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**SUBSTITUTE SENATE BILL 5943**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Fairley, Regala, McAuliffe, Jarrett, Tom, Brandland, Kauffman, Kline, Delvin, and Shin)

READ FIRST TIME 02/25/09.

1           AN ACT Relating to performance-based contracts for the provision of  
2 child welfare services; amending RCW 74.13.020, 74.15.010, 74.15.020,  
3 74.15.050, 74.15.100, 26.44.020, 26.44.200, 13.34.025, 13.34.030,  
4 13.34.065, 13.34.067, 13.34.069, 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; recodifying RCW  
19 74.13.085, 74.13.0902, 74.13.095, 74.15.031, 74.13.100, 74.13.103,  
20 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118,  
21 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136,

1 74.13.139, 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154,  
2 74.13.155, 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and  
3 74.13.170; repealing RCW 13.34.803, 13.34.805, 13.34.8051, 13.34.810,  
4 26.44.230, 74.13.200, 74.13.210, 74.13.220, 74.13.230, 74.13.340,  
5 74.13.630, and 74.13.800; providing effective dates; providing  
6 expiration dates; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW  
9 to read as follows:

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

18 The legislature finds that research in the area of child safety and  
19 well-being supports the conclusion that a restructuring of the  
20 administration and delivery of child welfare services through the use  
21 of performance-based contracts can enhance safety and well-being, when  
22 done so in a careful, well-planned and collaborative manner.

23 The legislature intends that the execution of performance-based  
24 contracts which transfer the delivery of child welfare services to  
25 entities other than the department be done without restricting who may  
26 seek to participate in the procurement process of the contracts. The  
27 legislature intends that the department shall retain those positions  
28 necessary to provide child protective and investigative services and to  
29 administer performance-based contracts.

30 The legislature, in creating the committee in section 6 of this  
31 act, is establishing the mechanism to design, in collaboration with the  
32 department, the transition to performance-based contracts in the  
33 delivery of out-of-home care and case management services.

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

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

5       ~~(1) 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       ~~(2) Protecting and caring for dependent or neglected children;~~

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

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

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

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

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

22       For purposes of this chapter:

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

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

34       (3) "Child protective services" has the same meaning as in RCW  
35 26.44.020.

36       (4) "Child welfare services" means social services including out-  
37 of-home care, case management, and adoption services which strengthen,

1 supplement, or substitute for, parental care and supervision for the  
2 purpose of:

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

6 (b) Protecting and caring for dependent or neglected children;

7 (c) Assisting children who are in conflict with their parents, and  
8 assisting parents who are in conflict with their children, with  
9 services designed to resolve such conflicts;

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

12 (e) Providing adequate care of children away from their homes in  
13 foster family homes or day care or other child care agencies or  
14 facilities.

15 "Child welfare services" does not include child protection  
16 services.

17 (5) "Committee" means the child welfare transformation design  
18 committee.

19 (6) "Department" means the department of social and health  
20 services.

21 (7) "Outcomes" means a statistically significant change in the  
22 service or services a supervising agency is assigned in a performance-  
23 based contract, in time periods established in the contract.

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

31 (9) "Performance-based contracting" means the structuring of all  
32 aspects of the procurement of services around the purpose of the work  
33 to be performed and the desired results with the contract requirements  
34 set forth in clear, specific, and objective terms with measurable  
35 outcomes. Contracts shall also include provisions that link the  
36 performance of the contractor to the level and timing of reimbursement.

37 (10) "Permanency services" means long-term services provided to

1 secure a child's safety, permanency, and well-being, including foster  
2 care services, family reunification services, adoption services, and  
3 preparation for independent living services.

4 (11) "Supervising agency" means an agency licensed by the state  
5 under RCW 74.15.090, or an Indian tribe under RCW 74.15.190, that has  
6 entered into a performance-based contract with the department to  
7 provide child welfare services. "Supervising agency" also includes the  
8 department under section 3(4) of this act.

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

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

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

16 (a) All child welfare services for children for whom the department  
17 has legal custody shall be provided by supervising agencies with whom  
18 the department has entered into performance-based contracts; and

19 (b) Except as provided in subsection (4) of this section, and  
20 notwithstanding any law to the contrary, the department may not  
21 directly provide child welfare services.

22 (3) On and after July 1, 2014, the department is responsible for  
23 only the following:

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

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

29 (4) On and after July 1, 2014, the department may provide child  
30 welfare services only in an emergency or as a provider of last resort.  
31 The department shall adopt rules describing the circumstances under  
32 which the department may provide those services. For purposes of this  
33 section, "provider of last resort" means the department is unable to  
34 contract with a private agency to provide child welfare services in a  
35 particular geographic area or, after entering into a contract with a  
36 private agency, either the contractor or the department precipitously  
37 terminates the contract.

