

2SHB 2106 - S COMM AMD

By Committee on Human Services & Corrections

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW
4 to read as follows:

5 The legislature declares that the safety and well-being of children
6 and families is essential to the social and economic health of
7 Washington. It is the duty of the state to provide children at risk of
8 out-of-home placement and their families with reasonable opportunities
9 to access supportive services that enhance their safety and well-being.
10 The legislature directs the programmatic and administrative changes
11 required in this act to be accomplished in conformance with this
12 foregoing principle.

13 The legislature finds that research in the area of child safety and
14 well-being supports the conclusion that a restructuring of the
15 administration and delivery of child welfare services through the use
16 of performance-based contracts can enhance safety and well-being, when
17 done so in a careful, well-planned and collaborative manner.

18 The legislature intends that the execution of performance-based
19 contracts which transfer the delivery of child welfare services to
20 entities other than the department be done without restricting who may
21 seek to participate in the procurement process of the contracts. The
22 legislature directs that the department retain those positions
23 necessary to provide child protective and investigative services and to
24 administer performance-based contracts.

25 The legislature, in creating the committee in section 8 of this
26 act, is establishing the mechanism to design, in collaboration with the
27 executive and judicial branches and all affected entities, the
28 transition to performance-based contracts in the delivery of out-of-
29 home care and case management services.

1 **Sec. 2.** RCW 74.13.020 and 1999 c 267 s 7 are each amended to read
2 as follows:

3 (~~As used in Title 74 RCW, child welfare services shall be defined~~
4 ~~as public social services including adoption services which strengthen,~~
5 ~~supplement, or substitute for, parental care and supervision for the~~
6 ~~purpose of:~~

7 ~~(1) Preventing or remedying, or assisting in the solution of~~
8 ~~problems which may result in families in conflict, or the neglect,~~
9 ~~abuse, exploitation, or criminal behavior of children;~~

10 ~~(2) Protecting and caring for dependent or neglected children;~~

11 ~~(3) Assisting children who are in conflict with their parents, and~~
12 ~~assisting parents who are in conflict with their children with services~~
13 ~~designed to resolve such conflicts;~~

14 ~~(4) Protecting and promoting the welfare of children, including the~~
15 ~~strengthening of their own homes where possible, or, where needed;~~

16 ~~(5) Providing adequate care of children away from their homes in~~
17 ~~foster family homes or day care or other child care agencies or~~
18 ~~facilities.~~

19 ~~As used in this chapter, child means a person less than eighteen~~
20 ~~years of age.~~

21 ~~The department's duty to provide services to homeless families with~~
22 ~~children is set forth in RCW 43.20A.790 and in appropriations provided~~
23 ~~by the legislature for implementation of the plan.))~~

24 For purposes of this chapter:

25 (1) "Case management" means the management of services delivered to
26 children in the legal custody of the department in the child welfare
27 system, including permanency services, caseworker-child visits, family
28 visits, the convening of family group conferences, the development and
29 revision of the case plan, the coordination and monitoring of services
30 needed by the child and family, and the assumption of court-related
31 duties, including preparing court reports, attending judicial hearings
32 and permanency hearings, and ensuring that the child is progressing
33 toward permanency within state and federal mandates, including the
34 Indian child welfare act.

35 (2) "Child" means a person less than eighteen years of age.

36 (3) "Child protective services" has the same meaning as in RCW
37 26.44.020.

1 (4) "Child welfare services" means social services including out-
2 of-home care, case management, and adoption services which strengthen,
3 supplement, or substitute for, parental care and supervision for the
4 purpose of:

5 (a) Preventing or remedying, or assisting in the solution of
6 problems which may result in families in conflict, or the neglect,
7 abuse, exploitation, or criminal behavior of children;

8 (b) Protecting and caring for dependent, abused, or neglected
9 children;

10 (c) Assisting children who are in conflict with their parents, and
11 assisting parents who are in conflict with their children, with
12 services designed to resolve such conflicts;

13 (d) Protecting and promoting the welfare of children, including the
14 strengthening of their own homes where possible, or, where needed;

15 (e) Providing adequate care of children away from their homes in
16 foster family homes or day care or other child care agencies or
17 facilities.

18 "Child welfare services" does not include child protection
19 services.

20 (5) "Committee" means the child welfare transformation design
21 committee.

22 (6) "Department" means the department of social and health
23 services.

24 (7) "Outcomes" means a statistically significant change which
25 occurs as a result of the service or services a supervising agency is
26 assigned in a performance-based contract, in time periods established
27 in the contract.

28 (8) "Out-of-home care services" means services provided after the
29 shelter care hearing to or for children in out-of-home care, as that
30 term is defined in RCW 13.34.030, and their families, including the
31 recruitment, training, and management of foster parents, the
32 recruitment of adoptive families, and the facilitation of the adoption
33 process, family reunification, independent living, emergency shelter,
34 residential group care, and foster care, including relative placement.

35 (9) "Performance-based contracting" means the structuring of all
36 aspects of the procurement of services around the purpose of the work
37 to be performed and the desired results with the contract requirements

1 set forth in clear, specific, and objective terms with measurable
2 outcomes. Contracts shall also include provisions that link the
3 performance of the contractor to the level and timing of reimbursement.

4 (10) "Permanency services" means long-term services provided to
5 secure a child's safety, permanency, and well-being, including foster
6 care services, family reunification services, adoption services, and
7 preparation for independent living services.

8 (11) "Primary prevention services" means services which are
9 designed and delivered for the primary purpose of enhancing child and
10 family well-being and are shown, by analysis of outcomes, to reduce the
11 risk to the likelihood of the initial need for child welfare services.

12 (12) "Supervising agency" means an agency licensed by the state
13 under RCW 74.15.090, or an Indian tribe under RCW 74.15.190, that has
14 entered into a performance-based contract with the department to
15 provide child welfare services.

16 NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW
17 to read as follows:

18 (1) On and after December 1, 2010, the department shall begin to
19 convert its current contracts with child-placing agencies into
20 performance-based contracts to provide child welfare services in this
21 state.

22 (2) On and after July 1, 2014:

23 (a) Child welfare services for sixty percent of the children for
24 whom the department has legal custody shall be provided by supervising
25 agencies with whom the department has entered into performance-based
26 contracts. Supervising agencies may enter into subcontracts with other
27 licensed agencies; and

28 (b) Except as provided in subsection (4) of this section, and
29 notwithstanding any law to the contrary, in those offices in which
30 child welfare services are provided by supervising agencies, the
31 department may not directly provide child welfare services.

32 (3) On and after July 1, 2014, in the offices in which the
33 department has entered into a performance-based contract with a
34 supervising agency to provide child welfare services, the department is
35 responsible for only the following:

36 (a) Monitoring the quality of services for which the department
37 contracts under this chapter; and

1 (b) Ensuring that the services are provided in accordance with
2 federal law and the laws of this state, including the Indian child
3 welfare act.

4 (4) On and after July 1, 2014, in the offices in which the
5 department has entered into a performance-based contract with a
6 supervising agency to provide child welfare services, the department
7 may provide child welfare services only in an emergency or as a
8 provider of last resort. The department shall adopt rules describing
9 the circumstances under which the department may provide those
10 services. For purposes of this section, "provider of last resort"
11 means the department is unable to contract with a private agency to
12 provide child welfare services in a particular geographic area or,
13 after entering into a contract with a private agency, either the
14 contractor or the department terminates the contract.

15 (5) For purposes of this chapter, on and after July 1, 2010,
16 performance-based contracts shall be structured to hold the supervising
17 agencies accountable for achieving the following goals in order of
18 importance: Child safety; reunification of the child with the child's
19 parents; child permanency; and child well-being.

20 (6) A federally recognized tribe located in this state may enter
21 into a performance-based contract with the department to provide child
22 welfare services to Indian children whether or not they reside on a
23 reservation.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.13 RCW
25 to read as follows:

26 Children whose cases are managed by a supervising agency remain
27 dependents of the state.

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

30 Except for Indian tribes, performance-based contracts with private
31 nonprofit entities who otherwise meet the definition of supervising
32 agency shall be preferred.

33 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.10 RCW
34 to read as follows:

35 The office of the attorney general shall provide, or cause to be

1 provided, legal services in only dependency or termination of parental
2 rights matters to supervising agencies with whom the department of
3 social and health services has entered into performance-based contracts
4 to provide child welfare services as soon as the contracts become
5 effective.

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

8 As child welfare services caseworker and staff vacancies occur due
9 to voluntary employee departures, and if the department determines
10 those positions should be filled by state workers because there are
11 insufficient supervising agency resources available in that region to
12 provide the necessary child welfare services, the department shall
13 review its current staff assignments and transfer staff with sufficient
14 child welfare services experience in other units in the region to the
15 vacant child welfare services position or positions. If this occurs,
16 the department shall determine if there are other services in the
17 region where the work could be performed by supervising agencies.

18 NEW SECTION. **Sec. 8.** A new section is added to chapter 74.13 RCW
19 to read as follows:

20 (1)(a) The child welfare transformation design committee is
21 established, with members as provided in this subsection.

22 (i) The governor or the governor's designee;

23 (ii) Four private agencies that, as of the effective date of this
24 section, provide child welfare services to children and families
25 referred to them by the department. Two agencies must be headquartered
26 in western Washington and two must be headquartered in eastern
27 Washington. Two agencies must have an annual budget of at least one
28 million state-contracted dollars and two must have an annual budget of
29 less than one million state-contracted dollars;

30 (iii) The assistant secretary of the children's administration in
31 the department;

32 (iv) Two regional administrators in the children's administration
33 selected by the assistant secretary, one from one of the department's
34 administrative regions one or two, and one from one of the department's
35 administrative regions three, four, five, or six;

1 (v) The administrator for the division of licensed resources in the
2 children's administration;

3 (vi) Two nationally recognized experts in performance-based
4 contracts;

5 (vii) The attorney general or the attorney general's designee;

6 (viii) A representative of the collective bargaining unit that
7 represents the largest number of employees in the children's
8 administration;

9 (ix) A representative from the office of the family and children's
10 ombudsman;

11 (x) Four representatives from federally recognized Indian tribes,
12 two of which operate child welfare programs, selected by the Indian
13 policy advisory committee convened by the department's Indian policy
14 and support services office;

15 (xi) Two present or former superior court judges with significant
16 experience in dependency matters, selected by the superior court
17 judge's association;

18 (xii) One representative from partners for our children affiliated
19 with the University of Washington school of social work;

20 (xiii) A foster parent; and

21 (xiv) A parent representative who has had personal experience with
22 the dependency system.

23 (b) The president of the senate and the speaker of the house of
24 representatives shall jointly appoint the members under (a)(ii), (v),
25 (xiii), and (xiv) of this subsection.

26 (c) The representative from partners for our children shall convene
27 the initial meeting of the committee no later than June 15, 2009.

28 (d) The chair or cochairs of the committee shall be selected from
29 among its membership by a majority vote of those present at the initial
30 meeting.

31 (2) The committee shall establish a transition plan containing
32 recommendations to the legislature and the governor consistent with
33 this section for the provision of child welfare services by supervising
34 agencies pursuant to section 3 of this act.

35 (3) The plan shall include the following:

36 (a) A model or framework for performance-based contracts to be used
37 by the department that clearly defines:

38 (i) The target population;

1 (ii) The referral and exit criteria for the services;
2 (iii) The child welfare services including the use of evidence-
3 based services and practices to be provided by contractors;
4 (iv) The roles and responsibilities of public and private agency
5 workers in key case decisions;
6 (v) Contract performance and outcomes;
7 (vi) How to measure whether each contractor has met the goals
8 listed in section 3(5) of this act; and
9 (vii) Incentives to meet outcome goals;
10 (b) A method by which the department will substantially reduce its
11 current number of contracts for child welfare services;
12 (c) A method or methods by which clients will access community-
13 based services, how private supervising agencies will engage other
14 services or form local service networks, develop subcontracts, and
15 share information and supervision of children;
16 (d) Methods to address the effects of racial disproportionality, as
17 identified in the 2008 Racial Disproportionality Advisory Committee
18 Report published by the Washington state institute for public policy in
19 June 2008;
20 (e) Methods for inclusion of the principles and requirements of the
21 centennial accord executed in November 2001, executed between the state
22 of Washington and federally recognized tribes in Washington state;
23 (f) Methods for assuring performance-based contracts adhere to the
24 letter and intent of the federal Indian child welfare act;
25 (g) Contract monitoring and evaluation procedures that will ensure
26 that children and families are receiving timely and quality services
27 and that contract terms are being implemented;
28 (h) A method or methods by which to ensure that the children's
29 administration has sufficiently trained and experienced staff to
30 monitor and manage performance-based contracts;
31 (i) A process by which to expand the capacity of supervising and
32 other private agencies to meet the service needs of children and
33 families in a performance-based contractual arrangement;
34 (j) A method or methods by which supervising and other private
35 agencies can expand services in underserved areas of the state;
36 (k) The appropriate amounts and procedures for the reimbursement of
37 supervising agencies given the proposed services restructuring;

1 (l) A method by which to access and enhance existing data systems
2 to include contract performance information;

3 (m) A financing arrangement for the contracts that examines:

4 (i) The use of case rates or performance-based fee-for-service
5 contracts that include incentive payments or payment schedules that
6 link reimbursement to outcomes; and

7 (ii) Ways to reduce a contractor's financial risk that could
8 jeopardize the solvency of the contractor, including consideration of
9 the use of a risk-reward corridor that limits risk of loss and
10 potential profits or the establishment of a statewide risk pool;

11 (n) A description of how the transition will impact the state's
12 ability to obtain federal funding and examine options to further
13 maximize federal funding opportunities and increased flexibility;

14 (o) A review of whether current administrative staffing levels in
15 the regions should be continued when the majority of child welfare
16 services are being provided by supervising agencies;

17 (p) A description of the costs of the transition, the initial
18 start-up costs and the mechanisms to periodically assess the overall
19 adequacy of funds and the fiscal impact of the changes, and the
20 feasibility of the plan and the impact of the plan on department
21 employees during the transition; and

22 (q) Identification of any statutory and regulatory revisions
23 necessary to accomplish the transition.

24 (4) The committee shall also prepare as part of the plan a
25 recommendation as to how to implement this act so that full
26 implementation of the requirement that child welfare services for sixty
27 percent of the children for whom the department has legal custody is
28 achieved no later than July 1, 2014.

29 (5) The committee shall prepare the plan to manage the delivery of
30 child welfare services in a manner that achieves coordination of the
31 services and programs that deliver primary prevention services.

32 (6) The committee shall report quarterly on its progress, beginning
33 on June 30, 2009, to the governor and the legislative children's
34 oversight committee established in RCW 44.04.220. The committee shall
35 report on its progress in meeting its duties under subsections (2) and
36 (3) of this section and on any other matters the committee or the
37 legislative children's oversight committee or the governor deems
38 appropriate. The portion of the plan required in subsection (4) of

1 this section shall be due to the legislative children's oversight
2 committee on or before June 1, 2010. The reports shall be in written
3 form.

4 (7) The committee, by majority vote, may establish advisory
5 committees as it deems necessary.

6 (8) All state executive branch agencies and the agencies with whom
7 the department contracts for child welfare services shall cooperate
8 with the committee and provide timely information as the chair or
9 cochairs may request. Cooperation by the children's administration
10 must include developing and scheduling training for supervising
11 agencies to access data and information necessary to implement and
12 monitor the contracts.

13 (9) It is expected that the administrative costs for the committee
14 will be supported through private funds.

15 (10) Staff support for the committee shall be provided jointly by
16 partners for our children and legislative staff.

17 (11) The committee is subject to chapters 42.30 (open public
18 meetings act) and 42.52 (ethics in public service) RCW.

19 (12) This section expires July 1, 2014.

20 NEW SECTION. **Sec. 9.** A new section is added to chapter 74.13 RCW
21 to read as follows:

22 (1) Eighteen months after the department has entered into
23 performance-based contracts with supervising agencies to provide child
24 welfare services, the Washington state institute for public policy is
25 to conduct a review of outcomes achieved by the supervising agencies
26 and compare those outcomes with the existing services offered by the
27 state. Among the outcomes to be compared are the number of relative
28 placements, number of placements with siblings, rereferral for cases
29 where the children who were placed were reunified and then returned to
30 out-of-home care during the eighteen-month period, timelines for
31 achievement of permanency in individual cases. This preliminary report
32 is due to the governor and the legislature by June 30, 2012.

33 (2) No later than July 1, 2013, the Washington state institute for
34 public policy shall provide the legislature and the governor with the
35 final results of the outcomes comparison. If the report indicates
36 improved outcomes through the use of performance-based contracts with

1 supervising agencies, the governor is encouraged to expand statewide
2 the use of performance-based contracts in the manner contemplated in
3 this act.

4 (3) The department shall respond to the Washington institute for
5 public policy's request for data and other information with which to
6 complete these reports in a timely manner.

7 **Sec. 10.** RCW 74.15.010 and 1995 c 302 s 2 are each amended to read
8 as follows:

9 The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

10 (1) To safeguard the health, safety, and well-being of children,
11 expectant mothers and developmentally disabled persons receiving care
12 away from their own homes, which is paramount over the right of any
13 person to provide care;

14 (2) To strengthen and encourage family unity and to sustain
15 parental rights and responsibilities to the end that foster care is
16 provided only when a child's family, through the use of all available
17 resources, is unable to provide necessary care;

18 (3) To promote the development of a sufficient number and variety
19 of adequate ((child-care)) foster family homes and maternity-care
20 facilities, both public and private, through the cooperative efforts of
21 public and ((voluntary)) supervising agencies and related groups;

22 (4) To provide consultation to agencies caring for children,
23 expectant mothers or developmentally disabled persons in order to help
24 them to improve their methods of and facilities for care;

25 (5) To license agencies as defined in RCW 74.15.020 and to assure
26 the users of such agencies, their parents, the community at large and
27 the agencies themselves that adequate minimum standards are maintained
28 by all agencies caring for children, expectant mothers and
29 developmentally disabled persons.

