

ESHB 1782 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED AND ENGROSSED 04/16/2009

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.

1 The court shall ask the parents whether the department discussed with  
2 them the placement of the child with a relative and shall determine  
3 whether the department has made efforts in this regard;

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, unless there is reasonable cause to believe the health,  
9 safety, or welfare of the child would be jeopardized or that the  
10 efforts to reunite the parent and child will be hindered. The relative  
11 must be willing and available to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (1) The court shall order one of the following dispositions of the  
16 case:

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

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

1 with RCW 13.34.260. The department or supervising agency may only  
2 place a child with a person not related to the child as defined in RCW  
3 74.15.020(2)(a) when the court finds that such placement is in the best  
4 interest of the child. Unless there is reasonable cause to believe  
5 that the health, safety, or welfare of the child would be jeopardized  
6 or that efforts to reunite the parent and child will be hindered, such  
7 child shall be placed with a person who is: (A) Related to the child  
8 as defined in RCW 74.15.020(2)(a) with whom the child has a  
9 relationship and is comfortable; and (B) willing and available to care  
10 for the child.

11 (2) Placement of the child with a relative under this subsection  
12 shall be given preference by the court. If the court does not place  
13 the child with a relative, the court shall indicate why placement with  
14 a relative did not occur. An order for out-of-home placement may be  
15 made only if the court finds that reasonable efforts have been made to  
16 prevent or eliminate the need for removal of the child from the child's  
17 home and to make it possible for the child to return home, specifying  
18 the services that have been provided to the child and the child's  
19 parent, guardian, or legal custodian, and that preventive services have  
20 been offered or provided and have failed to prevent the need for out-  
21 of-home placement, unless the health, safety, and welfare of the child  
22 cannot be protected adequately in the home, and that:

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

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

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

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

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

37 (i) The court has jurisdiction over all siblings subject to the

1 order of placement, contact, or visitation pursuant to petitions filed  
2 under this chapter or the parents of a child for whom there is no  
3 jurisdiction are willing to agree; and

4 (ii) There is no reasonable cause to believe that the health,  
5 safety, or welfare of any child subject to the order of placement,  
6 contact, or visitation would be jeopardized or that efforts to reunite  
7 the parent and child would be hindered by such placement, contact, or  
8 visitation. In no event shall parental visitation time be reduced in  
9 order to provide sibling visitation.

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

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

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

24 (6) If there is insufficient information at the time of the  
25 disposition hearing upon which to base a determination regarding the  
26 suitability of a proposed placement with a relative, the child shall  
27 remain in foster care and the court shall direct the supervising agency  
28 to conduct necessary background investigations as provided in chapter  
29 74.15 RCW and report the results of such investigation to the court  
30 within thirty days. However, if such relative appears otherwise  
31 suitable and competent to provide care and treatment, the criminal  
32 history background check need not be completed before placement, but as  
33 soon as possible after placement. Any placements with relatives,  
34 pursuant to this section, shall be contingent upon cooperation by the  
35 relative with the agency case plan and compliance with court orders  
36 related to the care and supervision of the child including, but not  
37 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 shall be grounds for removal of the  
3 child from the relative's home, subject to review by the court.

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

6 (1) Except for children whose cases are reviewed by a citizen  
7 review board under chapter 13.70 RCW, the status of all children found  
8 to be dependent shall be reviewed by the court at least every six  
9 months from the beginning date of the placement episode or the date  
10 dependency is established, whichever is first. The purpose of the  
11 hearing shall be to review the progress of the parties and determine  
12 whether court supervision should continue.

13 (a) The initial review hearing shall be an in-court review and  
14 shall be set six months from the beginning date of the placement  
15 episode or no more than ninety days from the entry of the disposition  
16 order, whichever comes first. The requirements for the initial review  
17 hearing, including the in-court review requirement, shall be  
18 accomplished within existing resources.

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

22 (2)(a) A child shall not be returned home at the review hearing  
23 unless the court finds that a reason for removal as set forth in RCW  
24 13.34.130 no longer exists. The parents, guardian, or legal custodian  
25 shall report to the court the efforts they have made to correct the  
26 conditions which led to removal. If a child is returned, casework  
27 supervision shall continue for a period of six months, at which time  
28 there shall be a hearing on the need for continued intervention.

29 (b) Prior to the child returning home, the department must complete  
30 the following:

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

33 (ii) Identify any persons who may act as a caregiver for the child  
34 in addition to the parent with whom the child is being placed and  
35 determine whether such persons are in need of any services in order to  
36 ensure the safety of the child, regardless of whether such persons are  
37 a party to the dependency. The department or supervising agency may

1 recommend to the court and the court may order that placement of the  
2 child in the parent's home be contingent on or delayed based on the  
3 need for such persons to engage in or complete services to ensure the  
4 safety of the child prior to placement. If services are recommended  
5 for the caregiver, and the caregiver fails to engage in or follow  
6 through with the recommended services, the department or supervising  
7 agency must promptly notify the court; and

8 (iii) Notify the parent with whom the child is being placed that he  
9 or she has an ongoing duty to notify the department or supervising  
10 agency of all persons who reside in the home or who may act as a  
11 caregiver for the child both prior to the placement of the child in the  
12 home and subsequent to the placement of the child in the home as long  
13 as the court retains jurisdiction of the dependency proceeding or the  
14 department is providing or monitoring either remedial services to the  
15 parent or services to ensure the safety of the child to any caregivers.