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

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.10 RCW  
7 to read as follows:

8 The office of the attorney general shall provide, or cause to be  
9 provided, legal services in only dependency or termination of parental  
10 rights matters to supervising agencies with whom the department of  
11 social and health services has entered into performance-based contracts  
12 to provide child welfare services as soon as the contracts become  
13 effective.

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

16 As the number of persons employed as child welfare services  
17 caseworkers and staff in the children's administration declines as a  
18 result of voluntary employee departure, those positions referenced in  
19 this section shall not be filled by the children's administration,  
20 except in extreme emergent situations, and the department shall  
21 increase its referrals to supervising agencies on a pro rata or greater  
22 basis.

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

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

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

34 (ii) The assistant secretary of the children's administration in  
35 the department;

1 (iii) Two regional administrators in the children's administration  
2 selected by the assistant secretary, one from one of the department's  
3 administrative regions one or two, and one from one of the department's  
4 administrative regions three, four, five, or six;

5 (iv) The administrator for the division of licensed resources in  
6 the children's administration;

7 (v) Two nationally recognized experts in performance-based  
8 contracts;

9 (vi) The attorney general or his or her designee;

10 (vii) A representative of the collective bargaining unit that  
11 represents the largest number of employees in the children's  
12 administration;

13 (viii) A representative from the office of the family and  
14 children's ombudsman;

15 (ix) Four representatives from federally recognized Indian tribes,  
16 two of which operate child welfare programs;

17 (x) Two present or former superior court judges with significant  
18 experience in dependency matters, selected by the superior court  
19 judge's association; and

20 (xi) One representative from partners for our children affiliated  
21 with the University of Washington school of social work.

22 (b) The president of the senate and the speaker of the house of  
23 representatives shall jointly appoint the members under (a)(i) and (v)  
24 of this subsection.

25 (c) The representatives from partners for our children shall  
26 convene the initial meeting of the committee no later than June 15,  
27 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 consistent with this section for the  
33 provision of child welfare services by child-placing agencies pursuant  
34 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 contract referral and exit criteria;

2 (iii) The child welfare services including the use of evidence-

3 based services and practices to be provided by the contractor;

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 program 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) Contract monitoring and evaluation procedures that will ensure

17 that children and families are receiving timely and quality services

18 and that contract terms are being implemented;

19 (e) A method or methods by which to ensure that the children's

20 administration has sufficiently trained and experienced staff to

21 monitor and manage performance-based contracts;

22 (f) A process by which to expand the capacity of supervising and

23 other private agencies to meet the service needs of children and

24 families in a performance-based contractual arrangement;

25 (g) A method or methods by which supervising and other private

26 agencies can expand services in underserved areas of the state;

27 (h) The appropriate amounts and procedures for the reimbursement of

28 supervising agencies given the proposed services restructuring;

29 (i) A method by which to access and enhance existing data systems

30 to include contract performance information;

31 (j) A financing arrangement for the contracts that examines:

32 (i) The use of case rates or performance-based fee-for-service

33 contracts that include incentive payments or payment schedules that

34 link reimbursement to results; and

35 (ii) Ways to reduce a contractor's financial risk that could

36 jeopardize the solvency of the contractor, including the use of a risk-

37 reward corridor that limits risk of loss and potential profits or the

38 establishment of a statewide risk pool;



1 (k) A description of how the transition will impact the state's  
2 ability to obtain federal funding and examine options to further  
3 maximize federal funding opportunities and increased flexibility;

4 (l) A description of the costs of the transition, the initial  
5 start-up costs and the mechanisms to periodically assess the overall  
6 adequacy of funds and the fiscal impact of the changes; and

7 (m) Identification of any statutory and regulatory revisions  
8 necessary to accomplish the transition.

9 (4) The committee shall also prepare as part of the plan a  
10 recommendation as to how to implement the changes in this chapter  
11 across the state in three stages so that the full implementation of  
12 this chapter is achieved no later than July 1, 2014.

13 (5) The committee shall report quarterly on its progress, beginning  
14 on June 30, 2009, to the legislative children's oversight committee  
15 established in RCW 44.04.220. The committee shall report on its  
16 progress in meeting its duties under subsections (2) and (3) of this  
17 section and on any other matters the committee or the legislative  
18 children's oversight committee deems appropriate. The portion of the  
19 plan required in subsection (4) of this section shall be due to the  
20 legislative children's oversight committee on or before June 1, 2010.  
21 The reports shall be in written form.