30 **Sec. 11.** RCW 74.15.020 and 2007 c 412 s 1 are each amended to read
31 as follows:

32 For the purpose of this chapter and RCW 74.13.031, and unless
33 otherwise clearly indicated by the context thereof, the following terms
34 shall mean:

35 (1) "Agency" means any person, firm, partnership, association,
36 corporation, or facility which receives children, expectant mothers, or

1 persons with developmental disabilities for control, care, or
2 maintenance outside their own homes, or which places, arranges the
3 placement of, or assists in the placement of children, expectant
4 mothers, or persons with developmental disabilities for foster care or
5 placement of children for adoption, and shall include the following
6 irrespective of whether there is compensation to the agency or to the
7 children, expectant mothers or persons with developmental disabilities
8 for services rendered:

9 (a) "Child-placing agency" means an agency which places a child or
10 children for temporary care, continued care, or for adoption;

11 (b) "Community facility" means a group care facility operated for
12 the care of juveniles committed to the department under RCW 13.40.185.
13 A county detention facility that houses juveniles committed to the
14 department under RCW 13.40.185 pursuant to a contract with the
15 department is not a community facility;

16 (c) "Crisis residential center" means an agency which is a
17 temporary protective residential facility operated to perform the
18 duties specified in chapter 13.32A RCW, in the manner provided in RCW
19 74.13.032 through 74.13.036;

20 (d) "Emergency respite center" is an agency that may be commonly
21 known as a crisis nursery, that provides emergency and crisis care for
22 up to seventy-two hours to children who have been admitted by their
23 parents or guardians to prevent abuse or neglect. Emergency respite
24 centers may operate for up to twenty-four hours a day, and for up to
25 seven days a week. Emergency respite centers may provide care for
26 children ages birth through seventeen, and for persons eighteen through
27 twenty with developmental disabilities who are admitted with a sibling
28 or siblings through age seventeen. Emergency respite centers may not
29 substitute for crisis residential centers or HOPE centers, or any other
30 services defined under this section, and may not substitute for
31 services which are required under chapter 13.32A or 13.34 RCW;

32 (e) "Foster-family home" means an agency which regularly provides
33 care on a twenty-four hour basis to one or more children, expectant
34 mothers, or persons with developmental disabilities in the family abode
35 of the person or persons under whose direct care and supervision the
36 child, expectant mother, or person with a developmental disability is
37 placed;

1 (f) "Group-care facility" means an agency, other than a foster-
2 family home, which is maintained and operated for the care of a group
3 of children on a twenty-four hour basis;

4 (g) "HOPE center" means an agency licensed by the secretary to
5 provide temporary residential placement and other services to street
6 youth. A street youth may remain in a HOPE center for thirty days
7 while services are arranged and permanent placement is coordinated. No
8 street youth may stay longer than thirty days unless approved by the
9 department and any additional days approved by the department must be
10 based on the unavailability of a long-term placement option. A street
11 youth whose parent wants him or her returned to home may remain in a
12 HOPE center until his or her parent arranges return of the youth, not
13 longer. All other street youth must have court approval under chapter
14 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

15 (h) "Maternity service" means an agency which provides or arranges
16 for care or services to expectant mothers, before or during
17 confinement, or which provides care as needed to mothers and their
18 infants after confinement;

19 (i) "Responsible living skills program" means an agency licensed by
20 the secretary that provides residential and transitional living
21 services to persons ages sixteen to eighteen who are dependent under
22 chapter 13.34 RCW and who have been unable to live in his or her
23 legally authorized residence and, as a result, the minor lived outdoors
24 or in another unsafe location not intended for occupancy by the minor.
25 Dependent minors ages fourteen and fifteen may be eligible if no other
26 placement alternative is available and the department approves the
27 placement;

28 (j) "Service provider" means the entity that operates a community
29 facility.

30 (2) "Agency" shall not include the following:

31 (a) Persons related to the child, expectant mother, or person with
32 developmental disability in the following ways:

33 (i) Any blood relative, including those of half-blood, and
34 including first cousins, second cousins, nephews or nieces, and persons
35 of preceding generations as denoted by prefixes of grand, great, or
36 great-great;

37 (ii) Stepfather, stepmother, stepbrother, and stepsister;

1 (iii) A person who legally adopts a child or the child's parent as
2 well as the natural and other legally adopted children of such persons,
3 and other relatives of the adoptive parents in accordance with state
4 law;

5 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
6 subsection (2)(a), even after the marriage is terminated;

7 (v) Relatives, as named in (i), (ii), (iii), or (iv) of this
8 subsection (2)(a), of any half sibling of the child; or

9 (vi) Extended family members, as defined by the law or custom of
10 the Indian child's tribe or, in the absence of such law or custom, a
11 person who has reached the age of eighteen and who is the Indian
12 child's grandparent, aunt or uncle, brother or sister, brother-in-law
13 or sister-in-law, niece or nephew, first or second cousin, or
14 stepparent who provides care in the family abode on a twenty-four-hour
15 basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

16 (b) Persons who are legal guardians of the child, expectant mother,
17 or persons with developmental disabilities;

18 (c) Persons who care for a neighbor's or friend's child or
19 children, with or without compensation, where the parent and person
20 providing care on a twenty-four-hour basis have agreed to the placement
21 in writing and the state is not providing any payment for the care;

22 (d) A person, partnership, corporation, or other entity that
23 provides placement or similar services to exchange students or
24 international student exchange visitors or persons who have the care of
25 an exchange student in their home;

26 (e) A person, partnership, corporation, or other entity that
27 provides placement or similar services to international children who
28 have entered the country by obtaining visas that meet the criteria for
29 medical care as established by the United States citizenship and
30 immigration (~~(and naturalization)~~) services, or persons who have the
31 care of such an international child in their home;

32 (f) Schools, including boarding schools, which are engaged
33 primarily in education, operate on a definite school year schedule,
34 follow a stated academic curriculum, accept only school-age children
35 and do not accept custody of children;

36 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
37 performing functions defined in chapter 70.41 RCW, nursing homes

1 licensed under chapter 18.51 RCW and boarding homes licensed under
2 chapter 18.20 RCW;

3 (h) Licensed physicians or lawyers;

4 (i) Facilities approved and certified under chapter 71A.22 RCW;

5 (j) Any agency having been in operation in this state ten years
6 prior to June 8, 1967, and not seeking or accepting moneys or
7 assistance from any state or federal agency, and is supported in part
8 by an endowment or trust fund;

9 (k) Persons who have a child in their home for purposes of
10 adoption, if the child was placed in such home by a licensed child-
11 placing agency, an authorized public or tribal agency or court or if a
12 replacement report has been filed under chapter 26.33 RCW and the
13 placement has been approved by the court;

14 (l) An agency operated by any unit of local, state, or federal
15 government or an agency licensed by an Indian tribe pursuant to RCW
16 74.15.190;

17 (m) A maximum or medium security program for juvenile offenders
18 operated by or under contract with the department;

19 (n) An agency located on a federal military reservation, except
20 where the military authorities request that such agency be subject to
21 the licensing requirements of this chapter.

22 (3) "Department" means the state department of social and health
23 services.

24 (4) (~~("Family-child-care-licensee" means a person who: (a)~~
25 ~~Provides regularly scheduled care for a child or children in the home~~
26 ~~of the provider for periods of less than twenty-four hours or, if~~
27 ~~necessary due to the nature of the parent's work, for periods equal to~~
28 ~~or greater than twenty-four hours; (b) does not receive child-care~~
29 ~~subsidies; and (c) is licensed by the state under RCW 74.15.030.~~

30 (5)) "Juvenile" means a person under the age of twenty-one who has
31 been sentenced to a term of confinement under the supervision of the
32 department under RCW 13.40.185.

33 (5) "Performance-based contracts" or "contracting" means the
34 structuring of all aspects of the procurement of services around the
35 purpose of the work to be performed and the desired results with the
36 contract requirements set forth in clear, specific, and objective terms
37 with measurable outcomes. Contracts may also include provisions that

1 link the performance of the contractor to the level and timing of the
2 reimbursement.

3 (6) "Probationary license" means a license issued as a disciplinary
4 measure to an agency that has previously been issued a full license but
5 is out of compliance with licensing standards.

6 (7) "Requirement" means any rule, regulation, or standard of care
7 to be maintained by an agency.

8 (8) "Secretary" means the secretary of social and health services.

9 (9) "Street youth" means a person under the age of eighteen who
10 lives outdoors or in another unsafe location not intended for occupancy
11 by the minor and who is not residing with his or her parent or at his
12 or her legally authorized residence.

13 (10) "Supervising agency" means an agency licensed by the state
14 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
15 entered into a performance-based contract with the department to
16 provide child welfare services.

17 (11) "Transitional living services" means at a minimum, to the
18 extent funds are available, the following:

19 (a) Educational services, including basic literacy and
20 computational skills training, either in local alternative or public
21 high schools or in a high school equivalency program that leads to
22 obtaining a high school equivalency degree;

23 (b) Assistance and counseling related to obtaining vocational
24 training or higher education, job readiness, job search assistance, and
25 placement programs;

26 (c) Counseling and instruction in life skills such as money
27 management, home management, consumer skills, parenting, health care,
28 access to community resources, and transportation and housing options;

29 (d) Individual and group counseling; and

30 (e) Establishing networks with federal agencies and state and local
31 organizations such as the United States department of labor, employment
32 and training administration programs including the ((~~job-training~~
33 ~~partnership~~)) workforce investment act which administers private
34 industry councils and the job corps; vocational rehabilitation; and
35 volunteer programs.

36 **Sec. 12.** RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are
37 each reenacted and amended to read as follows:

1 The secretary shall have the power and it shall be the secretary's
2 duty:

3 (1) In consultation with the children's services advisory
4 committee, and with the advice and assistance of persons representative
5 of the various type agencies to be licensed, to designate categories of
6 facilities for which separate or different requirements shall be
7 developed as may be appropriate whether because of variations in the
8 ages, sex and other characteristics of persons served, variations in
9 the purposes and services offered or size or structure of the agencies
10 to be licensed (~~hereunder~~) under this chapter, or because of any
11 other relevant factor (~~relevant thereto~~);

12 (2) In consultation with the children's services advisory
13 committee, and with the advice and assistance of persons representative
14 of the various type agencies to be licensed, to adopt and publish
15 minimum requirements for licensing applicable to each of the various
16 categories of agencies to be licensed.

17 The minimum requirements shall be limited to:

18 (a) The size and suitability of a facility and the plan of
19 operation for carrying out the purpose for which an applicant seeks a
20 license;

21 (b) Obtaining background information and any out-of-state
22 equivalent, to determine whether the applicant or service provider is
23 disqualified and to determine the character, competence, and
24 suitability of an agency, the agency's employees, volunteers, and other
25 persons associated with an agency;

26 (c) Conducting background checks for those who will or may have
27 unsupervised access to children, expectant mothers, or individuals with
28 a developmental disability;

29 (d) Obtaining child protective services information or records
30 maintained in the department's (~~case-management~~) information
31 technology system. (~~No~~) Unfounded allegations of child abuse or
32 neglect as defined in RCW 26.44.020 (~~may~~) shall be disclosed to (~~a~~
33 ~~child placing agency, private adoption agency, or any other provider~~
34 ~~licensed~~) supervising agencies under this chapter;

35 (e) Submitting a fingerprint-based background check through the
36 Washington state patrol under chapter 10.97 RCW and through the federal
37 bureau of investigation for:

1 (i) Agencies and their staff, volunteers, students, and interns
2 when the agency is seeking license or relicense;

3 (ii) Foster care and adoption placements; and

4 (iii) Any adult living in a home where a child may be placed;

5 (f) If any adult living in the home has not resided in the state of
6 Washington for the preceding five years, the department shall review
7 any child abuse and neglect registries maintained by any state where
8 the adult has resided over the preceding five years;

9 (g) The cost of fingerprint background check fees will be paid as
10 required in RCW 43.43.837;

11 (h) National and state background information must be used solely
12 for the purpose of determining eligibility for a license and for
13 determining the character, suitability, and competence of those persons
14 or agencies, excluding parents, not required to be licensed who are
15 authorized to care for children or expectant mothers;

16 (i) The number of qualified persons required to render the type of
17 care and treatment for which an agency seeks a license;

18 (j) The safety, cleanliness, and general adequacy of the premises
19 to provide for the comfort, care and well-being of children, expectant
20 mothers or developmentally disabled persons;

21 (k) The provision of necessary care, including food, clothing,
22 supervision and discipline; physical, mental and social well-being; and
23 educational, recreational and spiritual opportunities for those served;

24 (l) The financial ability of an agency to comply with minimum
25 requirements established pursuant to chapter 74.15 RCW and RCW
26 74.13.031; and

27 (m) The maintenance of records pertaining to the admission,
28 progress, health and discharge of persons served;

29 (3) To investigate any person, including relatives by blood or
30 marriage except for parents, for character, suitability, and competence
31 in the care and treatment of children, expectant mothers, and
32 developmentally disabled persons prior to authorizing that person to
33 care for children, expectant mothers, and developmentally disabled
34 persons. However, if a child is placed with a relative under RCW
35 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
36 and competent to provide care and treatment the criminal history
37 background check required by this section need not be completed before
38 placement, but shall be completed as soon as possible after placement;

1 (4) On reports of alleged child abuse and neglect, to investigate
2 agencies in accordance with chapter 26.44 RCW, including child day-care
3 centers and family day-care homes, to determine whether the alleged
4 abuse or neglect has occurred, and whether child protective services or
5 referral to a law enforcement agency is appropriate;

6 (5) To issue, revoke, or deny licenses to agencies pursuant to
7 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the
8 category of care which an agency is authorized to render and the ages,
9 sex and number of persons to be served;

10 (6) To prescribe the procedures and the form and contents of
11 reports necessary for the administration of chapter 74.15 RCW and RCW
12 74.13.031 and to require regular reports from each licensee;

13 (7) To inspect agencies periodically to determine whether or not
14 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the
15 requirements adopted hereunder;

16 (8) To review requirements adopted hereunder at least every two
17 years and to adopt appropriate changes after consultation with affected
18 groups for child day-care requirements and with the children's services
19 advisory committee for requirements for other agencies; and

20 (9) To consult with public and private agencies in order to help
21 them improve their methods and facilities for the care of children,
22 expectant mothers and developmentally disabled persons.

23 **Sec. 13.** RCW 74.15.050 and 1995 c 369 s 62 are each amended to
24 read as follows:

25 The chief of the Washington state patrol, through the director of
26 fire protection, shall have the power and it shall be his or her duty:

27 (1) In consultation with the children's services advisory committee
28 and with the advice and assistance of persons representative of the
29 various type agencies to be licensed, to adopt recognized minimum
30 standard requirements pertaining to each category of agency established
31 pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family
32 homes and child-placing agencies, necessary to protect all persons
33 residing therein from fire hazards;

34 (2) To make or cause to be made such inspections and investigations
35 of agencies, other than foster-family homes or child-placing agencies,
36 as he or she deems necessary;

1 (3) To make a periodic review of requirements under RCW
2 74.15.030(7) and to adopt necessary changes after consultation as
3 required in subsection (1) of this section;

4 (4) To issue to applicants for licenses hereunder, other than
5 foster-family homes or child-placing agencies, who comply with the
6 requirements, a certificate of compliance, a copy of which shall be
7 presented to the department (~~(of social and health services)~~) before a
8 license shall be issued, except that (~~(a provisional)~~) an initial
9 license may be issued as provided in RCW 74.15.120.

10 **Sec. 14.** RCW 74.15.100 and 2006 c 265 s 403 are each amended to
11 read as follows:

12 Each agency or supervising agency shall make application for a
13 license or renewal of license to the department (~~(of social and health~~
14 ~~services)~~) on forms prescribed by the department. A licensed agency
15 having foster-family homes under its supervision may make application
16 for a license on behalf of any such foster-family home. Such a foster
17 home license shall cease to be valid when the home is no longer under
18 the supervision of that agency. Upon receipt of such application, the
19 department shall either grant or deny a license within ninety days
20 unless the application is for licensure as a foster-family home, in
21 which case RCW 74.15.040 shall govern. A license shall be granted if
22 the agency meets the minimum requirements set forth in chapter 74.15
23 RCW and RCW 74.13.031 and the departmental requirements consistent
24 herewith, except that an initial license may be issued as provided in
25 RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW
26 74.13.031 shall be issued for a period of three years. The licensee,
27 however, shall advise the secretary of any material change in
28 circumstances which might constitute grounds for reclassification of
29 license as to category. The license issued under this chapter is not
30 transferable and applies only to the licensee and the location stated
31 in the application. For licensed foster-family homes having an
32 acceptable history of child care, the license may remain in effect for
33 two weeks after a move, except that this will apply only if the family
34 remains intact.

35 **Sec. 15.** RCW 26.44.020 and 2007 c 220 s 1 are each amended to read
36 as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "Abuse or neglect" means sexual abuse, sexual exploitation, or
4 injury of a child by any person under circumstances which cause harm to
5 the child's health, welfare, or safety, excluding conduct permitted
6 under RCW 9A.16.100; or the negligent treatment or maltreatment of a
7 child by a person responsible for or providing care to the child. An
8 abused child is a child who has been subjected to child abuse or
9 neglect as defined in this section.

10 (2) "Child" or "children" means any person under the age of
11 eighteen years of age.

12 (3) "Child protective services" means those services provided by
13 the department designed to protect children from child abuse and
14 neglect and safeguard such children from future abuse and neglect, and
15 conduct investigations of child abuse and neglect reports.
16 Investigations may be conducted regardless of the location of the
17 alleged abuse or neglect. Child protective services includes referral
18 to services to ameliorate conditions that endanger the welfare of
19 children, the coordination of necessary programs and services relevant
20 to the prevention, intervention, and treatment of child abuse and
21 neglect, and services to children to ensure that each child has a
22 permanent home. In determining whether protective services should be
23 provided, the department shall not decline to provide such services
24 solely because of the child's unwillingness or developmental inability
25 to describe the nature and severity of the abuse or neglect.

26 (4) "Child protective services section" means the child protective
27 services section of the department.

28 (5) "Clergy" means any regularly licensed or ordained minister,
29 priest, or rabbi of any church or religious denomination, whether
30 acting in an individual capacity or as an employee or agent of any
31 public or private organization or institution.

32 (6) "Court" means the superior court of the state of Washington,
33 juvenile department.

34 (7) "Department" means the state department of social and health
35 services.

36 (8) "Founded" means the determination following an investigation by
37 the department that, based on available information, it is more likely
38 than not that child abuse or neglect did occur.

1 (9) "Inconclusive" means the determination following an
2 investigation by the department, prior to October 1, 2008, that based
3 on available information a decision cannot be made that more likely
4 than not, child abuse or neglect did or did not occur.

5 (10) "Institution" means a private or public hospital or any other
6 facility providing medical diagnosis, treatment, or care.

7 (11) "Law enforcement agency" means the police department, the
8 prosecuting attorney, the state patrol, the director of public safety,
9 or the office of the sheriff.

10 (12) "Malice" or "maliciously" means an intent, wish, or design to
11 intimidate, annoy, or injure another person. Such malice may be
12 inferred from an act done in willful disregard of the rights of
13 another, or an act wrongfully done without just cause or excuse, or an
14 act or omission of duty betraying a willful disregard of social duty.

