

ESSB 5811 - H AMD 886

By Representative Kagi

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:

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

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

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

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

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

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

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

35 (c) What efforts have been made to place the child with a relative.
36 The court shall ask the parents whether the department discussed with
37 them the placement of the child with a relative or other suitable

1 person described in RCW 13.34.130(1)(b) and shall determine what
2 efforts have been made toward such a placement;

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

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

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

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

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

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

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

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

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

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

36 (ii)(A) The child has no parent, guardian, or legal custodian to
37 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. The court must also
12 determine whether placement with the relative or other suitable person
13 is in the child's best interests. The relative or other suitable
14 person must be 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 or other
23 suitable person, and the court does not release the child to his or her
24 parent, guardian, or legal custodian, the supervising agency shall make
25 reasonable efforts to locate a relative or other suitable person
26 pursuant to RCW 13.34.060(1).

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

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

1 contacts, and any other conditions imposed by the court. Noncompliance
2 with the case plan or court order is grounds for removal of the child
3 from the home of the relative or other suitable person, subject to
4 review by the court.

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

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

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

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

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

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

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

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

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

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

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

19 (1) The court shall order one of the following dispositions of the
20 case:

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

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

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

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

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

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

36 (c) The court finds, by clear, cogent, and convincing evidence, a
37 manifest danger exists that the child will suffer serious abuse or

1 neglect if the child is not removed from the home and an order under
2 RCW 26.44.063 would not protect the child from danger.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 supervision shall continue for a period of six months, at which time
2 there shall be a hearing on the need for continued intervention.

3 (b) Prior to the child returning home, the department must complete
4 the following:

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

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

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

27 Caregivers may be required to engage in services under this
28 subsection solely for the purpose of ensuring the present and future
29 safety of a child who is a ward of the court. This subsection does not
30 grant party status to any individual not already a party to the
31 dependency proceeding, create an entitlement to services or a duty on
32 the part of the department or supervising agency to provide services,
33 or create judicial authority to order the provision of services to any
34 person other than for the express purposes of this section or RCW
35 13.34.025 or if the services are unavailable or unsuitable or the
36 person is not eligible for such services.

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

1 (i) Whether the agency is making reasonable efforts to provide
2 services to the family and eliminate the need for placement of the
3 child. If additional services, including housing assistance, are
4 needed to facilitate the return of the child to the child's parents,
5 the court shall order that reasonable services be offered specifying
6 such services;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (ii) The continued participation of the parents, if applicable, in
2 available substance abuse or mental health treatment if substance abuse
3 or mental illness was a contributing factor to the removal of the
4 child.

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

7 (i) Noncompliance by the parents with the agency case plan or court
8 order;

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

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

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

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

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

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

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

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

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

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

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

28 (3) At the permanency planning hearing, the court shall conduct the
29 following inquiry:

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

34 (b) In cases where the primary permanency planning goal has not
35 been achieved, the court shall inquire regarding the reasons why the
36 primary goal has not been achieved and determine what needs to be done
37 to make it possible to achieve the primary goal. The court shall

1 review the permanency plan prepared by the agency and make explicit
2 findings regarding each of the following:

3 (i) The continuing necessity for, and the safety and
4 appropriateness of, the placement;

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

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

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

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

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

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

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

29 (C) Being placed for adoption;

30 (D) Being placed with a guardian;

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

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

35 At this hearing, the court shall order the department to file a
36 petition seeking termination of parental rights if the child has been
37 in out-of-home care for fifteen of the last twenty-two months since the
38 date the dependency petition was filed unless the court makes a good

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

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

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

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

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

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

29 (ii) If the department or supervising agency is recommending a
30 placement other than the child's current placement with a foster
31 parent, relative, or other suitable person, enter a finding as to the
32 reasons for the recommendation for a change in placement.

33 (4) In all cases, at the permanency planning hearing, the court
34 shall:

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

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

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

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

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

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

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

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

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

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

1 accordance with this chapter unless the agency requests dismissal of
2 the petition prior to the hearing or unless the parties enter an agreed
3 order terminating parental rights, establishing guardianship, or
4 otherwise resolving the matter.

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

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

15 **Sec. 5.** RCW 13.34.260 and 2003 c 226 s 2 are each amended to read
16 as follows:

17 (1) In an attempt to minimize the inherent intrusion in the lives
18 of families involved in the foster care system and to maintain parental
19 authority where appropriate, the department, absent good cause, shall
20 follow the wishes of the natural parent regarding the placement of the
21 child with a relative or other suitable person pursuant to RCW
22 13.34.130. Preferences such as family constellation, sibling
23 relationships, ethnicity, and religion shall be considered when
24 matching children to foster homes. Parental authority is appropriate
25 in areas that are not connected with the abuse or neglect that resulted
26 in the dependency and shall be integrated through the foster care team.