22 (6) The committee, by majority vote, may establish advisory  
23 committees as it deems necessary.

24 (7) All state executive branch agencies shall cooperate with the  
25 committee and provide timely information as the chair or cochairs may  
26 request. Cooperation by the children's administration must include  
27 developing and scheduling training for supervising agencies to access  
28 data and information necessary to implement and monitor the contracts.

29 (8) It is expected that the administrative costs for the committee  
30 will be supported through private funds.

31 (9) Staff support for the committee shall be provided jointly by  
32 partners for our children and legislative staff.

33 (10) The committee is subject to chapters 42.30 (open public  
34 meetings act) and 42.52 (ethics in public service) RCW.

35 (11) This section expires July 1, 2013.

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

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

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

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

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

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

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

22 **Sec. 8.** RCW 74.15.020 and 2007 c 412 s 1 are each amended to read  
23 as follows:

24 For the purpose of this chapter and RCW 74.13.031, and unless  
25 otherwise clearly indicated by the context thereof, the following terms  
26 shall mean:

27 (1) "Agency" means any person, firm, partnership, association,  
28 corporation, or facility which receives children, expectant mothers, or  
29 persons with developmental disabilities for control, care, or  
30 maintenance outside their own homes, or which places, arranges the  
31 placement of, or assists in the placement of children, expectant  
32 mothers, or persons with developmental disabilities for foster care or  
33 placement of children for adoption, and shall include the following  
34 irrespective of whether there is compensation to the agency or to the  
35 children, expectant mothers or persons with developmental disabilities  
36 for services rendered:

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

3 (b) "Community facility" means a group care facility operated for  
4 the care of juveniles committed to the department under RCW 13.40.185.  
5 A county detention facility that houses juveniles committed to the  
6 department under RCW 13.40.185 pursuant to a contract with the  
7 department is not a community facility;

8 (c) "Crisis residential center" means an agency which is a  
9 temporary protective residential facility operated to perform the  
10 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
11 74.13.032 through 74.13.036;

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

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

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

33 (g) "HOPE center" means an agency licensed by the secretary to  
34 provide temporary residential placement and other services to street  
35 youth. A street youth may remain in a HOPE center for thirty days  
36 while services are arranged and permanent placement is coordinated. No  
37 street youth may stay longer than thirty days unless approved by the  
38 department and any additional days approved by the department must be

1 based on the unavailability of a long-term placement option. A street  
2 youth whose parent wants him or her returned to home may remain in a  
3 HOPE center until his or her parent arranges return of the youth, not  
4 longer. All other street youth must have court approval under chapter  
5 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

6 (h) "Maternity service" means an agency which provides or arranges  
7 for care or services to expectant mothers, before or during  
8 confinement, or which provides care as needed to mothers and their  
9 infants after confinement;

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

19 (j) "Service provider" means the entity that operates a community  
20 facility.

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

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

24 (i) Any blood relative, including those of half-blood, and  
25 including first cousins, second cousins, nephews or nieces, and persons  
26 of preceding generations as denoted by prefixes of grand, great, or  
27 great-great;

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

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

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

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

37 (vi) Extended family members, as defined by the law or custom of  
38 the Indian child's tribe or, in the absence of such law or custom, a

1 person who has reached the age of eighteen and who is the Indian  
2 child's grandparent, aunt or uncle, brother or sister, brother-in-law  
3 or sister-in-law, niece or nephew, first or second cousin, or  
4 stepparent who provides care in the family abode on a twenty-four-hour  
5 basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

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

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

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

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

26 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
27 performing functions defined in chapter 70.41 RCW, nursing homes  
28 licensed under chapter 18.51 RCW and boarding homes licensed under  
29 chapter 18.20 RCW;

30 (h) Licensed physicians or lawyers;

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

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

36 (k) Persons who have a child in their home for purposes of  
37 adoption, if the child was placed in such home by a licensed child-

1 placing agency, an authorized public or tribal agency or court or if a  
2 replacement report has been filed under chapter 26.33 RCW and the  
3 placement has been approved by the court;

4 (l) An agency operated by any unit of local, state, or federal  
5 government or an agency licensed by an Indian tribe pursuant to RCW  
6 74.15.190;

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

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

12 (3) "Department" means the state department of social and health  
13 services.

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

20 ~~(5))~~ "Juvenile" means a person under the age of twenty-one who has  
21 been sentenced to a term of confinement under the supervision of the  
22 department under RCW 13.40.185.

23 (5) "Performance-based contracts" or "contracting" means the  
24 structuring of all aspects of the procurement of services around the  
25 purpose of the work to be performed and the desired results with the  
26 contract requirements set forth in clear, specific, and objective terms  
27 with measurable outcomes. Contracts may also include provisions that  
28 link the performance of the contractor to the level and timing of the  
29 reimbursement.