15 (13) "Negligent treatment or maltreatment" means an act or a
16 failure to act, or the cumulative effects of a pattern of conduct,
17 behavior, or inaction, that evidences a serious disregard of
18 consequences of such magnitude as to constitute a clear and present
19 danger to a child's health, welfare, or safety, including but not
20 limited to conduct prohibited under RCW 9A.42.100. When considering
21 whether a clear and present danger exists, evidence of a parent's
22 substance abuse as a contributing factor to negligent treatment or
23 maltreatment shall be given great weight. The fact that siblings share
24 a bedroom is not, in and of itself, negligent treatment or
25 maltreatment. Poverty, homelessness, or exposure to domestic violence
26 as defined in RCW 26.50.010 that is perpetrated against someone other
27 than the child does not constitute negligent treatment or maltreatment
28 in and of itself.

29 (14) "Pharmacist" means any registered pharmacist under chapter
30 18.64 RCW, whether acting in an individual capacity or as an employee
31 or agent of any public or private organization or institution.

32 (15) "Practitioner of the healing arts" or "practitioner" means a
33 person licensed by this state to practice podiatric medicine and
34 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
35 medicine and surgery, or medicine and surgery or to provide other
36 health services. The term "practitioner" includes a duly accredited
37 Christian Science practitioner(~~(; PROVIDED, HOWEVER, That)~~). A person

1 who is being furnished Christian Science treatment by a duly accredited
2 Christian Science practitioner will not be considered, for that reason
3 alone, a neglected person for the purposes of this chapter.

4 (16) "Professional school personnel" include, but are not limited
5 to, teachers, counselors, administrators, child care facility
6 personnel, and school nurses.

7 (17) "Psychologist" means any person licensed to practice
8 psychology under chapter 18.83 RCW, whether acting in an individual
9 capacity or as an employee or agent of any public or private
10 organization or institution.

11 (18) "Screened-out report" means a report of alleged child abuse or
12 neglect that the department has determined does not rise to the level
13 of a credible report of abuse or neglect and is not referred for
14 investigation.

15 (19) "Sexual exploitation" includes: (a) Allowing, permitting, or
16 encouraging a child to engage in prostitution by any person; or (b)
17 allowing, permitting, encouraging, or engaging in the obscene or
18 pornographic photographing, filming, or depicting of a child by any
19 person.

20 (20) "Sexually aggressive youth" means a child who is defined in
21 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

22 (21) "Social service counselor" means anyone engaged in a
23 professional capacity during the regular course of employment in
24 encouraging or promoting the health, welfare, support, or education of
25 children, or providing social services to adults or families, including
26 mental health, drug and alcohol treatment, and domestic violence
27 programs, whether in an individual capacity, or as an employee or agent
28 of any public or private organization or institution.

29 (22) "Supervising agency" means an agency licensed by the state
30 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
31 entered into a performance-based contract with the department to
32 provide child welfare services.

33 (23) "Unfounded" means the determination following an investigation
34 by the department that available information indicates that, more
35 likely than not, child abuse or neglect did not occur, or that there is
36 insufficient evidence for the department to determine whether the
37 alleged child abuse did or did not occur.

1 (2) The department shall coordinate within the administrations of
2 the department, and with contracted service providers including
3 supervising agencies, to ensure that parents in dependency proceedings
4 under this chapter receive priority access to remedial services
5 recommended by the department or supervising agency in its social study
6 or ordered by the court for the purpose of correcting any parental
7 deficiencies identified in the dependency proceeding that are capable
8 of being corrected in the foreseeable future. Services may also be
9 provided to caregivers other than the parents as identified in RCW
10 13.34.138.

11 (a) For purposes of this chapter, remedial services are those
12 services defined in the federal adoption and safe families act as
13 time-limited family reunification services. Remedial services include
14 individual, group, and family counseling; substance abuse treatment
15 services; mental health services; assistance to address domestic
16 violence; services designed to provide temporary child care and
17 therapeutic services for families; and transportation to or from any of
18 the above services and activities.

19 (b) The department shall provide funds for remedial services if the
20 parent is unable to pay to the extent funding is appropriated in the
21 operating budget or otherwise available to the department for such
22 specific services. As a condition for receiving funded remedial
23 services, the court may inquire into the parent's ability to pay for
24 all or part of such services or may require that the parent make
25 appropriate applications for funding to alternative funding sources for
26 such services.

27 (c) If court-ordered remedial services are unavailable for any
28 reason, including lack of funding, lack of services, or language
29 barriers, the department or supervising agency shall promptly notify
30 the court that the parent is unable to engage in the treatment due to
31 the inability to access such services.

32 (d) This section does not create an entitlement to services and
33 does not create judicial authority to order the provision of services
34 except for the specific purpose of making reasonable efforts to remedy
35 parental deficiencies identified in a dependency proceeding under this
36 chapter.

1 **Sec. 19.** RCW 13.34.030 and 2003 c 227 s 2 are each amended to read
2 as follows:

3 For purposes of this chapter:

4 (1) "Abandoned" means when the child's parent, guardian, or other
5 custodian has expressed, either by statement or conduct, an intent to
6 forego, for an extended period, parental rights or responsibilities
7 despite an ability to exercise such rights and responsibilities. If
8 the court finds that the petitioner has exercised due diligence in
9 attempting to locate the parent, no contact between the child and the
10 child's parent, guardian, or other custodian for a period of three
11 months creates a rebuttable presumption of abandonment, even if there
12 is no expressed intent to abandon.

13 (2) "Child" and "juvenile" means any individual under the age of
14 eighteen years.

15 (3) "Current placement episode" means the period of time that
16 begins with the most recent date that the child was removed from the
17 home of the parent, guardian, or legal custodian for purposes of
18 placement in out-of-home care and continues until: (a) The child
19 returns home; (b) an adoption decree, a permanent custody order, or
20 guardianship order is entered; or (c) the dependency is dismissed,
21 whichever occurs first.

22 (4) "Department" means the department of social and health
23 services.

24 (5) "Dependency guardian" means the person, nonprofit corporation,
25 or Indian tribe appointed by the court pursuant to this chapter for the
26 limited purpose of assisting the court in the supervision of the
27 dependency.

28 (~~(5)~~) (6) "Dependent child" means any child who:

29 (a) Has been abandoned;

30 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
31 person legally responsible for the care of the child; or

32 (c) Has no parent, guardian, or custodian capable of adequately
33 caring for the child, such that the child is in circumstances which
34 constitute a danger of substantial damage to the child's psychological
35 or physical development.

36 (~~(6)~~) (7) "Developmental disability" means a disability
37 attributable to mental retardation, cerebral palsy, epilepsy, autism,
38 or another neurological or other condition of an individual found by

1 the secretary to be closely related to mental retardation or to require
2 treatment similar to that required for individuals with mental
3 retardation, which disability originates before the individual attains
4 age eighteen, which has continued or can be expected to continue
5 indefinitely, and which constitutes a substantial handicap to the
6 individual.

7 ~~((7))~~ (8) "Guardian" means the person or agency that: (a) Has
8 been appointed as the guardian of a child in a legal proceeding other
9 than a proceeding under this chapter; and (b) has the legal right to
10 custody of the child pursuant to such appointment. The term "guardian"
11 shall not include a "dependency guardian" appointed pursuant to a
12 proceeding under this chapter.

13 ~~((8))~~ (9) "Guardian ad litem" means a person, appointed by the
14 court to represent the best interests of a child in a proceeding under
15 this chapter, or in any matter which may be consolidated with a
16 proceeding under this chapter. A "court-appointed special advocate"
17 appointed by the court to be the guardian ad litem for the child, or to
18 perform substantially the same duties and functions as a guardian ad
19 litem, shall be deemed to be guardian ad litem for all purposes and
20 uses of this chapter.

21 ~~((9))~~ (10) "Guardian ad litem program" means a court-authorized
22 volunteer program, which is or may be established by the superior court
23 of the county in which such proceeding is filed, to manage all aspects
24 of volunteer guardian ad litem representation for children alleged or
25 found to be dependent. Such management shall include but is not
26 limited to: Recruitment, screening, training, supervision, assignment,
27 and discharge of volunteers.

28 ~~((10))~~ (11) "Indigent" means a person who, at any stage of a
29 court proceeding, is:

30 (a) Receiving one of the following types of public assistance:
31 Temporary assistance for needy families, general assistance, poverty-
32 related veterans' benefits, food stamps or food stamp benefits
33 transferred electronically, refugee resettlement benefits, medicaid, or
34 supplemental security income; or

35 (b) Involuntarily committed to a public mental health facility; or

36 (c) Receiving an annual income, after taxes, of one hundred twenty-
37 five percent or less of the federally established poverty level; or

1 (d) Unable to pay the anticipated cost of counsel for the matter
2 before the court because his or her available funds are insufficient to
3 pay any amount for the retention of counsel.

4 ((+11+)) (12) "Out-of-home care" means placement in a foster family
5 home or group care facility licensed pursuant to chapter 74.15 RCW or
6 placement in a home, other than that of the child's parent, guardian,
7 or legal custodian, not required to be licensed pursuant to chapter
8 74.15 RCW.

9 ((+12+)) (13) "Preventive services" means preservation services, as
10 defined in chapter 74.14C RCW, and other reasonably available services,
11 including housing services, capable of preventing the need for out-of-
12 home placement while protecting the child. Housing services may
13 include, but are not limited to, referrals to federal, state, local, or
14 private agencies or organizations, assistance with forms and
15 applications, or financial subsidies for housing.

16 ((+13+)) (14) "Shelter care" means temporary physical care in a
17 facility licensed pursuant to RCW 74.15.030 or in a home not required
18 to be licensed pursuant to RCW 74.15.030.

19 ((+14+)) (15) "Sibling" means a child's birth brother, birth
20 sister, adoptive brother, adoptive sister, half-brother, or half-
21 sister, or as defined by the law or custom of the Indian child's tribe
22 for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

23 ((+15+)) (16) "Social study" means a written evaluation of matters
24 relevant to the disposition of the case and shall contain the following
25 information:

26 (a) A statement of the specific harm or harms to the child that
27 intervention is designed to alleviate;

28 (b) A description of the specific services and activities, for both
29 the parents and child, that are needed in order to prevent serious harm
30 to the child; the reasons why such services and activities are likely
31 to be useful; the availability of any proposed services; and the
32 agency's overall plan for ensuring that the services will be delivered.
33 The description shall identify the services chosen and approved by the
34 parent;

35 (c) If removal is recommended, a full description of the reasons
36 why the child cannot be protected adequately in the home, including a
37 description of any previous efforts to work with the parents and the
38 child in the home; the in-home treatment programs that have been

1 considered and rejected; the preventive services that have been offered
2 or provided and have failed to prevent the need for out-of-home
3 placement, unless the health, safety, and welfare of the child cannot
4 be protected adequately in the home; and the parents' attitude toward
5 placement of the child;

6 (d) A statement of the likely harms the child will suffer as a
7 result of removal;

8 (e) A description of the steps that will be taken to minimize the
9 harm to the child that may result if separation occurs including an
10 assessment of the child's relationship and emotional bond with any
11 siblings, and the agency's plan to provide ongoing contact between the
12 child and the child's siblings if appropriate; and

13 (f) Behavior that will be expected before determination that
14 supervision of the family or placement is no longer necessary.

15 (17) "Supervising agency" means an agency licensed by the state
16 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 with whom
17 the department has entered into a performance-based contract to provide
18 child welfare services as defined in RCW 74.13.020.

19 **Sec. 20.** RCW 13.34.065 and 2008 c 267 s 2 are each amended to read
20 as follows:

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

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

34 (2)(a) If it is likely that the child will remain in shelter care
35 longer than seventy-two hours, in those areas in which child welfare
36 services are being provided by a supervising agency, the supervising
37 agency shall assume case management responsibilities of the case. The

1 department (~~of social and health services~~) or supervising agency
2 shall submit a recommendation to the court as to the further need for
3 shelter care in all cases in which (~~it is the petitioner~~) the child
4 will remain in shelter care longer than the seventy-two hour period.
5 In all other cases, the recommendation shall be submitted by the
6 juvenile court probation counselor.

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

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

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

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

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

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

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

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

37 (a) Whether the notice required under RCW 13.34.062 was given to
38 all known parents, guardians, or legal custodians of the child. The

1 court shall make an express finding as to whether the notice required
2 under RCW 13.34.062 was given to the parent, guardian, or legal
3 custodian. If actual notice was not given to the parent, guardian, or
4 legal custodian and the whereabouts of such person is known or can be
5 ascertained, the court shall order (~~the supervising agency or~~) the
6 department (~~of social and health services~~) to make reasonable efforts
7 to advise the parent, guardian, or legal custodian of the status of the
8 case, including the date and time of any subsequent hearings, and their
9 rights under RCW 13.34.090;

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

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

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

15 (e) Is the placement proposed by the department or supervising
16 agency the least disruptive and most family-like setting that meets the
17 needs of the child;

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

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

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

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

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

37 (k) The terms and conditions for parental, sibling, and family
38 visitation.

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

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

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

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

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

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

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

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

27 (iii) Cooperate with the department or supervising agency in
28 providing necessary background checks and home studies.

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

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

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

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

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

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

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

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

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

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

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

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

15 **Sec. 21.** RCW 13.34.067 and 2004 c 147 s 1 are each amended to read
16 as follows:

17 (1)(a) Following shelter care and no later than thirty days prior
18 to fact-finding, the department or supervising agency shall convene a
19 case conference as required in the shelter care order to develop and
20 specify in a written service agreement the expectations of both the
21 department or supervising agency and the parent regarding voluntary
22 services for the parent.

23 (b) The case conference shall include the parent, counsel for the
24 parent, caseworker, counsel for the state, guardian ad litem, counsel
25 for the child, and any other person agreed upon by the parties. Once
26 the shelter care order is entered, the department or supervising agency
27 is not required to provide additional notice of the case conference to
28 any participants in the case conference.

29 (c) The written service agreement expectations must correlate with
30 the court's findings at the shelter care hearing. The written service
31 agreement must set forth specific services to be provided to the
32 parent.

33 (d) The case conference agreement must be agreed to and signed by
34 the parties. The court shall not consider the content of the
35 discussions at the case conference at the time of the fact-finding
36 hearing for the purposes of establishing that the child is a dependent
37 child, and the court shall not consider any documents or written

1 materials presented at the case conference but not incorporated into
2 the case conference agreement, unless the documents or written
3 materials were prepared for purposes other than or as a result of the
4 case conference and are otherwise admissible under the rules of
5 evidence.

6 (2) At any other stage in a dependency proceeding, the department
7 or supervising agency, upon the parent's request, shall convene a case
8 conference.

9 **Sec. 22.** RCW 13.34.094 and 2004 c 147 s 3 are each amended to read
10 as follows:

11 The department, or supervising agency after the shelter care
12 hearing, shall, within existing resources, provide to parents
13 requesting or participating in a multidisciplinary team, family group
14 conference, case conference, or prognostic staffing information that
15 describes these processes prior to the processes being undertaken.

16 **Sec. 23.** RCW 13.34.096 and 2007 c 409 s 1 are each amended to read
17 as follows:

18 The department (~~(of social and health services or other)~~) or
19 supervising agency shall provide the child's foster parents,
20 preadoptive parents, or other caregivers with notice of their right to
21 be heard prior to each proceeding held with respect to the child in
22 juvenile court under this chapter. The rights to notice and to be
23 heard apply only to persons with whom a child has been placed by the
24 department before shelter care or (~~other~~) supervising agency and who
25 are providing care to the child at the time of the proceeding. This
26 section shall not be construed to grant party status to any person
27 solely on the basis of such notice and right to be heard.

28 **Sec. 24.** RCW 13.34.125 and 1999 c 173 s 2 are each amended to read
29 as follows:

30 In those cases where an alleged father, birth parent, or parent has
31 indicated his or her intention to make a voluntary adoption plan for
32 the child and has agreed to the termination of his or her parental
33 rights, the department or supervising agency shall follow the wishes of
34 the alleged father, birth parent, or parent regarding the proposed
35 adoptive placement of the child, if the court determines that the

1 adoption is in the best interest of the child, and the prospective
2 adoptive parents chosen by the alleged father, birth parent, or parent
3 are properly qualified to adopt in compliance with the standards in
4 this chapter and chapter 26.33 RCW. If the department or supervising
5 agency has filed a termination petition, an alleged father's, birth
6 parent's, or parent's preferences regarding the proposed adoptive
7 placement of the child shall be given consideration.

8 **Sec. 25.** RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are
9 each reenacted and amended to read as follows:

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

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

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

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

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

12 (2) Placement of the child with a relative under this subsection
13 shall be given preference by the court. An order for out-of-home
14 placement may be made only if the court finds that reasonable efforts
15 have been made to prevent or eliminate the need for removal of the
16 child from the child's home and to make it possible for the child to
17 return home, specifying the services that have been provided to the
18 child and the child's parent, guardian, or legal custodian, and that
19 preventive services have been offered or provided and have failed to
20 prevent the need for out-of-home placement, unless the health, safety,
21 and welfare of the child cannot be protected adequately in the home,
22 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 department or
28 supervising agency to conduct necessary background investigations as
29 provided in chapter 74.15 RCW and report the results of such
30 investigation to the court within thirty days. However, if such
31 relative appears otherwise suitable and competent to provide care and
32 treatment, the criminal history background check need not be completed
33 before placement, but as soon as possible after placement. Any
34 placements with relatives, pursuant to this section, shall be
35 contingent upon cooperation by the relative with the agency case plan
36 and compliance with court orders related to the care and supervision of
37 the child including, but not limited to, court orders regarding parent-
38 child contacts, sibling contacts, and any other conditions imposed by

1 the court. Noncompliance with the case plan or court order shall be
2 grounds for removal of the child from the relative's home, subject to
3 review by the court.

4 **Sec. 26.** RCW 13.34.136 and 2008 c 267 s 3 and 2008 c 152 s 2 are
5 each reenacted and amended to read as follows:

6 (1) Whenever a child is ordered removed from the home, a permanency
7 plan shall be developed no later than sixty days from the time the
8 supervising agency assumes responsibility for providing services,
9 including placing the child, or at the time of a hearing under RCW
10 13.34.130, whichever occurs first. The permanency planning process
11 continues until a permanency planning goal is achieved or dependency is
12 dismissed. The planning process shall include reasonable efforts to
13 return the child to the parent's home.

14 (2) The agency supervising the dependency shall submit a written
15 permanency plan to all parties and the court not less than fourteen
16 days prior to the scheduled hearing. Responsive reports of parties not
17 in agreement with the department's or supervising agency's proposed
18 permanency plan must be provided to the department or supervising
19 agency, all other parties, and the court at least seven days prior to
20 the hearing.