27 (2) When a child is placed in out-of-home care, relatives, other
28 suitable persons, and foster parents are encouraged to:

29 (a) Provide consultation to the foster care team based upon their
30 experience with the child placed in their care;

31 (b) Assist the birth parents by helping them understand their
32 child's needs and correlating appropriate parenting responses;

33 (c) Participate in educational activities, and enter into
34 community-building activities with birth families and other foster
35 families;

36 (d) Transport children to family time visits with birth families

1 and assist children and their families in maximizing the purposefulness
2 of family time.

3 (3) For purposes of this section, "foster care team" means the
4 relative, other suitable person, or foster parent currently providing
5 care, the currently assigned social worker, and the parent or parents;
6 and "birth family" means the persons described in RCW 74.15.020(2)(a).

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

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

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

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

24 (4) The administrative office of the courts shall distribute a
25 master copy of the mandatory forms to all county court clerks. Upon
26 request, the administrative office of the courts and county clerks must
27 distribute the forms to the public and may charge for the cost of
28 production and distribution of the forms. Private vendors also may
29 distribute the forms. Distribution of forms may be in printed or
30 electronic form.

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

33 The department shall have the duty to provide child welfare
34 services and shall:

35 (1) Develop, administer, supervise, and monitor a coordinated and

1 comprehensive plan that establishes, aids, and strengthens services for
2 the protection and care of runaway, dependent, or neglected children.

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

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

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

29 (5) Monitor placements of children in out-of-home care and in-home
30 dependencies to assure the safety, well-being, and quality of care
31 being provided is within the scope of the intent of the legislature as
32 defined in RCW 74.13.010 and 74.15.010. The policy for monitoring
33 placements under this section shall require that children in out-of-
34 home care and in-home dependencies and their caregivers receive a
35 private and individual face-to-face visit each month.

36 (a) The department shall conduct the monthly visits with children
37 and caregivers required under this section unless the child's placement
38 is being supervised under a contract between the department and a

1 private agency accredited by a national child welfare accrediting
2 entity, in which case the private agency shall, within existing
3 resources, conduct the monthly visits with the child and with the
4 child's caregiver according to the standards described in this
5 subsection and shall provide the department with a written report of
6 the visits within fifteen days of completing the visits.

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

11 (6) Have authority to accept custody of children from parents and
12 to accept custody of children from juvenile courts, where authorized to
13 do so under law, to provide child welfare services including placement
14 for adoption, to provide for the routine and necessary medical, dental,
15 and mental health care, or necessary emergency care of the children,
16 and to provide for the physical care of such children and make payment
17 of maintenance costs if needed. Except where required by Public Law
18 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
19 children for adoption from the department shall discriminate on the
20 basis of race, creed, or color when considering applications in their
21 placement for adoption.

22 (7) Have authority to provide temporary shelter to children who
23 have run away from home and who are admitted to crisis residential
24 centers.

25 (8) Have authority to purchase care for children; and shall follow
26 in general the policy of using properly approved private agency
27 services for the actual care and supervision of such children insofar
28 as they are available, paying for care of such children as are accepted
29 by the department as eligible for support at reasonable rates
30 established by the department.

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

37 (10)(a) Have authority to provide continued foster care or group

1 care as needed to participate in or complete a high school or
2 vocational school program.

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

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

11 (iii) A youth who remains eligible for such placement and services
12 pursuant to department rules may continue in foster care or group care
13 until the youth reaches his or her twenty-first birthday. Eligibility
14 requirements shall include active enrollment in a posthigh school
15 academic or vocational program and maintenance of a 2.0 grade point
16 average.

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

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

32 Notwithstanding any other provision of RCW 13.32A.170 through
33 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
34 services to be provided by the department of social and health services
35 under subsections (4), (6), and (7) of this section, subject to the
36 limitations of these subsections, may be provided by any program
37 offering such services funded pursuant to Titles II and III of the
38 federal juvenile justice and delinquency prevention act of 1974.

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

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

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

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

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

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

26 (iii) Parent-child visits;

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

29 (v) Statutory preference for an out-of-home placement that allows
30 the child to remain in the same school or school district, if practical
31 and in the child's best interests.

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

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

36 Once a dependency is established under chapter 13.34 RCW, the
37 social worker assigned to the case shall provide the dependent child

1 age twelve years and older with a document containing the information
2 described in RCW 74.13.031(16). The social worker shall explain the
3 contents of the document to the child and direct the child to the
4 department's web site for further information. The social worker shall
5 document, in the electronic data system, that this requirement was met.

6 **Sec. 9.** RCW 74.13.109 and 1990 c 285 s 7 are each amended to read
7 as follows:

8 (1) The secretary shall issue rules and regulations to assist in
9 the administration of the program of adoption support authorized by RCW
10 26.33.320 and 74.13.100 through 74.13.145.

11 (2) Disbursements from the appropriations available from the
12 general fund shall be made pursuant to such rules and regulations and
13 pursuant to agreements conforming thereto to be made by the secretary
14 with parents for the purpose of supporting the adoption of children in,
15 or likely to be placed in, foster homes or child caring institutions
16 who are found by the secretary to be difficult to place in adoption
17 because of physical or other reasons; including, but not limited to,
18 physical or mental handicap, emotional disturbance, ethnic background,
19 language, race, color, age, or sibling grouping.

