaining a permanent placement for the  
10 child;

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

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

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

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

25 (C) Being placed for adoption;

26 (D) Being placed with a guardian;

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

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

31 At this hearing, the court shall order the department to file a  
32 petition seeking termination of parental rights if the child has been  
33 in out-of-home care for fifteen of the last twenty-two months since the  
34 date the dependency petition was filed unless the court makes a good  
35 cause exception as to why the filing of a termination of parental  
36 rights petition is not appropriate. Any good cause finding shall be  
37 reviewed at all subsequent hearings pertaining to the child. For  
38 purposes of this section, "good cause exception" includes but is not

1 limited to the following: The child is being cared for by a relative;  
2 the department has not provided to the child's family such services as  
3 the court and the department have deemed necessary for the child's safe  
4 return home; or the department has documented in the case plan a  
5 compelling reason for determining that filing a petition to terminate  
6 parental rights would not be in the child's best interests.

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

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

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

19 (d) If the child has resided in the home of a foster parent or  
20 relative for more than six months prior to the permanency planning  
21 hearing, the court shall ~~((also))~~:

22 (i) Enter a finding regarding whether the foster parent or relative  
23 was informed of the hearing as required in RCW 74.13.280, 13.34.215(5),  
24 and 13.34.096; and

25 (ii) In the situation in which the department or supervising agency  
26 is recommending a placement other than the current placement with a  
27 foster parent, relative, or other suitable person, make an express  
28 finding of the reasons the department or agency is recommending that  
29 the child be moved.

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. 5.** A new section is added to chapter 13.34 RCW  
15 to read as follows:

16 (1) At a disposition, review, or any other hearing that occurs  
17 after a dependency is established under this chapter, the court shall  
18 ensure that a dependent child over the age of twelve, who is otherwise  
19 present in the courtroom, is aware of and understands the duties and  
20 responsibilities the department has to a child subject to a dependency  
21 including, but not limited to, the following:

22 (a) Reasonable efforts, including the provision of services, toward  
23 reunification of the child with his or her family;

24 (b) Sibling visits subject to the restrictions in RCW  
25 13.34.136(2)(b)(ii);

26 (c) Parent-child visits;

27 (d) Statutory preference for placement with a relative or other  
28 suitable person as described in RCW 13.34.130(1)(b), if appropriate;  
29 and

30 (e) Statutory preference that an out-of-home placement be found  
31 that would allow the child to remain in the same school district, if  
32 practical.

33 (2) If the dependent child is already represented by counsel, the  
34 court need not comply with subsection (1) of this section.

35 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.34 RCW  
36 to read as follows:

1 (1) The administrative office of the courts shall develop standard  
2 court forms and format rules for mandatory use by parties in dependency  
3 matters commenced under this chapter or chapter 26.44 RCW. Forms shall  
4 be developed not later than November 1, 2009, and the mandatory use  
5 requirement shall be effective January 1, 2010. The administrative  
6 office of the courts has continuing responsibility to develop and  
7 revise mandatory forms and format rules as appropriate.

8 (2) According to rules established by the administrative office of  
9 the courts, a party may delete unnecessary portions of the forms and  
10 may supplement the mandatory forms with additional material.

11 (3) Failure by a party to use the mandatory forms or follow the  
12 format rules shall not be a reason to dismiss a case, refuse a filing,  
13 or strike a pleading. The court may, however, require the party to  
14 submit a corrected pleading and may impose terms payable to the  
15 opposing party or payable to the court, or both.

16 (4) The administrative office of the courts shall distribute a  
17 master copy of the mandatory forms to all county court clerks. Upon  
18 request, the administrative office of the courts and county clerks must  
19 distribute the forms to the public and may charge for the cost of  
20 production and distribution of the forms. Private vendors also may  
21 distribute the forms. Distribution of forms may be in printed or  
22 electronic form.