21 The permanency plan shall include:

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

34 (b) Unless the court has ordered, pursuant to RCW 13.34.130(5),
35 that a termination petition be filed, a specific plan as to where the
36 child will be placed, what steps will be taken to return the child
37 home, what steps the supervising agency or the department will take to

1 promote existing appropriate sibling relationships and/or facilitate
2 placement together or contact in accordance with the best interests of
3 each child, and what actions the department or supervising agency will
4 take to maintain parent-child ties. All aspects of the plan shall
5 include the goal of achieving permanence for the child.

6 (i) The department's or supervising agency's plan shall specify
7 what services the parents will be offered to enable them to resume
8 custody, what requirements the parents must meet to resume custody, and
9 a time limit for each service plan and parental requirement.

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

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

33 (iv) The plan shall state whether both in-state and, where
34 appropriate, out-of-state placement options have been considered by the
35 department or supervising agency.

36 (v) Unless it is not in the best interests of the child, whenever
37 practical, the plan should ensure the child remains enrolled in the

1 school the child was attending at the time the child entered foster
2 care.

3 (vi) The supervising agency (~~(charged with supervising a child in~~
4 ~~placement))~~ or department shall provide all reasonable services that
5 are available within the department or supervising agency, or within
6 the community, or those services which the department has existing
7 contracts to purchase. It shall report to the court if it is unable to
8 provide such services; and

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

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

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

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

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

3 (7) For purposes related to permanency planning:

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

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

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

12 **Sec. 27.** RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are
13 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

37 (i) Whether the supervising agency or the department is making
38 reasonable efforts to provide services to the family and eliminate the

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

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

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

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

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

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

15 (vii) Whether preference has been given to placement with the
16 child's relatives;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 **Sec. 28.** RCW 13.34.145 and 2008 c 152 s 3 are each amended to read
30 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (C) Being placed for adoption;

27 (D) Being placed with a guardian;

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

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

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

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

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

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

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

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

27 (4) In all cases, at the permanency planning hearing, the court
28 shall:

29 (a)(i) Order the permanency plan prepared by the supervising agency
30 to be implemented; or

31 (ii) Modify the permanency plan, and order implementation of the
32 modified plan; and

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

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

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

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

9 (7) If the court orders the child returned home, casework
10 supervision by the department or supervising agency shall continue for
11 at least six months, at which time a review hearing shall be held
12 pursuant to RCW 13.34.138, and the court shall determine the need for
13 continued intervention.

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

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

30 (10) Nothing in this chapter may be construed to limit the ability
31 of the agency that has custody of the child to file a petition for
32 termination of parental rights or a guardianship petition at any time
33 following the establishment of dependency. Upon the filing of such a
34 petition, a fact-finding hearing shall be scheduled and held in
35 accordance with this chapter unless the department or supervising
36 agency requests dismissal of the petition prior to the hearing or
37 unless the parties enter an agreed order terminating parental rights,
38 establishing guardianship, or otherwise resolving the matter.

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

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

11 **Sec. 29.** RCW 13.34.155 and 2000 c 135 s 1 are each amended to read
12 as follows:

13 (1) The court hearing the dependency petition may hear and
14 determine issues related to chapter 26.10 RCW in a dependency
15 proceeding as necessary to facilitate a permanency plan for the child
16 or children as part of the dependency disposition order or a dependency
17 review order or as otherwise necessary to implement a permanency plan
18 of care for a child. The parents, guardians, or legal custodian of the
19 child must agree, subject to court approval, to establish a permanent
20 custody order. This agreed order may have the concurrence of the other
21 parties to the dependency including the supervising agency, the
22 guardian ad litem of the child, and the child if age twelve or older,
23 and must also be in the best interests of the child. If the petitioner
24 for a custody order under chapter 26.10 RCW is not a party to the
25 dependency proceeding, he or she must agree on the record or by the
26 filing of a declaration to the entry of a custody order. Once an order
27 is entered under chapter 26.10 RCW, and the dependency petition
28 dismissed, the department or supervising agency shall not continue to
29 supervise the placement.

30 (2) Any court order determining issues under chapter 26.10 RCW is
31 subject to modification upon the same showing and standards as a court
32 order determining Title 26 RCW issues.

33 (3) Any order entered in the dependency court establishing or
34 modifying a permanent legal custody order under chapter 26.10 RCW shall
35 also be filed in the chapter 26.10 RCW action by the prevailing party.
36 Once filed, any order establishing or modifying permanent legal custody
37 shall survive dismissal of the dependency proceeding.

1 **Sec. 30.** RCW 13.34.174 and 2000 c 122 s 23 are each amended to
2 read as follows:

3 (1) The provisions of this section shall apply when a court orders
4 a party to undergo an alcohol or substance abuse diagnostic
5 investigation and evaluation.

6 (2) The facility conducting the investigation and evaluation shall
7 make a written report to the court stating its findings and
8 recommendations including family-based services or treatment when
9 appropriate. If its findings and recommendations support treatment, it
10 shall also recommend a treatment plan setting out:

- 11 (a) Type of treatment;
- 12 (b) Nature of treatment;
- 13 (c) Length of treatment;
- 14 (d) A treatment time schedule; and
- 15 (e) Approximate cost of the treatment.

16 The affected person shall be included in developing the appropriate
17 treatment plan. The treatment plan must be signed by the treatment
18 provider and the affected person. The initial written progress report
19 based on the treatment plan shall be sent to the appropriate persons
20 six weeks after initiation of treatment. Subsequent progress reports
21 shall be provided after three months, six months, twelve months, and
22 thereafter every six months if treatment exceeds twelve months.
23 Reports are to be filed with the court in a timely manner. Close-out
24 of the treatment record must include summary of pretreatment and
25 posttreatment, with final outcome and disposition. The report shall
26 also include recommendations for ongoing stability and decrease in
27 destructive behavior.

28 Each report shall also be filed with the court and a copy given to
29 the person evaluated and the person's counsel. A copy of the treatment
30 plan shall also be given to the department's or supervising agency's
31 caseworker and to the guardian ad litem. Any program for chemical
32 dependency shall meet the program requirements contained in chapter
33 70.96A RCW.

34 (3) If the court has ordered treatment pursuant to a dependency
35 proceeding it shall also require the treatment program to provide, in
36 the reports required by subsection (2) of this section, status reports
37 to the court, the department, the supervising (~~(child-placing)~~) agency

1 ((if any)), and the person or person's counsel regarding the person's
2 cooperation with the treatment plan proposed and the person's progress
3 in treatment.

4 (4) If a person subject to this section fails or neglects to carry
5 out and fulfill any term or condition of the treatment plan, the
6 program or agency administering the treatment shall report such breach
7 to the court, the department, the guardian ad litem, the supervising
8 ((child-placing)) agency if any, and the person or person's counsel,
9 within twenty-four hours, together with its recommendation. These
10 reports shall be made as a declaration by the person who is personally
11 responsible for providing the treatment.

12 (5) Nothing in this chapter may be construed as allowing the court
13 to require the department to pay for the cost of any alcohol or
14 substance abuse evaluation or treatment program.

15 **Sec. 31.** RCW 13.34.176 and 2000 c 122 s 24 are each amended to
16 read as follows:

17 (1) The court, upon receiving a report under RCW 13.34.174(4) or at
18 the department's or supervising agency's request, may schedule a show
19 cause hearing to determine whether the person is in violation of the
20 treatment conditions. All parties shall be given notice of the
21 hearing. The court shall hold the hearing within ten days of the
22 request for a hearing. At the hearing, testimony, declarations,
23 reports, or other relevant information may be presented on the person's
24 alleged failure to comply with the treatment plan and the person shall
25 have the right to present similar information on his or her own behalf.

26 (2) If the court finds that there has been a violation of the
27 treatment conditions it shall modify the dependency order, as
28 necessary, to ensure the safety of the child. The modified order shall
29 remain in effect until the party is in full compliance with the
30 treatment requirements.

31 **Sec. 32.** RCW 13.34.180 and 2001 c 332 s 4 are each amended to read
32 as follows:

33 (1) A petition seeking termination of a parent and child
34 relationship may be filed in juvenile court by any party, including the
35 supervising agency, to the dependency proceedings concerning that
36 child. Such petition shall conform to the requirements of RCW

1 13.34.040, shall be served upon the parties as provided in RCW
2 13.34.070(8), and shall allege all of the following unless subsection
3 (2) or (3) of this section applies:

4 (a) That the child has been found to be a dependent child;

5 (b) That the court has entered a dispositional order pursuant to
6 RCW 13.34.130;

7 (c) That the child has been removed or will, at the time of the
8 hearing, have been removed from the custody of the parent for a period
9 of at least six months pursuant to a finding of dependency;

10 (d) That the services ordered under RCW 13.34.136 have been
11 expressly and understandably offered or provided and all necessary
12 services, reasonably available, capable of correcting the parental
13 deficiencies within the foreseeable future have been expressly and
14 understandably offered or provided;

15 (e) That there is little likelihood that conditions will be
16 remedied so that the child can be returned to the parent in the near
17 future. A parent's failure to substantially improve parental
18 deficiencies within twelve months following entry of the dispositional
19 order shall give rise to a rebuttable presumption that there is little
20 likelihood that conditions will be remedied so that the child can be
21 returned to the parent in the near future. The presumption shall not
22 arise unless the petitioner makes a showing that all necessary services
23 reasonably capable of correcting the parental deficiencies within the
24 foreseeable future have been clearly offered or provided. In
25 determining whether the conditions will be remedied the court may
26 consider, but is not limited to, the following factors:

27 (i) Use of intoxicating or controlled substances so as to render
28 the parent incapable of providing proper care for the child for
29 extended periods of time or for periods of time that present a risk of
30 imminent harm to the child, and documented unwillingness of the parent
31 to receive and complete treatment or documented multiple failed
32 treatment attempts; or

33 (ii) Psychological incapacity or mental deficiency of the parent
34 that is so severe and chronic as to render the parent incapable of
35 providing proper care for the child for extended periods of time or for
36 periods of time that present a risk of imminent harm to the child, and
37 documented unwillingness of the parent to receive and complete

1 treatment or documentation that there is no treatment that can render
2 the parent capable of providing proper care for the child in the near
3 future; and

4 (f) That continuation of the parent and child relationship clearly
5 diminishes the child's prospects for early integration into a stable
6 and permanent home.

7 (2) In lieu of the allegations in subsection (1) of this section,
8 the petition may allege that the child was found under such
9 circumstances that the whereabouts of the child's parent are unknown
10 and no person has acknowledged paternity or maternity and requested
11 custody of the child within two months after the child was found.

12 (3) In lieu of the allegations in subsection (1)(b) through (f) of
13 this section, the petition may allege that the parent has been
14 convicted of:

15 (a) Murder in the first degree, murder in the second degree, or
16 homicide by abuse as defined in chapter 9A.32 RCW against another child
17 of the parent;

18 (b) Manslaughter in the first degree or manslaughter in the second
19 degree, as defined in chapter 9A.32 RCW against another child of the
20 parent;

21 (c) Attempting, conspiring, or soliciting another to commit one or
22 more of the crimes listed in (a) or (b) of this subsection; or

23 (d) Assault in the first or second degree, as defined in chapter
24 9A.36 RCW, against the surviving child or another child of the parent.

25 (4) Notice of rights shall be served upon the parent, guardian, or
26 legal custodian with the petition and shall be in substantially the
27 following form:

28 "NOTICE

29 A petition for termination of parental rights has been filed
30 against you. You have important legal rights and you must take
31 steps to protect your interests. This petition could result in
32 permanent loss of your parental rights.

33 1. You have the right to a fact-finding hearing before
34 a judge.

35 2. You have the right to have a lawyer represent you at
36 the hearing. A lawyer can look at the files in your case, talk
37 to the (~~department of social and health services~~) supervising

1 agency and other agencies, tell you about the law, help you
2 understand your rights, and help you at hearings. If you
3 cannot afford a lawyer, the court will appoint one to represent
4 you. To get a court-appointed lawyer you must contact:
5 (explain local procedure).

6 3. At the hearing, you have the right to speak on your
7 own behalf, to introduce evidence, to examine witnesses, and to
8 receive a decision based solely on the evidence presented to
9 the judge.

10 You should be present at this hearing.

11 You may call (insert agency) for more information
12 about your child. The agency's name and telephone number are
13 (insert name and telephone number)."

14 **Sec. 33.** RCW 13.34.210 and 2003 c 227 s 8 are each amended to read
15 as follows:

16 If, upon entering an order terminating the parental rights of a
17 parent, there remains no parent having parental rights, the court shall
18 commit the child to the custody of the department or ~~((to))~~ a
19 ~~((licensed child placing))~~ supervising agency willing to accept custody
20 for the purpose of placing the child for adoption. If an adoptive home
21 has not been identified, the department or supervising agency shall
22 place the child in a licensed foster home, or take other suitable
23 measures for the care and welfare of the child. The custodian shall
24 have authority to consent to the adoption of the child consistent with
25 chapter 26.33 RCW, the marriage of the child, the enlistment of the
26 child in the armed forces of the United States, necessary surgical and
27 other medical treatment for the child, and to consent to such other
28 matters as might normally be required of the parent of the child.

29 If a child has not been adopted within six months after the date of
30 the order and a guardianship of the child under RCW 13.34.231 or
31 chapter 11.88 RCW, or a permanent custody order under chapter 26.10
32 RCW, has not been entered by the court, the court shall review the case
33 every six months until a decree of adoption is entered except for those
34 cases which are reviewed by a citizen review board under chapter 13.70
35 RCW. The supervising agency shall take reasonable steps to ensure that
36 the child maintains relationships with siblings as provided in RCW

1 13.34.130(3) and shall report to the court the status and extent of
2 such relationships.

3 **Sec. 34.** RCW 13.34.215 and 2008 c 267 s 1 are each amended to read
4 as follows:

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

8 (a) The child was previously found to be a dependent child under
9 this chapter;

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

12 (c) The child has not achieved his or her permanency plan within
13 three years of a final order of termination; and

14 (d) The child must be at least twelve years old at the time the
15 petition is filed. Upon the child's motion for good cause shown, or on
16 its own motion, the court may hear a petition filed by a child younger
17 than twelve years old.

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

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

22 (4) If, after a threshold hearing to consider the parent's apparent
23 fitness and interest in reinstatement of parental rights, the court
24 finds by a preponderance of the evidence that the best interests of the
25 child may be served by reinstatement of parental rights, the juvenile
26 court shall order that a hearing on the merits of the petition be held.

27 (5) The court shall give prior notice for any proceeding under this
28 section, or cause prior notice to be given, to the department or the
29 supervising agency, the child's attorney, and the child. The court
30 shall also order the department or supervising agency to give prior
31 notice of any hearing to the child's former parent whose parental
32 rights are the subject of the petition, any parent whose rights have
33 not been terminated, the child's current foster parent, relative
34 caregiver, guardian or custodian, and the child's tribe, if applicable.

35 (6) The juvenile court shall conditionally grant the petition if it
36 finds by clear and convincing evidence that the child has not achieved
37 his or her permanency plan and is not likely to imminently achieve his

1 or her permanency plan and that reinstatement of parental rights is in
2 the child's best interest. In determining whether reinstatement is in
3 the child's best interest the court shall consider, but is not limited
4 to, the following:

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

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

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

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

14 (7) In determining whether the child has or has not achieved his or
15 her permanency plan or whether the child is likely to achieve his or
16 her permanency plan, the department or supervising agency shall provide
17 the court, and the court shall review, information related to any
18 efforts to achieve the permanency plan including efforts to achieve
19 adoption or a permanent guardianship.

20 (8)(a) If the court conditionally grants the petition under
21 subsection (6) of this section, the case will be continued for six
22 months and a temporary order of reinstatement entered. During this
23 period, the child shall be placed in the custody of the parent. The
24 department or supervising agency shall develop a permanency plan for
25 the child reflecting the plan to be reunification and shall provide
26 transition services to the family as appropriate.

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

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

35 (9) After the child has been placed with the parent for six months,
36 the court shall hold a hearing. If the placement with the parent has
37 been successful, the court shall enter a final order of reinstatement
38 of parental rights, which shall restore all rights, powers, privileges,

1 immunities, duties, and obligations of the parent as to the child,
2 including those relating to custody, control, and support of the child.
3 The court shall dismiss the dependency and direct the clerk's office to
4 provide a certified copy of the final order of reinstatement of
5 parental rights to the parent at no cost.

6 (10) The granting of the petition under this section does not
7 vacate or otherwise affect the validity of the original termination
8 order.

9 (11) Any parent whose rights are reinstated under this section
10 shall not be liable for any child support owed to the department
11 pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services
12 provided to a child for the time period from the date of termination of
13 parental rights to the date parental rights are reinstated.

14 (12) A proceeding to reinstate parental rights is a separate action
15 from the termination of parental rights proceeding and does not vacate
16 the original termination of parental rights. An order granted under
17 this section reinstates the parental rights to the child. This
18 reinstatement is a recognition that the situation of the parent and
19 child have changed since the time of the termination of parental rights
20 and reunification is now appropriate.

21 (13) This section is retroactive and applies to any child who is
22 under the jurisdiction of the juvenile court at the time of the hearing
23 regardless of the date parental rights were terminated.

24 (14) The state, the department, the supervising agency, and its
25 employees are not liable for civil damages resulting from any act or
26 omission in the provision of services under this section, unless the
27 act or omission constitutes gross negligence. This section does not
28 create any duty and shall not be construed to create a duty where none
29 exists. This section does not create a cause of action against the
30 state, the department, the supervising agency, or its employees
31 concerning the original termination.

32 **Sec. 35.** RCW 13.34.230 and 1981 c 195 s 1 are each amended to read
33 as follows:

34 Any party to a dependency proceeding, including the supervising
35 agency, may file a petition in juvenile court requesting that
36 guardianship be created as to a dependent child. The department ((of

1 ~~social and health services))~~ or supervising agency shall receive notice
2 of any guardianship proceedings and have the right to intervene in the
3 proceedings.

4 **Sec. 36.** RCW 13.34.233 and 2000 c 122 s 30 are each amended to
5 read as follows:

6 (1) Any party may request the court under RCW 13.34.150 to modify
7 or terminate a dependency guardianship order. Notice of any motion to
8 modify or terminate the guardianship shall be served on all other
9 parties, including any agency that was responsible for supervising the
10 child's placement at the time the guardianship petition was filed.
11 Notice in all cases shall be served upon the department. If the
12 department or supervising agency was not previously a party to the
13 guardianship proceeding, the department or supervising agency shall
14 nevertheless have the right to: (a) Initiate a proceeding to modify or
15 terminate a guardianship; and (b) intervene at any stage of such a
16 proceeding.

17 (2) The guardianship may be modified or terminated upon the motion
18 of any party (~~or~~), the department, or the supervising agency if the
19 court finds by a preponderance of the evidence that there has been a
20 substantial change of circumstances subsequent to the establishment of
21 the guardianship and that it is in the child's best interest to modify
22 or terminate the guardianship. The court shall hold a hearing on the
23 motion before modifying or terminating a guardianship.