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

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

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

36 (9) "Street youth" means a person under the age of eighteen who  
37 lives outdoors or in another unsafe location not intended for occupancy

1 by the minor and who is not residing with his or her parent or at his  
2 or her legally authorized residence.

3 (10) "Supervising agency" means an agency licensed by the state  
4 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has  
5 entered into a performance-based contract with the department to  
6 provide child welfare services. "Supervising agency" also includes the  
7 department under section 3(4) of this act.

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

10 (a) Educational services, including basic literacy and  
11 computational skills training, either in local alternative or public  
12 high schools or in a high school equivalency program that leads to  
13 obtaining a high school equivalency degree;

14 (b) Assistance and counseling related to obtaining vocational  
15 training or higher education, job readiness, job search assistance, and  
16 placement programs;

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

20 (d) Individual and group counseling; and

21 (e) Establishing networks with federal agencies and state and local  
22 organizations such as the United States department of labor, employment  
23 and training administration programs including the ((~~job training~~  
24 ~~partnership~~)) workforce investment act which administers private  
25 industry councils and the job corps; vocational rehabilitation; and  
26 volunteer programs.

27 **Sec. 9.** RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are  
28 each reenacted and amended to read as follows:

29 The secretary shall have the power and it shall be the secretary's  
30 duty:

31 (1) In consultation with the children's services advisory  
32 committee, and with the advice and assistance of persons representative  
33 of the various type agencies to be licensed, to designate categories of  
34 facilities for which separate or different requirements shall be  
35 developed as may be appropriate whether because of variations in the  
36 ages, sex and other characteristics of persons served, variations in

1 the purposes and services offered or size or structure of the agencies  
2 to be licensed (~~hereunder~~) under this chapter, or because of any  
3 other relevant factor (~~relevant thereto~~);

4 (2) In consultation with the children's services advisory  
5 committee, and with the advice and assistance of persons representative  
6 of the various type agencies to be licensed, to adopt and publish  
7 minimum requirements for licensing applicable to each of the various  
8 categories of agencies to be licensed.

9 The minimum requirements shall be limited to:

10 (a) The size and suitability of a facility and the plan of  
11 operation for carrying out the purpose for which an applicant seeks a  
12 license;

13 (b) Obtaining background information and any out-of-state  
14 equivalent, to determine whether the applicant or service provider is  
15 disqualified and to determine the character, competence, and  
16 suitability of an agency, the agency's employees, volunteers, and other  
17 persons associated with an agency;

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

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

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

30 (i) Supervising agencies and their staff, volunteers, students, and  
31 interns when the agency is seeking license or relicense;

32 (ii) Foster care and adoption placements; and

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

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



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

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

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

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

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

16 (l) The financial ability of an agency to comply with minimum  
17 requirements established pursuant to chapter 74.15 RCW and RCW  
18 74.13.031; and

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

21 (3) To investigate any person, including relatives by blood or  
22 marriage except for parents, for character, suitability, and competence  
23 in the care and treatment of children, expectant mothers, and  
24 developmentally disabled persons prior to authorizing that person to  
25 care for children, expectant mothers, and developmentally disabled  
26 persons. However, if a child is placed with a relative under RCW  
27 13.34.065 or 13.34.130, and if such relative appears otherwise suitable  
28 and competent to provide care and treatment the criminal history  
29 background check required by this section need not be completed before  
30 placement, but shall be completed as soon as possible after placement;

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

36 (5) To issue, revoke, or deny licenses to agencies pursuant to  
37 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the

1 category of care which an agency is authorized to render and the ages,  
2 sex and number of persons to be served;

3 (6) To prescribe the procedures and the form and contents of  
4 reports necessary for the administration of chapter 74.15 RCW and RCW  
5 74.13.031 and to require regular reports from each licensee;

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

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

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

16 **Sec. 10.** RCW 74.15.050 and 1995 c 369 s 62 are each amended to  
17 read as follows:

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

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

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

30 (3) To make a periodic review of requirements under RCW  
31 74.15.030(7) and to adopt necessary changes after consultation as  
32 required in subsection (1) of this section;

33 (4) To issue to applicants for licenses hereunder, other than  
34 foster-family homes or child-placing agencies, who comply with the  
35 requirements, a certificate of compliance, a copy of which shall be  
36 presented to the department (~~of social and health services~~) before a

1 license shall be issued, except that (~~a provisional~~) an initial  
2 license may be issued as provided in RCW 74.15.120.