23 **Sec. 7.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read  
24 as follows:

25 The department shall have the duty to provide child welfare  
26 services and shall:

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

30 (2) Within available resources, recruit an adequate number of  
31 prospective adoptive and foster homes, both regular and specialized,  
32 i.e. homes for children of ethnic minority, including Indian homes for  
33 Indian children, sibling groups, handicapped and emotionally disturbed,  
34 teens, pregnant and parenting teens, and annually report to the  
35 governor and the legislature concerning the department's success in:

36 (a) Meeting the need for adoptive and foster home placements; (b)  
37 reducing the foster parent turnover rate; (c) completing home studies

1 for legally free children; and (d) implementing and operating the  
2 passport program required by RCW 74.13.285. The report shall include  
3 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

4 (3) Investigate complaints of any recent act or failure to act on  
5 the part of a parent or caretaker that results in death, serious  
6 physical or emotional harm, or sexual abuse or exploitation, or that  
7 presents an imminent risk of serious harm, and on the basis of the  
8 findings of such investigation, offer child welfare services in  
9 relation to the problem to such parents, legal custodians, or persons  
10 serving in loco parentis, and/or bring the situation to the attention  
11 of an appropriate court, or another community agency. An investigation  
12 is not required of nonaccidental injuries which are clearly not the  
13 result of a lack of care or supervision by the child's parents, legal  
14 custodians, or persons serving in loco parentis. If the investigation  
15 reveals that a crime against a child may have been committed, the  
16 department shall notify the appropriate law enforcement agency.

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

19 (5) Monitor placements of children in out-of-home care and in-home  
20 dependencies to assure the safety, well-being, and quality of care  
21 being provided is within the scope of the intent of the legislature as  
22 defined in RCW 74.13.010 and 74.15.010. The policy for monitoring  
23 placements under this section shall require that children in out-of-  
24 home care and in-home dependencies and their caregivers receive a  
25 private and individual face-to-face visit each month.

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

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

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

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

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

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

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

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

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

1       ~~(iii))~~ (11) Within amounts appropriated for this specific purpose,  
2 have authority to provide continued foster care or group care and  
3 necessary support and transition services to youth ages eighteen to  
4 twenty-one years who are enrolled and participating in a posthigh  
5 school academic or vocational program. A youth who remains eligible  
6 for such placement and services pursuant to department rules may  
7 continue in foster care or group care until the youth reaches his or  
8 her twenty-first birthday. ~~((Eligibility requirements shall include~~  
9 ~~active enrollment in a posthigh school academic or vocational program~~  
10 ~~and maintenance of a 2.0 grade point average.~~

11       ~~(11))~~ (12) Refer cases to the division of child support whenever  
12 state or federal funds are expended for the care and maintenance of a  
13 child, including a child with a developmental disability who is placed  
14 as a result of an action under chapter 13.34 RCW, unless the department  
15 finds that there is good cause not to pursue collection of child  
16 support against the parent or parents of the child. Cases involving  
17 individuals age eighteen through twenty shall not be referred to the  
18 division of child support unless required by federal law.

19       ~~((12))~~ (13) Have authority within funds appropriated for foster  
20 care services to purchase care for Indian children who are in the  
21 custody of a federally recognized Indian tribe or tribally licensed  
22 child-placing agency pursuant to parental consent, tribal court order,  
23 or state juvenile court order; and the purchase of such care shall be  
24 subject to the same eligibility standards and rates of support  
25 applicable to other children for whom the department purchases care.

26       Notwithstanding any other provision of RCW 13.32A.170 through  
27 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
28 services to be provided by the department of social and health services  
29 under subsections (4), (6), and (7) of this section, subject to the  
30 limitations of these subsections, may be provided by any program  
31 offering such services funded pursuant to Titles II and III of the  
32 federal juvenile justice and delinquency prevention act of 1974.

33       ~~((13))~~ (14) Within amounts appropriated for this specific  
34 purpose, provide preventive services to families with children that  
35 prevent or shorten the duration of an out-of-home placement.