24 (3) Upon entry of an order terminating the guardianship, the
25 dependency guardian shall not have any rights or responsibilities with
26 respect to the child and shall not have legal standing to participate
27 as a party in further dependency proceedings pertaining to the child.
28 The court may allow the child's dependency guardian to attend
29 dependency review proceedings pertaining to the child for the sole
30 purpose of providing information about the child to the court.

31 (4) Upon entry of an order terminating the guardianship, the child
32 shall remain dependent and the court shall either return the child to
33 the child's parent or order the child into the custody, control, and
34 care of the department or a (~~licensed child placing~~) supervising
35 agency for placement in a foster home or group care facility licensed
36 pursuant to chapter 74.15 RCW or in a home not required to be licensed
37 pursuant to such chapter. The court shall not place a child in the

1 custody of the child's parent unless the court finds that reasons for
2 removal as set forth in RCW 13.34.130 no longer exist and that such
3 placement is in the child's best interest. The court shall thereafter
4 conduct reviews as provided in RCW 13.34.138 and, where applicable,
5 shall hold a permanency planning hearing in accordance with RCW
6 13.34.145.

7 **Sec. 37.** RCW 13.34.245 and 1997 c 386 s 18 are each amended to
8 read as follows:

9 (1) Where any parent or Indian custodian voluntarily consents to
10 foster care placement of an Indian child and a petition for dependency
11 has not been filed regarding the child, such consent shall not be valid
12 unless executed in writing before the court and filed with the court.
13 The consent shall be accompanied by the written certification of the
14 court that the terms and consequences of the consent were fully
15 explained in detail to the parent or Indian custodian during the court
16 proceeding and were fully understood by the parent or Indian custodian.
17 The court shall also certify in writing either that the parent or
18 Indian custodian fully understood the explanation in English or that it
19 was interpreted into a language that the parent or Indian custodian
20 understood. Any consent given prior to, or within ten days after, the
21 birth of the Indian child shall not be valid.

22 (2) To obtain court validation of a voluntary consent to foster
23 care placement, any person may file a petition for validation alleging
24 that there is located or residing within the county an Indian child
25 whose parent or Indian custodian wishes to voluntarily consent to
26 foster care placement of the child and requesting that the court
27 validate the consent as provided in this section. The petition shall
28 contain the name, date of birth, and residence of the child, the names
29 and residences of the consenting parent or Indian custodian, and the
30 name and location of the Indian tribe in which the child is a member or
31 eligible for membership. The petition shall state whether the
32 placement preferences of 25 U.S.C. Sec. 1915 (b) or (c) will be
33 followed. Reasonable attempts shall be made by the petitioner to
34 ascertain and set forth in the petition the identity, location, and
35 custodial status of any parent or Indian custodian who has not
36 consented to foster care placement and why that parent or Indian
37 custodian cannot assume custody of the child.

1 (3) Upon filing of the petition for validation, the clerk of the
2 court shall schedule the petition for a hearing on the court validation
3 of the voluntary consent no later than forty-eight hours after the
4 petition has been filed, excluding Saturdays, Sundays, and holidays.
5 Notification of time, date, location, and purpose of the validation
6 hearing shall be provided as soon as possible to the consenting parent
7 or Indian custodian, the department or (~~other—child-placing~~)
8 supervising agency which is to assume responsibility for the child's
9 placement and care pursuant to the consent to foster care placement,
10 and the Indian tribe in which the child is enrolled or eligible for
11 enrollment as a member. If the identity and location of any
12 nonconsenting parent or Indian custodian is known, reasonable attempts
13 shall be made to notify the parent or Indian custodian of the consent
14 to placement and the validation hearing. Notification under this
15 subsection may be given by the most expedient means, including, but not
16 limited to, mail, personal service, telephone, and telegraph.

17 (4) Any parent or Indian custodian may withdraw consent to a
18 voluntary foster care placement, made under this section, at any time.
19 Unless the Indian child has been taken in custody pursuant to RCW
20 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW
21 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the
22 Indian child shall be returned to the parent or Indian custodian upon
23 withdrawal of consent to foster care placement of the child.

24 (5) Upon termination of the voluntary foster care placement and
25 return of the child to the parent or Indian custodian, the department
26 or (~~other—child-placing~~) supervising agency which had assumed
27 responsibility for the child's placement and care pursuant to the
28 consent to foster care placement shall file with the court written
29 notification of the child's return and shall also send such
30 notification to the Indian tribe in which the child is enrolled or
31 eligible for enrollment as a member and to any other party to the
32 validation proceeding including any noncustodial parent.

33 **Sec. 38.** RCW 13.34.320 and 1999 c 188 s 2 are each amended to read
34 as follows:

35 The department or supervising agency shall obtain the prior consent
36 of a child's parent, legal guardian, or legal custodian before a
37 dependent child is admitted into an inpatient mental health treatment

1 facility. If the child's parent, legal guardian, or legal custodian is
2 unavailable or does not agree with the proposed admission, the
3 department or supervising agency shall request a hearing and provide
4 notice to all interested parties to seek prior approval of the juvenile
5 court before such admission. In the event that an emergent situation
6 creating a risk of substantial harm to the health and welfare of a
7 child in the custody of the department or supervising agency does not
8 allow time for the department or supervising agency to obtain prior
9 approval or to request a court hearing before consenting to the
10 admission of the child into an inpatient mental health hospital, the
11 department or supervising agency shall seek court approval by
12 requesting that a hearing be set on the first available court date.

13 **Sec. 39.** RCW 13.34.330 and 1999 c 188 s 3 are each amended to read
14 as follows:

15 A dependent child who is admitted to an inpatient mental health
16 facility shall be placed in a facility, with available treatment space,
17 that is closest to the family home, unless the department or
18 supervising agency, in consultation with the admitting authority finds
19 that admission in the facility closest to the child's home would
20 jeopardize the health or safety of the child.

21 **Sec. 40.** RCW 13.34.340 and 2000 c 122 s 35 are each amended to
22 read as follows:

23 For minors who cannot consent to the release of their records with
24 the department or supervising agency because they are not old enough to
25 consent to treatment, or, if old enough, lack the capacity to consent,
26 or if the minor is receiving treatment involuntarily with a provider
27 the department or supervising agency has authorized to provide mental
28 health treatment under RCW 13.34.320, the department or supervising
29 agency shall disclose, upon the treating physician's request, all
30 relevant records, including the minor's passport as established under
31 RCW 74.13.285, in the department's or supervising agency's possession
32 that the treating physician determines contain information required for
33 treatment of the minor. The treating physician shall maintain all
34 records received from the department or supervising agency in a manner
35 that distinguishes the records from any other records in the minor's
36 file with the treating physician and the department or supervising

1 agency records may not be disclosed by the treating physician to any
2 other person or entity absent a court order except that, for medical
3 purposes only, a treating physician may disclose the department or
4 supervising agency records to another treating physician.

5 **Sec. 41.** RCW 13.34.350 and 2001 c 52 s 2 are each amended to read
6 as follows:

7 In order to facilitate communication of information needed to serve
8 the best interest of any child who is the subject of a dependency case
9 filed under this chapter, the department (~~(of social and health~~
10 ~~services)) shall, consistent with state and federal law governing the
11 release of confidential information, establish guidelines, and shall
12 use those guidelines for the facilitation of communication of relevant
13 information among divisions, providers, the courts, the family,
14 caregivers, caseworkers, and others.~~

15 **Sec. 42.** RCW 13.34.370 and 2004 c 146 s 2 are each amended to read
16 as follows:

17 The court may order expert evaluations of parties to obtain
18 information regarding visitation issues or other issues in a case.
19 These evaluations shall be performed by appointed evaluators who are
20 mutually agreed upon by the court, the (~~(state))~~ supervising agency,
21 the department, and the parents' counsel, and, if the child is to be
22 evaluated, by the representative for the child. If no agreement can be
23 reached, the court shall select the expert evaluator.

24 **Sec. 43.** RCW 13.34.380 and 2004 c 146 s 3 are each amended to read
25 as follows:

26 The department (~~(of social and health services))~~ shall develop
27 consistent policies and protocols, based on current relevant research,
28 concerning visitation for dependent children to be implemented
29 consistently throughout the state. The department shall develop the
30 policies and protocols in consultation with researchers in the field,
31 community-based agencies, court-appointed special advocates, parents'
32 representatives, and court representatives. The policies and protocols
33 shall include, but not be limited to: The structure and quality of
34 visitations; and training for department and supervising agency

1 caseworkers, visitation supervisors, and foster parents related to
2 visitation.

3 The policies and protocols shall be consistent with the provisions
4 of this chapter and implementation of the policies and protocols shall
5 be consistent with relevant orders of the court.

6 **Sec. 44.** RCW 13.34.385 and 2008 c 259 s 1 are each amended to read
7 as follows:

8 (1) A relative of a dependent child may petition the juvenile court
9 for reasonable visitation with the child if:

10 (a) The child has been found to be a dependent child under this
11 chapter;

12 (b) The parental rights of both of the child's parents have been
13 terminated;

14 (c) The child is in the custody of the department (~~(or)~~), another
15 public (~~(or private)) agency, or a supervising agency~~; and

16 (d) The child has not been adopted and is not in a preadoptive home
17 or other permanent placement at the time the petition for visitation is
18 filed.

19 (2) The court shall give prior notice for any proceeding under this
20 section, or cause prior notice to be given, to the department (~~(or)~~),
21 other public (~~(or private)) agency, or supervising agency~~ having
22 custody of the child, the child's attorney or guardian ad litem if
23 applicable, and the child. The court shall also order the custodial
24 agency to give prior notice of any hearing to the child's current
25 foster parent, relative caregiver, guardian or custodian, and the
26 child's tribe, if applicable.

27 (3) The juvenile court may grant the petition for visitation if it
28 finds that the requirements of subsection (1) of this section have been
29 met, and that unsupervised visitation between the child and the
30 relative does not present a risk to the child's safety or well-being
31 and that the visitation is in the best interests of the child. In
32 determining the best interests of the child the court shall consider,
33 but is not limited to, the following:

34 (a) The love, affection, and strength of the relationship between
35 the child and the relative;

36 (b) The length and quality of the prior relationship between the
37 child and the relative;

1 (c) Any criminal convictions for or founded history of abuse or
2 neglect of a child by the relative;

3 (d) Whether the visitation will present a risk to the child's
4 health, welfare, or safety;

5 (e) The child's reasonable preference, if the court considers the
6 child to be of sufficient age to express a preference;

7 (f) Any other factor relevant to the child's best interest.

8 (4) The visitation order may be modified at any time upon a showing
9 that the visitation poses a risk to the child's safety or well-being.
10 The visitation order shall state that visitation will automatically
11 terminate upon the child's placement in a preadoptive home, if the
12 child is adopted, or if there is a subsequent founded abuse or neglect
13 allegation against the relative.

14 (5) The granting of the petition under this section does not grant
15 the relative the right to participate in the dependency action and does
16 not grant any rights to the relative not otherwise specified in the
17 visitation order.

18 (6) This section is retroactive and applies to any eligible
19 dependent child at the time of the filing of the petition for
20 visitation, regardless of the date parental rights were terminated.

21 (7) For the purpose of this section, "relative" means a relative as
22 defined in RCW 74.15.020(2)(a), except parents.

23 (8) This section is intended to provide an additional procedure by
24 which a relative may request visitation with a dependent child. It is
25 not intended to impair or alter the ability a court currently has to
26 order visitation with a relative under the dependency statutes.

27 **Sec. 45.** RCW 13.34.390 and 2005 c 504 s 303 are each amended to
28 read as follows:

29 The department (~~(of social and health services)~~) and the department
30 of health shall develop and expand comprehensive services for drug-
31 affected and alcohol-affected mothers and infants. Subject to funds
32 appropriated for this purpose, the expansion shall be in evidence-
33 based, research-based, or consensus-based practices, (~~(as those terms~~
34 ~~are defined in section 603 of this act,~~) and shall expand capacity in
35 underserved regions of the state.

1 **Sec. 46.** RCW 13.34.400 and 2007 c 411 s 2 are each amended to read
2 as follows:

3 In any proceeding under this chapter, if the department or
4 supervising agency submits a report to the court in which the
5 department is recommending a new placement or a change in placement,
6 the department or supervising agency shall include the documents
7 relevant to persons in the home in which a child will be placed and
8 listed in subsections (1) through (5) of this section to the report.
9 The department or supervising agency shall include only these relevant
10 documents and shall not attach the entire history of the subject of the
11 report.

12 (1) If the report contains a recommendation, opinion, or assertion
13 by the department or supervising agency relating to substance abuse
14 treatment, mental health treatment, anger management classes, or
15 domestic violence classes, the department or supervising agency shall
16 attach the document upon which the recommendation, opinion, or
17 assertion was based. The documentation may include the progress report
18 or evaluation submitted by the provider, but may not include the entire
19 history with the provider.

20 (2) If the report contains a recommendation, opinion, or assertion
21 by the department or supervising agency relating to visitation with a
22 child, the department or supervising agency shall attach the document
23 upon which the recommendation, opinion, or assertion was based. The
24 documentation may include the most recent visitation report, a
25 visitation report referencing a specific incident alleged in the
26 report, or summary of the visitation prepared by the person who
27 supervised the visitation. The documentation attached to the report
28 shall not include the entire visitation history.

29 (3) If the report contains a recommendation, opinion, or assertion
30 by the department or supervising agency relating to the psychological
31 status of a person, the department or supervising agency shall attach
32 the document upon which the recommendation, opinion, or assertion was
33 based. The documentation may include the progress report, evaluation,
34 or summary submitted by the provider, but shall not include the entire
35 history of the person.

36 (4) If the report contains a recommendation, opinion, or assertion
37 by the department or supervising agency relating to injuries to a
38 child, the department or supervising agency shall attach a summary of

1 the physician's report, prepared by the physician or the physician's
2 designee, relating to the recommendation, opinion, or assertion by the
3 department.

4 (5) If the report contains a recommendation, opinion, or assertion
5 by the department or supervising agency relating to a home study,
6 licensing action, or background check information, the department or
7 supervising agency shall attach the document or documents upon which
8 that recommendation, opinion, or assertion is based.

9 **Sec. 47.** RCW 41.06.142 and 2008 c 267 s 9 are each amended to read
10 as follows:

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

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

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

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

27 (d) The department, agency, or institution of higher education has
28 established a contract monitoring process to measure contract
29 performance, costs, service delivery quality, and other contract
30 standards, and to cancel contracts that do not meet those standards;
31 and

32 (e) The department, agency, or institution of higher education has
33 determined that the contract results in savings or efficiency
34 improvements. The contracting agency must consider the consequences
35 and potential mitigation of improper or failed performance by the
36 contractor.

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

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

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

10 (a) At least ninety days prior to the date the contracting agency
11 requests bids from private entities for a contract for services
12 provided by classified employees, the contracting agency shall notify
13 the classified employees whose positions or work would be displaced by
14 the contract. The employees shall have sixty days from the date of
15 notification to offer alternatives to purchasing services by contract,
16 and the agency shall consider the alternatives before requesting bids.

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

21 (c) The director of personnel, with the advice and assistance of
22 the department of general administration, shall develop and make
23 available to employee business units training in the bidding process
24 and general bid preparation.

25 (d) The director of general administration, with the advice and
26 assistance of the department of personnel, shall, by rule, establish
27 procedures to ensure that bids are submitted and evaluated in a fair
28 and objective manner and that there exists a competitive market for the
29 service. Such rules shall include, but not be limited to: (i)
30 Prohibitions against participation in the bid evaluation process by
31 employees who prepared the business unit's bid or who perform any of
32 the services to be contracted; (ii) provisions to ensure no bidder
33 receives an advantage over other bidders and that bid requirements are
34 applied equitably to all parties; and (iii) procedures that require the
35 contracting agency to receive complaints regarding the bidding process
36 and to consider them before awarding the contract. Appeal of an
37 agency's actions under this subsection is an adjudicative proceeding

1 and subject to the applicable provisions of chapter 34.05 RCW, the
2 administrative procedure act, with the final decision to be rendered by
3 an administrative law judge assigned under chapter 34.12 RCW.

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

11 (f) A department, agency, or institution of higher education may
12 contract with the department of general administration to conduct the
13 bidding process.

14 (5) As used in this section:

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

18 (b) "Indirect overhead costs" means the pro rata share of existing
19 agency administrative salaries and benefits, and rent, equipment costs,
20 utilities, and materials associated with those administrative
21 functions.

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

26 (6) The requirements of this section do not apply to RCW
27 74.13.031(5) or section 3 of this act.

28 **Sec. 48.** RCW 74.13.010 and 1965 c 30 s 2 are each amended to read
29 as follows:

30 The purpose of this chapter is to safeguard, protect, and
31 contribute to the welfare of the children of the state, through a
32 comprehensive and coordinated program of ((public)) child welfare
33 services provided by both the department and supervising agencies
34 providing for: Social services and facilities for children who require
35 guidance, care, control, protection, treatment, or rehabilitation;
36 setting of standards for social services and facilities for children;
37 cooperation with public and voluntary agencies, organizations, and

1 citizen groups in the development and coordination of programs and
2 activities in behalf of children; and promotion of community conditions
3 and resources that help parents to discharge their responsibilities for
4 the care, development, and well-being of their children.

5 NEW SECTION. **Sec. 49.** A new section is added to chapter 74.13 RCW
6 to read as follows:

7 The department's duty to provide services to homeless families with
8 children is set forth in RCW 43.20A.790 and in appropriations provided
9 by the legislature for implementation of the comprehensive plan for
10 homeless families with children.

11 **Sec. 50.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read
12 as follows:

13 ~~((The department shall have the duty to provide child welfare
14 services and shall:))~~

15 (1) The department and supervising agencies shall develop,
16 administer, supervise, and monitor a coordinated and comprehensive plan
17 that establishes, aids, and strengthens services for the protection and
18 care of runaway, dependent, or neglected children.

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

32 (3) The department shall investigate complaints of any recent act
33 or failure to act on the part of a parent or caretaker that results in
34 death, serious physical or emotional harm, or sexual abuse or
35 exploitation, or that presents an imminent risk of serious harm, and on
36 the basis of the findings of such investigation, offer child welfare

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

10 (4) The department or supervising agencies shall offer, on a
11 voluntary basis, family reconciliation services to families who are in
12 conflict.

13 (5) The department or supervising agencies shall monitor placements
14 of children in out-of-home care and in-home dependencies to assure the
15 safety, well-being, and quality of care being provided is within the
16 scope of the intent of the legislature as defined in RCW 74.13.010 and
17 74.15.010. (~~The policy for monitoring placements~~) Under this section
18 (~~shall require that~~) children in out-of-home care and in-home
19 dependencies and their caregivers shall receive a private and
20 individual face-to-face visit each month.