20 (3) Such agreements shall meet the following criteria:

21 ~~((+1))~~ (a) The child whose adoption is to be supported pursuant to
22 such agreement shall be or have been a child hard to place in adoption.

23 ~~((+2))~~ (b) Such agreement must relate to a child who was or is
24 residing in a foster home or child-caring institution or a child who,
25 in the judgment of the secretary, is both eligible for, and likely to
26 be placed in, either a foster home or a child-caring institution.

27 ~~((+3))~~ (c) Such agreement shall provide that adoption support
28 shall not continue beyond the time that the adopted child reaches
29 eighteen years of age, becomes emancipated, dies, or otherwise ceases
30 to need support, provided that if the secretary shall find that
31 continuing dependency of such child after such child reaches eighteen
32 years of age warrants the continuation of support pursuant to RCW
33 26.33.320 and 74.13.100 through 74.13.145 the secretary may do so,
34 subject to all the provisions of RCW 26.33.320 and 74.13.100 through
35 74.13.145, including annual review of the amount of such support.

36 ~~((+4))~~ (d) Any prospective parent who is to be a party to such

1 agreement shall be a person who has the character, judgment, sense of
2 responsibility, and disposition which make him or her suitable as an
3 adoptive parent of such child.

4 (4) At least six months before an adoption is finalized under
5 chapter 26.33 RCW and RCW 74.13.100 through 74.13.145, the department
6 must provide to the prospective adoptive parent, in writing,
7 information describing the limits of the adoption support program
8 including the following information:

- 9 (a) The limits on monthly cash payments to adoptive families;
- 10 (b) The limits on the availability of children's mental health
11 services and the funds with which to pay for these services;
- 12 (c) The process for accessing mental health services for children
13 receiving adoption support services;
- 14 (d) The limits on the one-time cash payments to adoptive families
15 for expenses related to their adopted children; and
- 16 (e) That payment for residential or group care is not available for
17 adopted children under the adoption support program.

18 **Sec. 10.** RCW 74.13.250 and 1990 c 284 s 2 are each amended to read
19 as follows:

20 (1) Preservice training is recognized as a valuable tool to reduce
21 placement disruptions, the length of time children are in care, and
22 foster parent turnover rates. Preservice training also assists
23 potential foster parents in making their final decisions about foster
24 parenting and assists social service agencies in obtaining information
25 about whether to approve potential foster parents.

26 (2) Foster parent preservice training shall include information
27 about the potential impact of placement on foster children; social
28 service agency administrative processes; the requirements,
29 responsibilities, expectations, and skills needed to be a foster
30 parent; attachment, separation, and loss issues faced by birth parents,
31 foster children, and foster parents; child management and discipline;
32 birth family relationships; information on the limits of the adoption
33 support program as provided in RCW 74.13.109(4); and helping children
34 leave foster care. Preservice training shall assist applicants in
35 making informed decisions about whether they want to be foster parents.
36 Preservice training shall be designed to enable the agency to assess
37 the ability, readiness, and appropriateness of families to be foster

1 parents. As a decision tool, effective preservice training provides
2 potential foster parents with enough information to make an appropriate
3 decision, affords potential foster parents an opportunity to discuss
4 their decision with others and consider its implications for their
5 family, clarifies foster family expectations, presents a realistic
6 picture of what foster parenting involves, and allows potential foster
7 parents to consider and explore the different types of children they
8 might serve.

9 (3) Preservice training shall be completed prior to the issuance of
10 a foster care license, except that the department may, on a case by
11 case basis, issue a written waiver that allows the foster parent to
12 complete the training after licensure, so long as the training is
13 completed within ninety days following licensure.

14 **Sec. 11.** RCW 74.13.333 and 2004 c 181 s 1 are each amended to read
15 as follows:

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

19 ((+1)) (a) The foster parent made a complaint with the office of
20 the family and children's ombudsman, the attorney general, law
21 enforcement agencies, or the department, provided information, or
22 otherwise cooperated with the investigation of such a complaint;

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

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

27 ((+4)) (d) The foster parent has advocated for services on behalf
28 of the foster child;

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

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

35 (2) The ombudsman may investigate the allegations of retaliation.
36 The ombudsman shall have access to all relevant information and

1 resources held by or within the department by which to conduct the
2 investigation. Upon the conclusion of its investigation, the ombudsman
3 shall provide its findings in written form to the department.

4 (3) The department shall notify the office of the family and
5 children's ombudsman in writing, within thirty days of receiving the
6 ombudsman's findings, of any personnel action taken or to be taken with
7 regard to the department employee.

8 (4) The office of the family and children's ombudsman shall also
9 include its recommendations regarding complaints filed under this
10 section in its annual report pursuant to RCW 43.06A.030. The office of
11 the family and children's ombudsman shall identify trends which may
12 indicate a need to improve relations between the department and foster
13 parents."

14 Correct the title.

--- END ---