36       ~~((14))~~ (15) Have authority to provide independent living services  
37 to youths, including individuals who have attained eighteen years of

1 age, and have not attained twenty-one years of age who are or have been  
2 in foster care.

3 ~~((+15+))~~ (16) Consult at least quarterly with foster parents,  
4 including members of the foster parent association of Washington state,  
5 for the purpose of receiving information and comment regarding how the  
6 department is performing the duties and meeting the obligations  
7 specified in this section and RCW 74.13.250 and 74.13.320 regarding the  
8 recruitment of foster homes, reducing foster parent turnover rates,  
9 providing effective training for foster parents, and administering a  
10 coordinated and comprehensive plan that strengthens services for the  
11 protection of children. Consultation shall occur at the regional and  
12 statewide levels.

13 (17)(a) Within current funding levels, place on the public web site  
14 maintained by the department a document listing the duties and  
15 responsibilities the department has to a child subject to a dependency  
16 petition including, but not limited to, the following:

17 (i) Reasonable efforts, including the provision of services, toward  
18 reunification of the child with his or her family;

19 (ii) Sibling visits subject to the restrictions in RCW  
20 13.34.136(2)(b)(ii);

21 (iii) Parent-child visits;

22 (iv) Statutory preference for placement with a relative or other  
23 suitable person, if appropriate; and

24 (v) Statutory preference that an out-of-home placement be found  
25 that would allow the child to remain in the same school district, if  
26 practical and in the child's best interests.

27 (b) The document must be prepared in conjunction with a community-  
28 based organization and must be updated as needed.

29 NEW SECTION. Sec. 8. A new section is added to chapter 74.13 RCW  
30 to read as follows:

31 Once a dependency is established under chapter 13.34 RCW, the  
32 social worker assigned to the case shall provide a dependent child, age  
33 twelve years or older with a document containing the information  
34 contained in RCW 74.13.031(17). The social worker shall also explain  
35 the content of the document to the child and direct the child to the  
36 department's web site for further information. The social worker shall  
37 document, in the electronic data system, that this requirement was met.

1       **Sec. 9.** RCW 74.13.333 and 2004 c 181 s 1 are each amended to read  
2 as follows:

3       (1) A foster parent who believes that a department employee has  
4 retaliated against the foster parent or in any other manner  
5 discriminated against the foster parent because:

6       ~~((+1))~~ (a) The foster parent made a complaint with the office of  
7 the family and children's ombudsman, the attorney general, law  
8 enforcement agencies, or the department, provided information, or  
9 otherwise cooperated with the investigation of such a complaint;

10       ~~((+2))~~ (b) The foster parent has caused to be instituted any  
11 proceedings under or related to Title 13 RCW;

12       ~~((+3))~~ (c) The foster parent has testified or is about to testify  
13 in any proceedings under or related to Title 13 RCW;

14       ~~((+4))~~ (d) The foster parent has advocated for services on behalf  
15 of the foster child;

16       ~~((+5))~~ (e) The foster parent has sought to adopt a foster child in  
17 the foster parent's care; or

18       ~~((+6))~~ (f) The foster parent has discussed or consulted with  
19 anyone concerning the foster parent's rights under this chapter or  
20 chapter 74.15 or 13.34 RCW, may file a complaint with the office of the  
21 family and children's ombudsman.

22       (2) Pursuant to chapter 43.06A RCW, the ombudsman may investigate  
23 the allegations of retaliation. The ombudsman shall have access to all  
24 relevant information and resources held by or within the department by  
25 which to conduct the investigation. Upon the conclusion of its  
26 investigation, the ombudsman shall provide its findings in written form  
27 to the department.

28       (3) The office of the family and children's ombudsman shall also  
29 include its recommendations regarding complaints filed under this  
30 section in its annual report pursuant to RCW 43.06A.030. The office of  
31 the family and children's ombudsman shall identify trends which may  
32 indicate a need to improve relations between the department and foster  
33 parents."

34       Correct the title.

--- END ---