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

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

28 **Sec. 12.** RCW 26.44.020 and 2007 c 220 s 1 are each amended to read  
29 as follows:

30 The definitions in this section apply throughout this chapter  
31 unless the context clearly requires otherwise.

32 (1) "Abuse or neglect" means sexual abuse, sexual exploitation, or  
33 injury of a child by any person under circumstances which cause harm to  
34 the child's health, welfare, or safety, excluding conduct permitted  
35 under RCW 9A.16.100; or the negligent treatment or maltreatment of a

1 child by a person responsible for or providing care to the child. An  
2 abused child is a child who has been subjected to child abuse or  
3 neglect as defined in this section.

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

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

20 (4) "Child protective services section" means the child protective  
21 services section of the department.

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

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

28 (7) "Department" means the state department of social and health  
29 services.

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

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

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

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

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

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

23 (14) "Pharmacist" means any registered pharmacist under chapter  
24 18.64 RCW, whether acting in an individual capacity or as an employee  
25 or agent of any public or private organization or institution.

26 (15) "Practitioner of the healing arts" or "practitioner" means a  
27 person licensed by this state to practice podiatric medicine and  
28 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
29 medicine and surgery, or medicine and surgery or to provide other  
30 health services. The term "practitioner" includes a duly accredited  
31 Christian Science practitioner(~~(:—PROVIDED, HOWEVER, That)~~). A person  
32 who is being furnished Christian Science treatment by a duly accredited  
33 Christian Science practitioner will not be considered, for that reason  
34 alone, a neglected person for the purposes of this chapter.

35 (16) "Professional school personnel" include, but are not limited  
36 to, teachers, counselors, administrators, child care facility  
37 personnel, and school nurses.

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

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

9 (19) "Sexual exploitation" includes: (a) Allowing, permitting, or  
10 encouraging a child to engage in prostitution by any person; or (b)  
11 allowing, permitting, encouraging, or engaging in the obscene or  
12 pornographic photographing, filming, or depicting of a child by any  
13 person.

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

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

23 (22) "Supervising agency" means an agency licensed by the state  
24 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has  
25 entered into a performance-based contract with the department to  
26 provide child welfare services. "Supervising agency" also includes the  
27 department under section 3(4) of this act.

28 (23) "Unfounded" means the determination following an investigation  
29 by the department that available information indicates that, more  
30 likely than not, child abuse or neglect did not occur, or that there is  
31 insufficient evidence for the department to determine whether the  
32 alleged child abuse did or did not occur.

33 **Sec. 13.** RCW 26.44.200 and 2002 c 134 s 4 are each amended to read  
34 as follows:

35 A law enforcement agency in the course of investigating: (1) An  
36 allegation under RCW 69.50.401(~~(+a)~~) (1) and (2) (a) through (e)  
37 relating to manufacture of methamphetamine; or (2) an allegation under

1 RCW 69.50.440 relating to possession of ephedrine or any of its salts  
2 or isomers or salts of isomers, pseudoephedrine or any of its salts or  
3 isomers or salts of isomers, pressurized ammonia gas, or pressurized  
4 ammonia gas solution with intent to manufacture methamphetamine, that  
5 discovers a child present at the site, shall contact the department  
6 immediately.

7 NEW SECTION. **Sec. 14.** A new section is added to chapter 26.44 RCW  
8 to read as follows:

9 Within existing resources, the department shall develop a  
10 curriculum designed to train child protective services staff in  
11 forensic techniques used for investigating allegations of child abuse  
12 or neglect.

13 **Sec. 15.** RCW 13.34.025 and 2007 c 410 s 2 are each amended to read  
14 as follows:

15 (1) The department (~~(of social and health services)~~) and  
16 supervising agencies shall develop methods for coordination of services  
17 to parents and children in child dependency cases. To the maximum  
18 extent possible under current funding levels, the department and  
19 supervising agencies must:

20 (a) Coordinate and integrate services to children and families,  
21 using service plans and activities that address the children's and  
22 families' multiple needs, including ensuring that siblings have regular  
23 visits with each other, as appropriate. Assessment criteria should  
24 screen for multiple needs;

25 (b) Develop treatment plans for the individual needs of the client  
26 in a manner that minimizes the number of contacts the client is  
27 required to make; and

28 (c) Access training for department and supervising agency staff to  
29 increase skills across disciplines to assess needs for mental health,  
30 substance abuse, developmental disabilities, and other areas.