16 Caregivers may be required to engage in services under this  
17 subsection solely for the purpose of ensuring the present and future  
18 safety of a child who is a ward of the court. This subsection does not  
19 grant party status to any individual not already a party to the  
20 dependency proceeding, create an entitlement to services or a duty on  
21 the part of the department or supervising agency to provide services,  
22 or create judicial authority to order the provision of services to any  
23 person other than for the express purposes of this section or RCW  
24 13.34.025 or if the services are unavailable or unsuitable or the  
25 person is not eligible for such services.

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

28 (i) Whether the agency is making reasonable efforts to provide  
29 services to the family and eliminate the need for placement of the  
30 child. If additional services, including housing assistance, are  
31 needed to facilitate the return of the child to the child's parents,  
32 the court shall order that reasonable services be offered specifying  
33 such services;

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

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

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

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

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

7 (vii) Whether preference has been given to placement with the  
8 child's relatives and if not, the court shall indicate why the child is  
9 not in a relative placement;

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

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

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

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

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

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

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

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

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

29 (ii) The continued participation of the parents, if applicable, in  
30 available substance abuse or mental health treatment if substance abuse  
31 or mental illness was a contributing factor to the removal of the  
32 child.

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

35 (i) Noncompliance by the parents with the agency case plan or court  
36 order;

37 (ii) The parent's inability, unwillingness, or failure to

1 participate in available services or treatment for themselves or the  
2 child, including substance abuse treatment if a parent's substance  
3 abuse was a contributing factor to the abuse or neglect; or

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

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

15 (4) The court's ability to order housing assistance under ((RCW  
16 ~~13.34.130 and this section~~)) this chapter is: (a) Limited to cases in  
17 which homelessness or the lack of adequate and safe housing is the  
18 primary reason for an out-of-home placement; and (b) subject to the  
19 availability of funds appropriated for this specific purpose.

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

22 NEW SECTION. Sec. 4. A new section is added to chapter 13.34 RCW  
23 to read as follows:

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

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

32 (b) Sibling visits subject to the restrictions in RCW  
33 13.34.136(2)(b)(ii);

34 (c) Parent-child visits;

35 (d) Statutory preference for placement with a relative, if  
36 appropriate; and

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

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

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.34 RCW  
7 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

34           (a) The department shall conduct the monthly visits with children  
35 and caregivers required under this section unless the child's placement  
36 is being supervised under a contract between the department and a  
37 private agency accredited by a national child welfare accrediting  
38 entity, in which case the private agency shall, within existing

1 resources, conduct the monthly visits with the child and with the  
2 child's caregiver according to the standards described in this  
3 subsection and shall provide the department with a written report of  
4 the visits within fifteen days of completing the visits.

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

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

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

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

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

35 (10)(a) Have authority to provide continued foster care or group  
36 care as needed to participate in or complete a high school or  
37 vocational school program.

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

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

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

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

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

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

37 (13) Within amounts appropriated for this specific purpose, provide



1 preventive services to families with children that prevent or shorten  
2 the duration of an out-of-home placement.

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

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

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

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

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

25 (iii) Parent-child visits;

26 (iv) Statutory preference for placement with a relative, if  
27 appropriate; and

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

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

33 NEW SECTION. Sec. 7. A new section is added to chapter 74.13 RCW  
34 to read as follows:

35 Once a dependency is established under chapter 13.34 RCW, the  
36 social worker assigned to the case shall provide the dependent child  
37 with a document containing the information contained in RCW

1 74.13.031(16). The social worker shall also explain the content of the  
2 document to the child and direct the child to the department's web site  
3 for further information. The social worker shall document, in the  
4 electronic data system, that this requirement was met.

5 **Sec. 8.** RCW 74.13.109 and 1990 c 285 s 7 are each amended to read  
6 as follows:

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

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

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

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

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

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

35 ~~((+4))~~ (d) Any prospective parent who is to be a party to such  
36 agreement shall be a person who has the character, judgment, sense of

1 responsibility, and disposition which make him or her suitable as an  
2 adoptive parent of such child.

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

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

18 **Sec. 9.** 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. 10.** 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."

**ESHB 1782** - S COMM AMD

By Committee on Human Services & Corrections

**ADOPTED AND ENGROSSED 04/16/2009**

14 On page 1, line 2 of the title, after "matters;" strike the  
15 remainder of the title and insert "amending RCW 13.34.065, 74.13.031,  
16 74.13.109, 74.13.250, and 74.13.333; reenacting and amending RCW  
17 13.34.130 and 13.34.138; adding new sections to chapter 13.34 RCW; and  
18 adding a new section to chapter 74.13 RCW."

--- END ---