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

31 (~~b~~) ~~n cases where the monthly visits required under this subsection~~
32 ~~are being conducted by a private agency, the department shall conduct~~
33 ~~a face to face health and safety visit with the child at least once~~
34 ~~every ninety days)) to whom it is providing child welfare services.~~

35 (6) The department and supervising agencies shall have authority to
36 accept custody of children from parents and to accept custody of
37 children from juvenile courts, where authorized to do so under law, to
38 provide child welfare services including placement for adoption, to

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

9 (7) The department and supervising agency shall have authority to
10 provide temporary shelter to children who have run away from home and
11 who are admitted to crisis residential centers.

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

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

25 (10)(a) The department and supervising agencies shall have
26 authority to provide continued foster care or group care as needed to
27 participate in or complete a high school or vocational school program.

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

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

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

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

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

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

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

28 (13) Within amounts appropriated for this specific purpose, the
29 supervising agency or department shall provide preventive services to
30 families with children that prevent or shorten the duration of an out-
31 of-home placement.

32 (14) The department and supervising agencies shall have authority
33 to provide independent living services to youths, including individuals
34 who have attained eighteen years of age, and have not attained twenty-
35 one years of age who are or have been in foster care.

36 (15) The department and supervising agencies shall consult at least
37 quarterly with foster parents, including members of the foster parent
38 association of Washington state, for the purpose of receiving

1 information and comment regarding how the department (~~(is)~~) and
2 supervising agencies are performing the duties and meeting the
3 obligations specified in this section and RCW 74.13.250 and 74.13.320
4 regarding the recruitment of foster homes, reducing foster parent
5 turnover rates, providing effective training for foster parents, and
6 administering a coordinated and comprehensive plan that strengthens
7 services for the protection of children. Consultation shall occur at
8 the regional and statewide levels.

9 **Sec. 51.** RCW 74.13.0311 and 2002 c 219 s 13 are each amended to
10 read as follows:

11 The department or (~~(its—contractors)~~) supervising agencies may
12 provide child welfare services pursuant to a deferred prosecution plan
13 ordered under chapter 10.05 RCW. Child welfare services provided under
14 this chapter pursuant to a deferred prosecution order may not be
15 construed to prohibit the department or supervising agencies from
16 providing services or undertaking proceedings pursuant to chapter 13.34
17 or 26.44 RCW.

18 **Sec. 52.** RCW 74.13.032 and 1998 c 296 s 4 are each amended to read
19 as follows:

20 (1) The department shall establish, (~~(by)~~) through performance-
21 based contracts with private or public vendors, regional crisis
22 residential centers with semi-secure facilities. These facilities
23 shall be structured group care facilities licensed under rules adopted
24 by the department and shall have an average of at least four adult
25 staff members and in no event less than three adult staff members to
26 every eight children.

27 (2) Within available funds appropriated for this purpose, the
28 department shall establish, (~~(by)~~) through performance-based contracts
29 with private or public vendors, regional crisis residential centers
30 with secure facilities. These facilities shall be facilities licensed
31 under rules adopted by the department. These centers may also include
32 semi-secure facilities and to such extent shall be subject to
33 subsection (1) of this section.

34 (3) The department shall, in addition to the facilities established
35 under subsections (1) and (2) of this section, establish additional

1 crisis residential centers pursuant to performance-based contracts with
2 licensed private group care facilities.

3 (4) The staff at the facilities established under this section
4 shall be trained so that they may effectively counsel juveniles
5 admitted to the centers, provide treatment, supervision, and structure
6 to the juveniles that recognize the need for support and the varying
7 circumstances that cause children to leave their families, and carry
8 out the responsibilities stated in RCW 13.32A.090. The
9 responsibilities stated in RCW 13.32A.090 may, in any of the centers,
10 be carried out by the department.

11 (5) The secure facilities located within crisis residential centers
12 shall be operated to conform with the definition in RCW 13.32A.030.
13 The facilities shall have an average of no less than one adult staff
14 member to every ten children. The staffing ratio shall continue to
15 ensure the safety of the children.

16 (6) If a secure crisis residential center is located in or adjacent
17 to a secure juvenile detention facility, the center shall be operated
18 in a manner that prevents in-person contact between the residents of
19 the center and the persons held in such facility.

20 **Sec. 53.** RCW 74.13.036 and 2003 c 207 s 2 are each amended to read
21 as follows:

22 (1) The department (~~(of social and health services)~~) shall oversee
23 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
24 oversight shall be comprised of working with affected parts of the
25 criminal justice and child care systems as well as with local
26 government, legislative, and executive authorities to effectively carry
27 out these chapters. The department shall work with all such entities
28 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
29 uniform manner throughout the state.

30 (2) The department shall develop a plan and procedures, in
31 cooperation with the statewide advisory committee, to insure the full
32 implementation of the provisions of chapter 13.32A RCW. Such plan and
33 procedures shall include but are not limited to:

34 (a) Procedures defining and delineating the role of the department
35 and juvenile court with regard to the execution of the child in need of
36 services placement process;

1 (b) Procedures for designating department or supervising agency
2 staff responsible for family reconciliation services;

3 (c) Procedures assuring enforcement of contempt proceedings in
4 accordance with RCW 13.32A.170 and 13.32A.250; and

5 (d) Procedures for the continued education of all individuals in
6 the criminal juvenile justice and child care systems who are affected
7 by chapter 13.32A RCW, as well as members of the legislative and
8 executive branches of government.

9 There shall be uniform application of the procedures developed by
10 the department and juvenile court personnel, to the extent practicable.
11 Local and regional differences shall be taken into consideration in the
12 development of procedures required under this subsection.

13 (3) In addition to its other oversight duties, the department
14 shall:

15 (a) Identify and evaluate resource needs in each region of the
16 state;

17 (b) Disseminate information collected as part of the oversight
18 process to affected groups and the general public;

19 (c) Educate affected entities within the juvenile justice and child
20 care systems, local government, and the legislative branch regarding
21 the implementation of chapters 13.32A and 13.34 RCW;

22 (d) Review complaints concerning the services, policies, and
23 procedures of those entities charged with implementing chapters 13.32A
24 and 13.34 RCW; and

25 (e) Report any violations and misunderstandings regarding the
26 implementation of chapters 13.32A and 13.34 RCW.

27 (4) The department shall provide an annual report to the
28 legislature not later than December 1 of each year only when it has
29 declined to accept custody of a child from a law enforcement agency or
30 it has received a report of a child being released without placement.
31 The report shall indicate the number of times it has declined to accept
32 custody of a child from a law enforcement agency under chapter 13.32A
33 RCW and the number of times it has received a report of a child being
34 released without placement under RCW 13.32A.060(1)(c). The report
35 shall include the dates, places, and reasons the department declined to
36 accept custody and the dates and places children are released without
37 placement.

1 the department or supervising agency, foster parents, and other
2 affected individuals who have complaints regarding a department policy
3 or procedure, ~~((or))~~ the application of such a policy or procedure, or
4 the performance of an entity that has entered into a performance-based
5 contract with the department, related to programs administered under
6 this chapter. The process shall not apply in circumstances where the
7 complainant has the right under Title 13, 26, or 74 RCW to seek
8 resolution of the complaint through judicial review or through an
9 adjudicative proceeding.

10 Nothing in this section shall be construed to create substantive or
11 procedural rights in any person. Participation in the complaint
12 resolution process shall not entitle any person to an adjudicative
13 proceeding under chapter 34.05 RCW or to superior court review.
14 Participation in the process shall not affect the right of any person
15 to seek other statutorily or constitutionally permitted remedies.

16 The department shall develop procedures to assure that clients and
17 foster parents are informed of the availability of the complaint
18 resolution process and how to access it. The department shall
19 incorporate information regarding the complaint resolution process into
20 the training for foster parents and department and supervising agency
21 caseworkers.

22 The department shall compile complaint resolution data including
23 the nature of the complaint and the outcome of the process.

24 **Sec. 57.** RCW 74.13.055 and 1998 c 245 s 147 are each amended to
25 read as follows:

26 The department shall adopt rules pursuant to chapter 34.05 RCW
27 which establish goals as to the maximum number of children who will
28 remain in foster care for a period of longer than twenty-four months.
29 The department shall also work cooperatively with ~~((the major private~~
30 ~~child care providers))~~ supervising agencies to assure that a
31 partnership plan for utilizing the resources of the public and private
32 sector in all matters pertaining to child welfare is developed and
33 implemented.

34 **Sec. 58.** RCW 74.13.060 and 1971 ex.s. c 169 s 7 are each amended
35 to read as follows:

36 (1) The secretary or his or her designees or delegates shall be

1 the custodian without compensation of such moneys and other funds of
2 any person which may come into the possession of the secretary during
3 the period such person is placed with the department (~~(of social and~~
4 ~~health services)~~) or an entity with which it has entered into a
5 performance-based contract pursuant to chapter 74.13 RCW. As such
6 custodian, the secretary shall have authority to disburse moneys from
7 the person's funds for the following purposes only and subject to the
8 following limitations:

9 ~~((1) The secretary may disburse any of the funds belonging to such~~
10 ~~person)) (a) For such personal needs of such person as the secretary~~
11 may deem proper and necessary.

12 ~~((2) The secretary may apply such funds)) (b) Against the amount~~
13 of public assistance otherwise payable to such person. This includes
14 applying, as reimbursement, any benefits, payments, funds, or accrual
15 paid to or on behalf of said person from any source against the amount
16 of public assistance expended on behalf of said person during the
17 period for which the benefits, payments, funds or accruals were paid.

18 ~~((3)) (2) All funds held by the secretary as custodian may be~~
19 deposited in a single fund, the receipts and expenditures therefrom to
20 be accurately accounted for by him or her on an individual basis.
21 Whenever, the funds belonging to any one person exceed the sum of five
22 hundred dollars, the secretary may deposit said funds in a savings and
23 loan association account on behalf of that particular person.

24 ~~((4)) (3) When the conditions of placement no longer exist and~~
25 public assistance is no longer being provided for such person, upon a
26 showing of legal competency and proper authority, the secretary shall
27 deliver to such person, or the parent, person, or agency legally
28 responsible for such person, all funds belonging to the person
29 remaining in his or her possession as custodian, together with a full
30 and final accounting of all receipts and expenditures made therefrom.

31 ~~((5)) (4) The appointment of a guardian for the estate of such~~
32 person shall terminate the secretary's authority as custodian of said
33 funds upon receipt by the secretary of a certified copy of letters of
34 guardianship. Upon the guardian's request, the secretary shall
35 immediately forward to such guardian any funds of such person remaining
36 in the secretary's possession together with full and final accounting
37 of all receipts and expenditures made therefrom.

1 **Sec. 59.** RCW 74.13.065 and 2002 c 52 s 8 are each amended to read
2 as follows:

3 (1) The department(~~(7)~~) or supervising agency (~~((responsible for~~
4 ~~supervising a child in out-of-home care,7)~~) shall conduct a social study
5 whenever a child is placed in out-of-home care under the supervision of
6 the department or (~~(ether)~~) supervising agency. The study shall be
7 conducted prior to placement, or, if it is not feasible to conduct the
8 study prior to placement due to the circumstances of the case, the
9 study shall be conducted as soon as possible following placement.

10 (2) The social study shall include, but not be limited to, an
11 assessment of the following factors:

12 (a) The physical and emotional strengths and needs of the child;

13 (b) Emotional bonds with siblings and the need to maintain regular
14 sibling contacts;

15 (c) The proximity of the child's placement to the child's family to
16 aid reunification;

17 (d) The possibility of placement with the child's relatives or
18 extended family;

19 (e) The racial, ethnic, cultural, and religious background of the
20 child;

21 (f) The least-restrictive, most family-like placement reasonably
22 available and capable of meeting the child's needs; and

23 (g) Compliance with RCW 13.34.260 regarding parental preferences
24 for placement of their children.

25 **Sec. 60.** RCW 74.13.075 and 1994 c 169 s 1 are each amended to read
26 as follows:

27 (1) For the purposes of funds appropriated for the treatment of
28 sexually aggressive youth, the term "sexually aggressive youth" means
29 those juveniles who:

30 (a) Have been abused and have committed a sexually aggressive act
31 or other violent act that is sexual in nature; and

32 (i) Are in the care and custody of the state or a federally
33 recognized Indian tribe located within the state; or

34 (ii) Are the subject of a proceeding under chapter 13.34 RCW or a
35 child welfare proceeding held before a tribal court located within the
36 state; or

1 (b) Cannot be detained under the juvenile justice system due to
2 being under age twelve and incompetent to stand trial for acts that
3 could be prosecuted as sex offenses as defined by RCW 9.94A.030 if the
4 juvenile was over twelve years of age, or competent to stand trial if
5 under twelve years of age.

6 (2) In expending these funds, the department (~~(of social and health~~
7 ~~services))~~) shall establish in each region a case review committee to
8 review all cases for which the funds are used. In determining whether
9 to use these funds in a particular case, the committee shall consider:

10 (a) The age of the juvenile;

11 (b) The extent and type of abuse to which the juvenile has been
12 subjected;

13 (c) The juvenile's past conduct;

14 (d) The benefits that can be expected from the treatment;

15 (e) The cost of the treatment; and

16 (f) The ability of the juvenile's parent or guardian to pay for the
17 treatment.

18 (3) The department may provide funds, under this section, for youth
19 in the care and custody of a tribe or through a tribal court, for the
20 treatment of sexually aggressive youth only if: (a) The tribe uses the
21 same or equivalent definitions and standards for determining which
22 youth are sexually aggressive; and (b) the department seeks to recover
23 any federal funds available for the treatment of youth.

24 **Sec. 61.** RCW 74.13.077 and 1993 c 402 s 4 are each amended to read
25 as follows:

26 The secretary (~~(of the department of social and health services))~~
27 is authorized to transfer surplus, unused treatment funds from the
28 civil commitment center operated under chapter 71.09 RCW to the
29 division of children and family services to provide treatment services
30 for sexually aggressive youth.

31 **Sec. 62.** RCW 74.13.096 and 2007 c 465 s 2 are each amended to read
32 as follows:

33 (1) The secretary (~~(of the department of social and health~~
34 ~~services))~~) shall convene an advisory committee to analyze and make
35 recommendations on the disproportionate representation of children of
36 color in Washington's child welfare system. The department shall

1 collaborate with the Washington institute for public policy and private
2 sector entities to develop a methodology for the advisory committee to
3 follow in conducting a baseline analysis of data from the child welfare
4 system to determine whether racial disproportionality and racial
5 disparity exist in this system. The Washington institute for public
6 policy shall serve as technical staff for the advisory committee. In
7 determining whether racial disproportionality or racial disparity
8 exists, the committee shall utilize existing research and evaluations
9 conducted within Washington state, nationally, and in other states and
10 localities that have similarly analyzed the prevalence of racial
11 disproportionality and disparity in child welfare.

12 (2) At a minimum, the advisory committee shall examine and analyze:
13 (a) The level of involvement of children of color at each stage in the
14 state's child welfare system, including the points of entry and exit,
15 and each point at which a treatment decision is made; (b) the number of
16 children of color in low-income or single-parent families involved in
17 the state's child welfare system; (c) the family structures of families
18 involved in the state's child welfare system; and (d) the outcomes for
19 children in the existing child welfare system. This analysis shall be
20 disaggregated by racial and ethnic group, and by geographic region.

21 (3) The committee of not more than fifteen individuals shall
22 consist of experts in social work, law, child welfare, psychology, or
23 related fields, at least two tribal representatives, a representative
24 of the governor's juvenile justice advisory committee, a representative
25 of a community-based organization involved with child welfare issues,
26 a representative of the department (~~(of social and health services)~~),
27 a current or former foster care youth, a current or former foster care
28 parent, and a parent previously involved with Washington's child
29 welfare system. Committee members shall be selected as follows: (a)
30 Five members selected by the senate majority leader; (b) five members
31 selected by the speaker of the house of representatives; and (c) five
32 members selected by the secretary of the department (~~(of social and
33 health services)~~). The secretary, the senate majority leader, and the
34 speaker of the house of representatives shall coordinate appointments
35 to ensure the representation specified in this subsection is achieved.
36 After the advisory committee appointments are finalized, the committee
37 shall select two individuals to serve as cochairs of the committee, one
38 of whom shall be a representative from a nongovernmental entity.

1 (4) The secretary shall make reasonable efforts to seek public and
2 private funding for the advisory committee.

3 (5) Not later than June 1, 2008, the advisory committee created in
4 subsection (1) of this section shall report to the secretary of the
5 department (~~(of social and health services)~~) on the results of the
6 analysis. If the results of the analysis indicate disproportionality
7 or disparity exists for any racial or ethnic group in any region of the
8 state, the committee, in conjunction with the secretary of the
9 department (~~(of social and health services)~~), shall develop a plan for
10 remedying the disproportionality or disparity. The remediation plan
11 shall include: (a) Recommendations for administrative and legislative
12 actions related to appropriate programs and services to reduce and
13 eliminate disparities in the system and improve the long-term outcomes
14 for children of color who are served by the system; and (b) performance
15 measures for implementing the remediation plan. To the extent possible
16 and appropriate, the remediation plan shall be developed to integrate
17 the recommendations required in this subsection with the department's
18 existing compliance plans, training efforts, and other practice
19 improvement and reform initiatives in progress. The advisory committee
20 shall be responsible for ongoing evaluation of current and prospective
21 policies and procedures for their contribution to or effect on racial
22 disproportionality and disparity.

23 (6) Not later than December 1, 2008, the secretary shall report the
24 results of the analysis conducted under subsection (2) of this section
25 and shall describe the remediation plan required under subsection (5)
26 of this section to the appropriate committees of the legislature with
27 jurisdiction over policy and fiscal matters relating to children,
28 families, and human services. Beginning January 1, 2010, the secretary
29 shall report annually to the appropriate committees of the legislature
30 on the implementation of the remediation plan, including any measurable
31 progress made in reducing and eliminating racial disproportionality and
32 disparity in the state's child welfare system.

33 **Sec. 63.** RCW 74.13.103 and 1971 ex.s. c 63 s 2 are each amended to
34 read as follows:

35 When a child proposed for adoption is placed with a prospective
36 adoptive parent the department may charge such parent a fee in payment

1 or part payment of such adoptive parent's part of the cost of the
2 adoption services rendered and to be rendered by the department.

3 In charging such fees the department shall treat a husband and wife
4 as a single prospective adoptive parent.

5 Each such fee shall be fixed according to a sliding scale based on
6 the ability to pay of the prospective adoptive parent or parents.

7 Such fee scale shall be annually fixed by the secretary after
8 considering the recommendations of the committee designated by the
9 secretary to advise him or her on child welfare and pursuant to the
10 regulations to be issued by the secretary in accordance with the
11 provisions of Title 34 RCW.