31 (2) The department shall coordinate within the administrations of  
32 the department, and with contracted service providers including  
33 supervising agencies, to ensure that parents in dependency proceedings  
34 under this chapter receive priority access to remedial services  
35 recommended by the department or supervising agency in its social study  
36 or ordered by the court for the purpose of correcting any parental

1 deficiencies identified in the dependency proceeding that are capable  
2 of being corrected in the foreseeable future. Services may also be  
3 provided to caregivers other than the parents as identified in RCW  
4 13.34.138.

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

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

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

26 (d) This section does not create an entitlement to services and  
27 does not create judicial authority to order the provision of services  
28 except for the specific purpose of making reasonable efforts to remedy  
29 parental deficiencies identified in a dependency proceeding under this  
30 chapter.

31 **Sec. 16.** RCW 13.34.030 and 2003 c 227 s 2 are each amended to read  
32 as follows:

33 For purposes of this chapter:

34 (1) "Abandoned" means when the child's parent, guardian, or other  
35 custodian has expressed, either by statement or conduct, an intent to  
36 forego, for an extended period, parental rights or responsibilities  
37 despite an ability to exercise such rights and responsibilities. If



1 the court finds that the petitioner has exercised due diligence in  
2 attempting to locate the parent, no contact between the child and the  
3 child's parent, guardian, or other custodian for a period of three  
4 months creates a rebuttable presumption of abandonment, even if there  
5 is no expressed intent to abandon.

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

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

15 (4) "Department" means the department of social and health  
16 services.

17 (5) "Dependency guardian" means the person, nonprofit corporation,  
18 or Indian tribe appointed by the court pursuant to this chapter for the  
19 limited purpose of assisting the court in the supervision of the  
20 dependency.

21 ((+5+)) (6) "Dependent child" means any child who:

22 (a) Has been abandoned;

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

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

29 ((+6+)) (7) "Developmental disability" means a disability  
30 attributable to mental retardation, cerebral palsy, epilepsy, autism,  
31 or another neurological or other condition of an individual found by  
32 the secretary to be closely related to mental retardation or to require  
33 treatment similar to that required for individuals with mental  
34 retardation, which disability originates before the individual attains  
35 age eighteen, which has continued or can be expected to continue  
36 indefinitely, and which constitutes a substantial handicap to the  
37 individual.

1        ~~((7))~~ (8) "Guardian" means the person or agency that: (a) Has  
2 been appointed as the guardian of a child in a legal proceeding other  
3 than a proceeding under this chapter; and (b) has the legal right to  
4 custody of the child pursuant to such appointment. The term "guardian"  
5 shall not include a "dependency guardian" appointed pursuant to a  
6 proceeding under this chapter.

7        ~~((8))~~ (9) "Guardian ad litem" means a person, appointed by the  
8 court to represent the best interests of a child in a proceeding under  
9 this chapter, or in any matter which may be consolidated with a  
10 proceeding under this chapter. A "court-appointed special advocate"  
11 appointed by the court to be the guardian ad litem for the child, or to  
12 perform substantially the same duties and functions as a guardian ad  
13 litem, shall be deemed to be guardian ad litem for all purposes and  
14 uses of this chapter.

15        ~~((9))~~ (10) "Guardian ad litem program" means a court-authorized  
16 volunteer program, which is or may be established by the superior court  
17 of the county in which such proceeding is filed, to manage all aspects  
18 of volunteer guardian ad litem representation for children alleged or  
19 found to be dependent. Such management shall include but is not  
20 limited to: Recruitment, screening, training, supervision, assignment,  
21 and discharge of volunteers.

22        ~~((10))~~ (11) "Indigent" means a person who, at any stage of a  
23 court proceeding, is:

24        (a) Receiving one of the following types of public assistance:  
25 Temporary assistance for needy families, general assistance, poverty-  
26 related veterans' benefits, food stamps or food stamp benefits  
27 transferred electronically, refugee resettlement benefits, medicaid, or  
28 supplemental security income; or

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

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

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

35        ~~((11))~~ (12) "Out-of-home care" means placement in a foster family  
36 home or group care facility licensed pursuant to chapter 74.15 RCW or  
37 placement in a home, other than that of the child's parent, guardian,

1 or legal custodian, not required to be licensed pursuant to chapter  
2 74.15 RCW.

3 ~~((12))~~ (13) "Preventive services" means preservation services, as  
4 defined in chapter 74.14C RCW, and other reasonably available services,  
5 including housing services, capable of preventing the need for out-of-  
6 home placement while protecting the child. Housing services may  
7 include, but are not limited to, referrals to federal, state, local, or  
8 private agencies or organizations, assistance with forms and  
9 applications, or financial subsidies for housing.

10 ~~((13))~~ (14) "Shelter care" means temporary physical care in a  
11 facility licensed pursuant to RCW 74.15.030 or in a home not required  
12 to be licensed pursuant to RCW 74.15.030.

13 ~~((14))~~ (15) "Sibling" means a child's birth brother, birth  
14 sister, adoptive brother, adoptive sister, half-brother, or half-  
15 sister, or as defined by the law or custom of the Indian child's tribe  
16 for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

17 ~~((15))~~ (16) "Social study" means a written evaluation of matters  
18 relevant to the disposition of the case and shall contain the following  
19 information:

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

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

29 (c) If removal is recommended, a full description of the reasons  
30 why the child cannot be protected adequately in the home, including a  
31 description of any previous efforts to work with the parents and the  
32 child in the home; the in-home treatment programs that have been  
33 considered and rejected; the preventive services that have been offered  
34 or provided and have failed to prevent the need for out-of-home  
35 placement, unless the health, safety, and welfare of the child cannot  
36 be protected adequately in the home; and the parents' attitude toward  
37 placement of the child;

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

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

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

10 (17) "Supervising agency" means an agency licensed by the state  
11 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 with whom  
12 the department has entered into a performance-based contract to provide  
13 child welfare services as defined in RCW 74.13.020. "Supervising  
14 agency" also includes the department under section 3(4) of this act.

15 **Sec. 17.** RCW 13.34.065 and 2008 c 267 s 2 are each amended to read  
16 as follows:

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

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

30 (2)(a) If it is likely that the child will remain in shelter care  
31 longer than seventy-two hours, the supervising agency shall assume case  
32 management responsibilities of the case. The ((department of social  
33 and health services)) supervising agency shall submit a recommendation  
34 to the court as to the further need for shelter care in all cases in  
35 which ((it is the petitioner)) the child will remain in shelter care  
36 longer than the seventy-two hour period. In all other cases, the

1 recommendation shall be submitted by the juvenile court probation  
2 counselor.

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

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

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

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

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

14 (iii) If the parent, guardian, or custodian is not represented by  
15 counsel, the right to be represented. If the parent, guardian, or  
16 custodian is indigent, the court shall appoint counsel as provided in  
17 RCW 13.34.090; and

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

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

33 (a) Whether the notice required under RCW 13.34.062 was given to  
34 all known parents, guardians, or legal custodians of the child. The  
35 court shall make an express finding as to whether the notice required  
36 under RCW 13.34.062 was given to the parent, guardian, or legal  
37 custodian. If actual notice was not given to the parent, guardian, or  
38 legal custodian and the whereabouts of such person is known or can be

1 ascertained, the court shall order (~~the supervising agency or~~) the  
2 department (~~of social and health services~~) to make reasonable efforts  
3 to advise the parent, guardian, or legal custodian of the status of the  
4 case, including the date and time of any subsequent hearings, and their  
5 rights under RCW 13.34.090;

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

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

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

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

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

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

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

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

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

33 (k) The terms and conditions for parental, sibling, and family  
34 visitation.

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

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

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

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

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

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

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

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

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

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

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

35 (e) Any placement with a relative, or other person approved by the  
36 court pursuant to this section, shall be contingent upon cooperation  
37 with the supervising agency's case plan and compliance with court  
38 orders related to the care and supervision of the child including, but

1 not limited to, court orders regarding parent-child contacts, sibling  
2 contacts, and any other conditions imposed by the court. Noncompliance  
3 with the case plan or court order is grounds for removal of the child  
4 from the home of the relative or other person, subject to review by the  
5 court.

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

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

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

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

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

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



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

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

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

11 **Sec. 18.** RCW 13.34.067 and 2004 c 147 s 1 are each amended to read  
12 as follows:

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

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

25 (c) The written service agreement expectations must correlate with  
26 the court's findings at the shelter care hearing. The written service  
27 agreement must set forth specific services to be provided to the  
28 parent.

29 (d) The case conference agreement must be agreed to and signed by  
30 the parties. The court shall not consider the content of the  
31 discussions at the case conference at the time of the fact-finding  
32 hearing for the purposes of establishing that the child is a dependent  
33 child, and the court shall not consider any documents or written  
34 materials presented at the case conference but not incorporated into  
35 the case conference agreement, unless the documents or written  
36 materials were prepared for purposes other than or as a result of the

1 case conference and are otherwise admissible under the rules of  
2 evidence.

3 (2) At any other stage in a dependency proceeding, the  
4 (~~department~~) supervising agency, upon the parent's request, shall  
5 convene a case conference.