12 The secretary may waive, defer, or provide for payment in
13 installments without interest of, any such fee whenever in his or her
14 judgment payment or immediate payment would cause economic hardship to
15 such adoptive parent or parents.

16 Nothing in this section shall require the payment of a fee to the
17 state of Washington in a case in which an adoption results from
18 independent placement or placement by a licensed child-placing or
19 supervising agency.

20 **Sec. 64.** RCW 74.13.106 and 1985 c 7 s 134 are each amended to read
21 as follows:

22 All fees paid for adoption services pursuant to RCW 26.33.320 and
23 74.13.100 through 74.13.145 (as recodified by this act) shall be
24 credited to the general fund. Expenses incurred in connection with
25 supporting the adoption of hard to place children shall be paid by
26 warrants drawn against such appropriations as may be available. The
27 secretary may for such purposes, contract with any public agency or
28 (~~licensed child placing~~) supervising agency and/or adoptive parent
29 and is authorized to accept funds from other sources including federal,
30 private, and other public funding sources to carry out such purposes.

31 The secretary shall actively seek, where consistent with the
32 policies and programs of the department, and shall make maximum use of,
33 such federal funds as are or may be made available to the department
34 for the purpose of supporting the adoption of hard to place children.
35 The secretary may, if permitted by federal law, deposit federal funds
36 for adoption support, aid to adoptions, or subsidized adoption in the
37 general fund and may use such funds, subject to such limitations as may

1 be imposed by federal or state law, to carry out the program of
2 adoption support authorized by RCW 26.33.320 and 74.13.100 through
3 74.13.145 (as recodified by this act).

4 **Sec. 65.** RCW 74.13.109 and 1990 c 285 s 7 are each amended to read
5 as follows:

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

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

18 Such agreements shall meet the following criteria:

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

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

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

35 (4) Any prospective parent who is to be a party to such agreement
36 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 **Sec. 66.** RCW 74.13.124 and 1985 c 7 s 140 are each amended to read
4 as follows:

5 An agreement for adoption support made (~~pursuant to RCW~~
6 ~~26.32.115~~) before January 1, 1985, or pursuant to RCW 26.33.320 and
7 74.13.100 through 74.13.145 (as recodified by this act), although
8 subject to review and adjustment as provided for herein, shall, as to
9 the standard used by the secretary in making such review or reviews and
10 any such adjustment, constitutes a contract within the meaning of
11 section 10, Article I of the United States Constitution and section 23,
12 Article I of the state Constitution. For that reason once such an
13 agreement has been made any review of and adjustment under such
14 agreement shall as to the standards used by the secretary, be made only
15 subject to the provisions of RCW 26.33.320 and 74.13.100 through
16 74.13.145 (as recodified by this act) and such rules and regulations
17 relating thereto as they exist on the date of the initial determination
18 in connection with such agreement or such more generous standard or
19 parts of such standard as may hereafter be provided for by law or
20 regulation. Once made such an agreement shall constitute a solemn
21 undertaking by the state of Washington with such adoptive parent or
22 parents. The termination of the effective period of RCW 26.33.320 and
23 74.13.100 through 74.13.145 (as recodified by this act) or a decision
24 by the state or federal government to discontinue or reduce general
25 appropriations made available for the purposes to be served by RCW
26 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act),
27 shall not affect the state's specific continuing obligations to support
28 such adoptions, subject to such annual review and adjustment for all
29 such agreements as have theretofore been entered into by the state.

30 The purpose of this section is to assure any such parent that, upon
31 his or her consenting to assume the burdens of adopting a hard to place
32 child, the state will not in future so act by way of general reduction
33 of appropriations for the program authorized by RCW 26.33.320 and
34 74.13.100 through 74.13.145 (as recodified by this act) or ratable
35 reductions, to impair the trust and confidence necessarily reposed by
36 such parent in the state as a condition of such parent taking upon

1 himself or herself the obligations of parenthood of a difficult to
2 place child.

3 Should the secretary and any such adoptive parent differ as to
4 whether any standard or part of a standard adopted by the secretary
5 after the date of an initial agreement, which standard or part is used
6 by the secretary in making any review and adjustment, is more generous
7 than the standard in effect as of the date of the initial determination
8 with respect to such agreement such adoptive parent may invoke his or
9 her rights, including all rights of appeal under the fair hearing
10 provisions, available to him or her under RCW 74.13.127 (as recodified
11 by this act).

12 **Sec. 67.** RCW 74.13.136 and 1985 c 7 s 144 are each amended to read
13 as follows:

14 Any ((~~child-caring~~)) supervising agency or person having a child in
15 foster care or institutional care and wishing to recommend to the
16 secretary support of the adoption of such child as provided for in RCW
17 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act)
18 may do so, and may include in its or his or her recommendation advice
19 as to the appropriate level of support and any other information likely
20 to assist the secretary in carrying out the functions vested in the
21 secretary by RCW 26.33.320 and 74.13.100 through 74.13.145 (as
22 recodified by this act). Such agency may, but is not required to, be
23 retained by the secretary to make the required preplacement study of
24 the prospective adoptive parent or parents.

25 **Sec. 68.** RCW 74.13.165 and 1997 c 272 s 4 are each amended to read
26 as follows:

27 The secretary or the secretary's designee ((~~may~~)) shall purchase
28 services from nonprofit agencies for the purpose of conducting home
29 studies for legally free children who have been awaiting adoption
30 finalization for more than ((~~ninety~~)) sixty days. The home studies
31 selected to be done under this section shall be for the children who
32 have been legally free and awaiting adoption finalization the longest
33 period of time.

34 This section expires June 30, 2011.

1 **Sec. 69.** RCW 74.13.170 and 1991 c 326 s 2 are each amended to read
2 as follows:

3 The department (~~of social and health services~~) may, through
4 performance-based contracts with supervising agencies, implement a
5 therapeutic family home program for up to fifteen youth in the custody
6 of the department under chapter 13.34 RCW. The program shall strive to
7 develop and maintain a mutually reinforcing relationship between the
8 youth and the therapeutic staff associated with the program.

9 **Sec. 70.** RCW 74.13.250 and 1990 c 284 s 2 are each amended to read
10 as follows:

11 (1) Preservice training is recognized as a valuable tool to reduce
12 placement disruptions, the length of time children are in care, and
13 foster parent turnover rates. Preservice training also assists
14 potential foster parents in making their final decisions about foster
15 parenting and assists social service agencies in obtaining information
16 about whether to approve potential foster parents.

17 (2) Foster parent preservice training shall include information
18 about the potential impact of placement on foster children; social
19 service agency administrative processes; the requirements,
20 responsibilities, expectations, and skills needed to be a foster
21 parent; attachment, separation, and loss issues faced by birth parents,
22 foster children, and foster parents; child management and discipline;
23 birth family relationships; and helping children leave foster care.
24 Preservice training shall assist applicants in making informed
25 decisions about whether they want to be foster parents. Preservice
26 training shall be designed to enable the agency to assess the ability,
27 readiness, and appropriateness of families to be foster parents. As a
28 decision tool, effective preservice training provides potential foster
29 parents with enough information to make an appropriate decision,
30 affords potential foster parents an opportunity to discuss their
31 decision with others and consider its implications for their family,
32 clarifies foster family expectations, presents a realistic picture of
33 what foster parenting involves, and allows potential foster parents to
34 consider and explore the different types of children they might serve.

35 (3) Foster parents shall complete preservice training (~~shall be~~
36 ~~completed prior to~~) before the issuance of a foster care license,
37 except that the department may, on a case by case basis, issue a

1 written waiver that allows the foster parent to complete the training
2 after licensure, so long as the training is completed within ninety
3 days following licensure.

4 **Sec. 71.** RCW 74.13.280 and 2007 c 409 s 6 and 2007 c 220 s 4 are
5 each reenacted and amended to read as follows:

6 (1) Except as provided in RCW 70.24.105, whenever a child is placed
7 in out-of-home care by the department or a ((~~child-placing~~))
8 supervising agency, the department or agency shall share information
9 known to the department or agency about the child and the child's
10 family with the care provider and shall consult with the care provider
11 regarding the child's case plan. If the child is dependent pursuant to
12 a proceeding under chapter 13.34 RCW, the department or supervising
13 agency shall keep the care provider informed regarding the dates and
14 location of dependency review and permanency planning hearings
15 pertaining to the child.

16 (2) Information about the child and the child's family shall
17 include information known to the department or agency as to whether the
18 child is a sexually reactive child, has exhibited high-risk behaviors,
19 or is physically assaultive or physically aggressive, as defined in
20 this section.

21 (3) Information about the child shall also include information
22 known to the department or agency that the child:

23 (a) Has received a medical diagnosis of fetal alcohol syndrome or
24 fetal alcohol effect;

25 (b) Has been diagnosed by a qualified mental health professional as
26 having a mental health disorder;

27 (c) Has witnessed a death or substantial physical violence in the
28 past or recent past; or

29 (d) Was a victim of sexual or severe physical abuse in the recent
30 past.

31 (4) Any person who receives information about a child or a child's
32 family pursuant to this section shall keep the information confidential
33 and shall not further disclose or disseminate the information except as
34 authorized by law. Care providers shall agree in writing to keep the
35 information that they receive confidential and shall affirm that the
36 information will not be further disclosed or disseminated, except as
37 authorized by law.

1 (5) Nothing in this section shall be construed to limit the
2 authority of the department or (~~child-placing~~) supervising agencies
3 to disclose client information or to maintain client confidentiality as
4 provided by law.

5 (6) As used in this section:

6 (a) "Sexually reactive child" means a child who exhibits sexual
7 behavior problems including, but not limited to, sexual behaviors that
8 are developmentally inappropriate for their age or are harmful to the
9 child or others.

10 (b) "High-risk behavior" means an observed or reported and
11 documented history of one or more of the following:

12 (i) Suicide attempts or suicidal behavior or ideation;

13 (ii) Self-mutilation or similar self-destructive behavior;

14 (iii) Fire-setting or a developmentally inappropriate fascination
15 with fire;

16 (iv) Animal torture;

17 (v) Property destruction; or

18 (vi) Substance or alcohol abuse.

19 (c) "Physically assaultive or physically aggressive" means a child
20 who exhibits one or more of the following behaviors that are
21 developmentally inappropriate and harmful to the child or to others:

22 (i) Observed assaultive behavior;

23 (ii) Reported and documented history of the child willfully
24 assaulting or inflicting bodily harm; or

25 (iii) Attempting to assault or inflict bodily harm on other
26 children or adults under circumstances where the child has the apparent
27 ability or capability to carry out the attempted assaults including
28 threats to use a weapon.

29 **Sec. 72.** RCW 74.13.283 and 2008 c 267 s 7 are each amended to read
30 as follows:

31 (1) For the purpose of assisting foster youth in obtaining a
32 Washington state identicard, submission of the information and
33 materials listed in this subsection from the department or supervising
34 agency to the department of licensing is sufficient proof of identity
35 and residency and shall serve as the necessary authorization for the
36 youth to apply for and obtain a Washington state identicard:

1 (a) A written signed statement prepared on department or
2 supervising agency letterhead, verifying the following:

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

4 (ii) Pursuant to a court order, the youth is dependent and the
5 department or (~~either~~) supervising agency is the legal custodian of
6 the youth under chapter 13.34 RCW or under the interstate compact on
7 the placement of children;

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

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

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

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

13 (vii) Contact information for the appropriate person (~~at~~) with
14 the department or supervising agency.

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

17 (2) The department or supervising agency may provide the statement
18 and the photograph via any of the following methods, whichever is most
19 efficient or convenient:

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

22 (b) Hand-delivered to a local office of the department of licensing
23 by a department or supervising agency case worker.

24 (3) A copy of the statement shall be provided to the youth who
25 shall provide the copy to the department of licensing when making an
26 in-person application for a Washington state identicard.

27 (4) To the extent other identifying information is readily
28 available, the department or supervising agency shall include the
29 additional information with the submission of information required
30 under subsection (1) of this section.

31 **Sec. 73.** RCW 74.13.285 and 2007 c 409 s 7 are each amended to read
32 as follows:

33 (1) Within available resources, the department or supervising
34 agency shall prepare a passport containing all known and available
35 information concerning the mental, physical, health, and educational
36 status of the child for any child who has been in a foster home for
37 ninety consecutive days or more. The passport shall contain education

1 records obtained pursuant to RCW 28A.150.510. The passport shall be
2 provided to a foster parent at any placement of a child covered by this
3 section. The department or supervising agency shall update the
4 passport during the regularly scheduled court reviews required under
5 chapter 13.34 RCW.

6 New placements (~~((after July 1, 1997,))~~) shall have first priority in
7 the preparation of passports. (~~((Within available resources, the
8 department may prepare passports for any child in a foster home on July
9 1, 1997, provided that no time spent in a foster home before July 1,
10 1997, shall be included in the computation of the ninety days.))~~)

11 (2) In addition to the requirements of subsection (1) of this
12 section, the department or supervising agency shall, within available
13 resources, notify a foster parent before placement of a child of any
14 known health conditions that pose a serious threat to the child and any
15 known behavioral history that presents a serious risk of harm to the
16 child or others.

17 (3) The department shall hold harmless the provider including
18 supervising agencies for any unauthorized disclosures caused by the
19 department.

20 (4) Any foster parent who receives information about a child or a
21 child's family pursuant to this section shall keep the information
22 confidential and shall not further disclose or disseminate the
23 information, except as authorized by law. Such individuals shall agree
24 in writing to keep the information that they receive confidential and
25 shall affirm that the information will not be further disclosed or
26 disseminated, except as authorized by law.

27 **Sec. 74.** RCW 74.13.288 and 2004 c 40 s 2 are each amended to read
28 as follows:

29 (~~((1))~~) The department of health shall develop recommendations
30 concerning evidence-based practices for testing for blood-borne
31 pathogens of children under one year of age who have been placed in
32 out-of-home care and shall identify the specific pathogens for which
33 testing is recommended.

34 (~~((2) The department shall report to the appropriate committees of
35 the legislature on the recommendations developed in accordance with
36 subsection (1) of this section by January 1, 2005.))~~)

1 **Sec. 75.** RCW 74.13.289 and 2004 c 40 s 3 are each amended to read
2 as follows:

3 (1) Upon any placement, the department (~~((of social and health~~
4 ~~services))~~ or supervising agency shall inform each out-of-home care
5 provider if the child to be placed in that provider's care is infected
6 with a blood-borne pathogen, and shall identify the specific blood-
7 borne pathogen for which the child was tested if known by the
8 department or supervising agency.

9 (2) All out-of-home care providers licensed by the department shall
10 receive training related to blood-borne pathogens, including
11 prevention, transmission, infection control, treatment, testing, and
12 confidentiality.

13 (3) Any disclosure of information related to HIV must be in
14 accordance with RCW 70.24.105.

15 (4) The department of health shall identify by rule the term
16 "blood-borne pathogen" as used in this section.

17 **Sec. 76.** RCW 74.13.300 and 1990 c 284 s 12 are each amended to
18 read as follows:

19 (1) Whenever a child has been placed in a foster family home by the
20 department or (~~(a child placing))~~ supervising agency and the child has
21 thereafter resided in the home for at least ninety consecutive days,
22 the department or (~~(child placing))~~ supervising agency shall notify the
23 foster family at least five days prior to moving the child to another
24 placement, unless:

25 (a) A court order has been entered requiring an immediate change in
26 placement;

27 (b) The child is being returned home;

28 (c) The child's safety is in jeopardy; or

29 (d) The child is residing in a receiving home or a group home.

30 (2) If the child has resided in a foster family home for less than
31 ninety days or if, due to one or more of the circumstances in
32 subsection (1) of this section, it is not possible to give five days'
33 notification, the department or (~~(child placing))~~ supervising agency
34 shall notify the foster family of proposed placement changes as soon as
35 reasonably possible.

36 (3) This section is intended solely to assist in minimizing
37 disruption to the child in changing foster care placements. Nothing in

1 this section shall be construed to require that a court hearing be held
2 prior to changing a child's foster care placement nor to create any
3 substantive custody rights in the foster parents.

4 **Sec. 77.** RCW 74.13.310 and 1990 c 284 s 13 are each amended to
5 read as follows:

6 Adequate foster parent training has been identified as directly
7 associated with increasing the length of time foster parents are
8 willing to provide foster care and reducing the number of placement
9 disruptions for children. Placement disruptions can be harmful to
10 children by denying them consistent and nurturing support. Foster
11 parents have expressed the desire to receive training in addition to
12 the foster parent ((SCOPE)) training currently offered. Foster parents
13 who care for more demanding children, such as children with severe
14 emotional, mental, or physical handicaps, would especially benefit from
15 additional training. The department and supervising agency shall
16 develop additional training for foster parents that focuses on skills
17 to assist foster parents in caring for emotionally, mentally, or
18 physically handicapped children.

19 **Sec. 78.** RCW 74.13.315 and 1997 c 272 s 6 are each amended to read
20 as follows:

21 The department or supervising agency may provide child care for all
22 foster parents who are required to attend department-sponsored or
23 supervising agency-sponsored meetings or training sessions. If the
24 department or supervising agency does not provide such child care, the
25 department or supervising agency, where feasible, shall conduct the
26 activities covered by this section in the foster parent's home or other
27 location acceptable to the foster parent.

28 **Sec. 79.** RCW 74.13.320 and 1990 c 284 s 15 are each amended to
29 read as follows:

30 ~~((The legislature finds that during the fiscal years 1987 to 1989
31 the number of children in foster care has risen by 14.3 percent. At
32 the same time there has been a 31 percent turnover rate in foster homes
33 because many foster parents have declined to continue to care for
34 foster children. This situation has caused a dangerously critical
35 shortage of foster homes.~~

1 ~~The department of social and health services shall develop and~~
2 ~~implement a project to recruit more foster homes and adoptive homes for~~
3 ~~special needs children by developing a request for proposal to licensed~~
4 ~~private foster care, licensed adoption agencies, and other~~
5 ~~organizations qualified to provide this service.~~

6 ~~The project shall consist of one statewide administrator of~~
7 ~~recruitment programs, and one or more licensed foster care or adoption~~
8 ~~agency contracts in each of the six departmental regions. These~~
9 ~~contracts shall enhance currently provided services and may not replace~~
10 ~~services currently funded by the agencies. No more than sixty thousand~~
11 ~~dollars may be spent annually to fund the administrator position.~~

12 ~~The agencies shall recruit foster care homes and adoptive homes for~~
13 ~~children classified as special needs children under chapter 74.08 RCW.~~
14 ~~The agencies shall utilize their own network of contacts and shall also~~
15 ~~develop programs similar to those used effectively in other states.~~
16 ~~The department shall expand the foster adopt program statewide to~~
17 ~~encourage stable placements for foster children for whom permanent out-~~
18 ~~of-home placement is a likelihood. The department shall carefully~~
19 ~~consider existing programs to eliminate duplication of services.)~~

20 The department shall assist ((~~the private contractors~~)) supervising
21 agencies by providing printing services for informational brochures and
22 other necessary recruitment materials. No more than fifty thousand
23 dollars of the funds provided for this section may be expended annually
24 for recruitment materials.

25 **Sec. 80.** RCW 74.13.325 and 1997 c 272 s 3 are each amended to read
26 as follows:

27 Within available resources, the department and supervising agencies
28 shall increase the number of adoptive and foster families available to
29 accept children through an intensive recruitment and retention program.
30 The department shall ((~~contract with a private agency to~~)) enter into
31 performance-based contracts with supervising agencies, under which the
32 agencies will coordinate all foster care and adoptive home recruitment
33 activities ((~~for the department and private agencies~~)).

34 **Sec. 81.** RCW 74.13.333 and 2004 c 181 s 1 are each amended to read
35 as follows:

1 A foster parent who believes that a department or supervising
2 agency employee has retaliated against the foster parent or in any
3 other manner discriminated against the foster parent because:

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

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

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

13 (4) The foster parent has advocated for services on behalf of the
14 foster child;

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

17 (6) The foster parent has discussed or consulted with anyone
18 concerning the foster parent's rights under this chapter or chapter
19 74.15 or 13.34 RCW,

20 may file a complaint with the office of the family and children's
21 ombudsman. The office of the family and children's ombudsman shall
22 include its recommendations regarding complaints filed under this
23 section in its annual report pursuant to RCW 43.06A.030. The office of
24 the family and children's ombudsman shall identify trends which may
25 indicate a need to improve relations between the department or
26 supervising agency and foster parents.

27 **Sec. 82.** RCW 74.13.334 and 2004 c 181 s 2 are each amended to read
28 as follows:

29 The department and supervising agency shall develop procedures for
30 responding to recommendations of the office of the family and
31 children's ombudsman as a result of any and all complaints filed by
32 foster parents under RCW 74.13.333.

33 **Sec. 83.** RCW 74.13.500 and 2005 c 274 s 351 are each amended to
34 read as follows:

35 (1) Consistent with the provisions of chapter 42.56 RCW and
36 applicable federal law, the secretary, or the secretary's designee,

1 shall disclose information regarding the abuse or neglect of a child,
2 the investigation of the abuse, neglect, or near fatality of a child,
3 and any services related to the abuse or neglect of a child if any one
4 of the following factors is present:

5 (a) The subject of the report has been charged in an accusatory
6 instrument with committing a crime related to a report maintained by
7 the department in its case and management information system;

8 (b) The investigation of the abuse or neglect of the child by the
9 department or the provision of services by the department or a
10 supervising agency has been publicly disclosed in a report required to
11 be disclosed in the course of their official duties, by a law
12 enforcement agency or official, a prosecuting attorney, any other state
13 or local investigative agency or official, or by a judge of the
14 superior court;

15 (c) There has been a prior knowing, voluntary public disclosure by
16 an individual concerning a report of child abuse or neglect in which
17 such individual is named as the subject of the report; or

18 (d) The child named in the report has died and the child's death
19 resulted from abuse or neglect or the child was in the care of, or
20 receiving services from the department or a supervising agency at the
21 time of death or within twelve months before death.

22 (2) The secretary is not required to disclose information if the
23 factors in subsection (1) of this section are present if he or she
24 specifically determines the disclosure is contrary to the best
25 interests of the child, the child's siblings, or other children in the
26 household.

27 (3) Except for cases in subsection (1)(d) of this section, requests
28 for information under this section shall specifically identify the case
29 about which information is sought and the facts that support a
30 determination that one of the factors specified in subsection (1) of
31 this section is present.

32 (4) For the purposes of this section, "near fatality" means an act
33 that, as certified by a physician, places the child in serious or
34 critical condition. The secretary is under no obligation to have an
35 act certified by a physician in order to comply with this section.

36 **Sec. 84.** RCW 74.13.515 and 2005 c 274 s 352 are each amended to
37 read as follows:

1 For purposes of RCW 74.13.500(1)(d), the secretary must make the
2 fullest possible disclosure consistent with chapter 42.56 RCW and
3 applicable federal law in cases of all fatalities of children who were
4 in the care of, or receiving services from, the department or_a
5 supervising_agency at the time of their death or within the twelve
6 months previous to their death.

7 If the secretary specifically determines that disclosure of the
8 name of the deceased child is contrary to the best interests of the
9 child's siblings or other children in the household, the secretary may
10 remove personally identifying information.

11 For the purposes of this section, "personally identifying
12 information" means the name, street address, social security number,
13 and day of birth of the child who died and of private persons who are
14 relatives of the child named in child welfare records. "Personally
15 identifying information" shall not include the month or year of birth
16 of the child who has died. Once this personally identifying
17 information is removed, the remainder of the records pertaining to a
18 child who has died must be released regardless of whether the remaining
19 facts in the records are embarrassing to the unidentifiable other
20 private parties or to identifiable public workers who handled the case.

21 **Sec. 85.** RCW 74.13.525 and 2005 c 274 s 353 are each amended to
22 read as follows:

23 The department or supervising agency, when acting in good faith, is
24 immune from any criminal or civil liability, except as provided under
25 RCW 42.56.550, for any action taken under RCW 74.13.500 through
26 74.13.520.

27 **Sec. 86.** RCW 74.13.530 and 2001 c 318 s 4 are each amended to read
28 as follows:

29 (1) No child may be placed or remain in a specific out-of-home
30 placement under this chapter or chapter 13.34 RCW when there is a
31 conflict of interest on the part of any adult residing in the home in
32 which the child is to be or has been placed. A conflict of interest
33 exists when:

34 (a) There is an adult in the home who, as a result of: (i) His or
35 her employment; and (ii) an allegation of abuse or neglect of the
36 child, conducts or has conducted an investigation of the allegation; or

1 (b) The child has been, is, or is likely to be a witness in any
2 pending cause of action against any adult in the home when the cause
3 includes: (i) An allegation of abuse or neglect against the child or
4 any sibling of the child; or (ii) a claim of damages resulting from
5 wrongful interference with the parent-child relationship of the child
6 and his or her biological or adoptive parent.

7 (2) For purposes of this section, "investigation" means the
8 exercise of professional judgment in the review of allegations of abuse
9 or neglect by: (a) Law enforcement personnel; (b) persons employed by,
10 or under contract with, the state; (c) persons licensed to practice law
11 and their employees; and (d) mental health professionals as defined in
12 chapter 71.05 RCW.

13 (3) The prohibition set forth in subsection (1) of this section may
14 not be waived or deferred by the department or a supervising agency
15 under any circumstance or at the request of any person, regardless of
16 who has made the request or the length of time of the requested
17 placement.

18 **Sec. 87.** RCW 74.13.560 and 2003 c 112 s 3 are each amended to read
19 as follows:

20 The administrative regions of the department and the supervising
21 agencies shall develop protocols with the respective school districts
22 in their regions specifying specific strategies for communication,
23 coordination, and collaboration regarding the status and progress of
24 foster children placed in the region, in order to maximize the
25 educational continuity and achievement for foster children. The
26 protocols shall include methods to assure effective sharing of
27 information consistent with RCW 28A.225.330.

28 **Sec. 88.** RCW 74.13.590 and 2003 c 112 s 6 are each amended to read
29 as follows:

30 The department and supervising agencies shall perform the tasks
31 provided in RCW 74.13.550 through 74.13.580 based on available
32 resources.

33 **Sec. 89.** RCW 74.13.600 and 2003 c 284 s 1 are each amended to read
34 as follows:

35 (1) For the purposes of this section, "kin" means persons eighteen

1 years of age or older to whom the child is related by blood, adoption,
2 or marriage, including marriages that have been dissolved, and means:
3 (a) Any person denoted by the prefix "grand" or "great"; (b) sibling,
4 whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or
5 (e) first cousin.

6 (2) The department and supervising agencies shall plan, design, and
7 implement strategies to prioritize the placement of children with
8 willing and able kin when out-of-home placement is required.

9 These strategies must include at least the following:

10 (a) Development of standardized, statewide procedures to be used by
11 supervising agencies when searching for kin of children prior to out-
12 of-home placement. The procedures must include a requirement that
13 documentation be maintained in the child's case record that identifies
14 kin, and documentation that identifies the assessment criteria and
15 procedures that were followed during all kin searches. The procedures
16 must be used when a child is placed in out-of-home care under authority
17 of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or
18 when a child is placed under a voluntary placement agreement. To
19 assist with implementation of the procedures, the department or
20 supervising agencies shall request that the juvenile court require
21 parents to disclose to the ((department)) agencies all contact
22 information for available and appropriate kin within two weeks of an
23 entered order. For placements under signed voluntary agreements, the
24 department and supervising agencies shall encourage the parents to
25 disclose to the department and agencies all contact information for
26 available and appropriate kin within two weeks of the date the parent
27 signs the voluntary placement agreement.

28 (b) Development of procedures for conducting active outreach
29 efforts to identify and locate kin during all searches. The procedures
30 must include at least the following elements:

31 (i) Reasonable efforts to interview known kin, friends, teachers,
32 and other identified community members who may have knowledge of the
33 child's kin, within sixty days of the child entering out-of-home care;

34 (ii) Increased use of those procedures determined by research to be
35 the most effective methods of promoting reunification efforts,
36 permanency planning, and placement decisions;

37 (iii) Contacts with kin identified through outreach efforts and

1 interviews under this subsection as part of permanency planning
2 activities and change of placement discussions;

3 (iv) Establishment of a process for ongoing contact with kin who
4 express interest in being considered as a placement resource for the
5 child; and

6 (v) A requirement that when the decision is made to not place the
7 child with any kin, the department or supervising agency provides
8 documentation as part of the child's individual service and safety plan
9 that clearly identifies the rationale for the decision and corrective
10 action or actions the kin must take to be considered as a viable
11 placement option.

12 (3) Nothing in this section shall be construed to create an
13 entitlement to services or to create judicial authority to order the
14 provision of services to any person or family if the services are
15 unavailable or unsuitable or the child or family is not eligible for
16 such services.

17 **Sec. 90.** RCW 74.13.640 and 2008 c 211 s 1 are each amended to read
18 as follows:

19 (1) The department (~~(of social and health services)~~) shall conduct
20 a child fatality review in the event of an unexpected death of a minor
21 in the state who is in the care of or receiving services described in
22 chapter 74.13 RCW from the department or a supervising agency or who
23 has been in the care of or received services described in chapter 74.13
24 RCW from the department or a supervising agency within one year
25 preceding the minor's death.

26 (2) Upon conclusion of a child fatality review required pursuant to
27 subsection (1) of this section, the department shall within one hundred
28 eighty days following the fatality issue a report on the results of the
29 review, unless an extension has been granted by the governor. Reports
30 shall be distributed to the appropriate committees of the legislature,
31 and the department shall create a public web site where all child
32 fatality review reports required under this section shall be posted and
33 maintained.

34 (3) The department shall develop and implement procedures to carry
35 out the requirements of subsections (1) and (2) of this section.

36 (4) In the event a child fatality is the result of apparent abuse
37 or neglect by the child's parent or caregiver, the department shall

1 ensure that the fatality review team is comprised of individuals who
2 had no previous involvement in the case and whose professional
3 expertise is pertinent to the dynamics of the case.

4 (5) In the event of a near-fatality of a child who is in the care
5 of or receiving services described in this chapter from the department
6 or who has been in the care of or received services described in this
7 chapter from the department within one year preceding the
8 near-fatality, the department shall promptly notify the office of the
9 family and children's ombudsman.

10 **Sec. 91.** RCW 74.13.650 and 2007 c 220 s 7 are each amended to read
11 as follows:

12 A foster parent critical support and retention program is
13 established to retain foster parents who care for sexually reactive
14 children, physically assaultive children, or children with other high-
15 risk behaviors, as defined in RCW 74.13.280. Services shall consist of
16 short-term therapeutic and educational interventions to support the
17 stability of the placement. The (~~foster parent critical support and
18 retention program is to be implemented under the division of children
19 and family services' contract and supervision. A contractor must
20 demonstrate experience providing in-home case management, as well as
21 experience working with caregivers of children with significant
22 behavioral issues that pose a threat to others or themselves or the
23 stability of the placement~~) department shall enter into performance-
24 based contracts with supervising agencies to provide this program.

25 **Sec. 92.** RCW 74.13.670 and 2007 c 220 s 5 are each amended to read
26 as follows:

27 (1) A care provider may not be found to have abused or neglected a
28 child under chapter 26.44 RCW or be denied a license pursuant to
29 chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to
30 supervise (~~wherein~~) in which:

31 (a) The allegations arise from the child's conduct that is
32 substantially similar to prior behavior of the child, and:

33 (i) The child is a sexually reactive youth, exhibits high-risk
34 behaviors, or is physically assaultive or physically aggressive as
35 defined in RCW 74.13.280, and this information and the child's prior

1 behavior was not disclosed to the care provider as required by RCW
2 74.13.280; and

3 (ii) The care provider did not know or have reason to know that the
4 child needed supervision as a sexually reactive or physically
5 assaultive or physically aggressive youth, or because of a documented
6 history of high-risk behaviors, as a result of the care provider's
7 involvement with or independent knowledge of the child or training and
8 experience; or

9 (b) The child was not within the reasonable control of the care
10 provider at the time of the incident that is the subject of the
11 allegation, and the care provider was acting in good faith and did not
12 know or have reason to know that reasonable control or supervision of
13 the child was necessary to prevent harm or risk of harm to the child or
14 other persons.

15 (2) Allegations of child abuse or neglect that meet the provisions
16 of this section shall be designated as "unfounded" as defined in RCW
17 26.44.020.

18 NEW SECTION. **Sec. 93.** RCW 74.13.085, 74.13.0902, 74.13.095, and
19 74.15.031 are each recodified as new sections in chapter 43.215 RCW.

20 NEW SECTION. **Sec. 94.** RCW 74.13.100, 74.13.103, 74.13.106,
21 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121,
22 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139,
23 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155,
24 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170
25 are each recodified as a new chapter in Title 74 RCW.

26 NEW SECTION. **Sec. 95.** Section 62 of this act expires June 30,
27 2014.

28 NEW SECTION. **Sec. 96.** The following acts or parts of acts are
29 each repealed:

30 (1) RCW 13.34.803 (Drug-affected and alcohol-affected infants--
31 Comprehensive plan--Report) and 1998 c 314 s 40;

32 (2) RCW 13.34.805 (Drug-affected infants--Study) and 1998 c 314 s
33 31;

- 1 (3) RCW 13.34.8051 (Drug-affected infants--Study--Alcohol-affected
2 infants to be included) and 1998 c 314 s 32;
- 3 (4) RCW 13.34.810 (Implementation of chapter 314, Laws of 1998) and
4 1998 c 314 s 48;
- 5 (5) RCW 26.44.230 (Abuse of adolescents--Reviews and reports) and
6 2005 c 345 s 2;
- 7 (6) RCW 74.13.200 (Demonstration project for protection, care, and
8 treatment of children at-risk of abuse or neglect) and 1979 ex.s. c 248
9 s 1;
- 10 (7) RCW 74.13.210 (Project day care center--Definition) and 1979
11 ex.s. c 248 s 2;
- 12 (8) RCW 74.13.220 (Project services) and 1979 ex.s. c 248 s 3;
- 13 (9) RCW 74.13.230 (Project shall utilize community services) and
14 1979 ex.s. c 248 s 4;
- 15 (10) RCW 74.13.340 (Foster parent liaison) and 1997 c 272 s 2;
- 16 (11) RCW 74.13.630 (Family decision meetings) and 2004 c 182 s 2;
- 17 and
- 18 (12) RCW 74.13.800 (Intensive resource home pilot) and 2008 c 281
19 s 2.

20 NEW SECTION. **Sec. 97.** (1) Except for sections 1 through 8 of this
21 act, this act takes effect July 1, 2011.

22 (2) Sections 1 through 7 of this act take effect July 1, 2010.

23 (3) Section 8 of this act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 immediately.

27 NEW SECTION. **Sec. 98.** This act shall be in effect only if funds
28 are specifically appropriated for this purpose."

2SHB 2106 - S COMM AMD

By Committee on Human Services & Corrections

1 On page 1, line 2 of the title, after "reforms;" strike the
2 remainder of the title and insert "amending RCW 74.13.020, 74.15.010,
3 74.15.020, 74.15.050, 74.15.100, 26.44.020, 26.44.200, 13.34.025,
4 13.34.030, 13.34.065, 13.34.067, 13.34.094, 13.34.096, 13.34.125,
5 13.34.145, 13.34.155, 13.34.174, 13.34.176, 13.34.180, 13.34.210,
6 13.34.215, 13.34.230, 13.34.233, 13.34.245, 13.34.320, 13.34.330,
7 13.34.340, 13.34.350, 13.34.370, 13.34.380, 13.34.385, 13.34.390,
8 13.34.400, 41.06.142, 74.13.010, 74.13.031, 74.13.0311, 74.13.032,
9 74.13.036, 74.13.037, 74.13.042, 74.13.045, 74.13.055, 74.13.060,
10 74.13.065, 74.13.075, 74.13.077, 74.13.096, 74.13.103, 74.13.106,
11 74.13.109, 74.13.124, 74.13.136, 74.13.165, 74.13.170, 74.13.250,
12 74.13.283, 74.13.285, 74.13.288, 74.13.289, 74.13.300, 74.13.310,
13 74.13.315, 74.13.320, 74.13.325, 74.13.333, 74.13.334, 74.13.500,
14 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590, 74.13.600,
15 74.13.640, 74.13.650, and 74.13.670; reenacting and amending RCW
16 74.15.030, 13.34.130, 13.34.136, 13.34.138, and 74.13.280; adding new
17 sections to chapter 74.13 RCW; adding a new section to chapter 43.10
18 RCW; adding a new section to chapter 26.44 RCW; creating a new section;
19 recodifying RCW 74.13.085, 74.13.0902, 74.13.095, 74.15.031, 74.13.100,
20 74.13.103, 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.116,
21 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133,
22 74.13.136, 74.13.139, 74.13.145, 74.13.150, 74.13.152, 74.13.153,
23 74.13.154, 74.13.155, 74.13.156, 74.13.157, 74.13.158, 74.13.159,
24 74.13.165, and 74.13.170; repealing RCW 13.34.803, 13.34.805,
25 13.34.8051, 13.34.810, 26.44.230, 74.13.200, 74.13.210, 74.13.220,
26 74.13.230, 74.13.340, 74.13.630, and 74.13.800; providing effective
27 dates; providing expiration dates; and declaring an emergency."

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