6 **Sec. 19.** RCW 13.34.069 and 2007 c 409 s 2 are each amended to read  
7 as follows:

8 If a child is placed in the custody of the (~~department of social~~  
9 ~~and health services or other~~) supervising agency, immediately  
10 following the shelter care hearing, an order and authorization  
11 regarding health care and education records for the child shall be  
12 entered. The order shall:

13 (1) Provide the (~~department or other~~) supervising agency with the  
14 right to inspect and copy all health, medical, mental health, and  
15 education records of the child;

16 (2) Authorize and direct any agency, hospital, doctor, nurse,  
17 dentist, orthodontist, or other health care provider, therapist, drug  
18 or alcohol treatment provider, psychologist, psychiatrist, or mental  
19 health clinic, or health or medical records custodian or document  
20 management company, or school or school organization to permit the  
21 department or other supervising agency to inspect and to obtain copies  
22 of any records relating to the child involved in the case, without the  
23 further consent of the parent or guardian of the child; and

24 (3) Grant the department or other supervising agency or its  
25 designee the authority and responsibility, where applicable, to:

26 (a) Notify the child's school that the child is in out-of-home  
27 placement;

28 (b) Enroll the child in school;

29 (c) Request the school transfer records;

30 (d) Request and authorize evaluation of special needs;

31 (e) Attend parent or teacher conferences;

32 (f) Excuse absences;

33 (g) Grant permission for extracurricular activities;

34 (h) Authorize medications which need to be administered during  
35 school hours and sign for medical needs that arise during school hours;  
36 and

37 (i) Complete or update school emergency records.

1 Access to records under this section is subject to the child's  
2 consent where required by other state and federal laws.

3 **Sec. 20.** RCW 13.34.094 and 2004 c 147 s 3 are each amended to read  
4 as follows:

5 The department, or supervising agency after the shelter care  
6 hearing, shall, within existing resources, provide to parents  
7 requesting or participating in a multidisciplinary team, family group  
8 conference, case conference, or prognostic staffing information that  
9 describes these processes prior to the processes being undertaken.

10 **Sec. 21.** RCW 13.34.096 and 2007 c 409 s 1 are each amended to read  
11 as follows:

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

22 **Sec. 22.** RCW 13.34.125 and 1999 c 173 s 2 are each amended to read  
23 as follows:

24 In those cases where an alleged father, birth parent, or parent has  
25 indicated his or her intention to make a voluntary adoption plan for  
26 the child and has agreed to the termination of his or her parental  
27 rights, the ((~~department~~)) supervising agency shall follow the wishes  
28 of the alleged father, birth parent, or parent regarding the proposed  
29 adoptive placement of the child, if the court determines that the  
30 adoption is in the best interest of the child, and the prospective  
31 adoptive parents chosen by the alleged father, birth parent, or parent  
32 are properly qualified to adopt in compliance with the standards in  
33 this chapter and chapter 26.33 RCW. If the ((~~department~~)) supervising  
34 agency has filed a termination petition, an alleged father's, birth

1 parent's, or parent's preferences regarding the proposed adoptive  
2 placement of the child shall be given consideration.

3 **Sec. 23.** RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are  
4 each reenacted and amended to read as follows:

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

11 (1) The court shall order one of the following dispositions of the  
12 case:

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

20 (b) Order the child to be removed from his or her home and into the  
21 custody, control, and care of a relative (~~((or the department))~~) or a  
22 (~~((licensed child placing))~~) supervising agency for supervision of the  
23 child's placement. The (~~((department or))~~) supervising agency  
24 (~~((supervising the child's placement))~~) has the authority to place the  
25 child, subject to review and approval by the court (i) with a relative  
26 as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or  
27 group care facility licensed pursuant to chapter 74.15 RCW, or (iii) in  
28 the home of another suitable person if the child or family has a  
29 preexisting relationship with that person, and the person has completed  
30 all required criminal history background checks and otherwise appears  
31 to the department or supervising agency to be suitable and competent to  
32 provide care for the child. Absent good cause, the department or  
33 supervising agency shall follow the wishes of the natural parent  
34 regarding the placement of the child in accordance with RCW 13.34.260.  
35 The department or supervising agency may only place a child with a  
36 person not related to the child as defined in RCW 74.15.020(2)(a) when  
37 the court finds that such placement is in the best interest of the

1 child. Unless there is reasonable cause to believe that the health,  
2 safety, or welfare of the child would be jeopardized or that efforts to  
3 reunite the parent and child will be hindered, such child shall be  
4 placed with a person who is: (A) Related to the child as defined in  
5 RCW 74.15.020(2)(a) with whom the child has a relationship and is  
6 comfortable; and (B) willing and available to care for the child.

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

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

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

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

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

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

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

36 (ii) There is no reasonable cause to believe that the health,  
37 safety, or welfare of any child subject to the order of placement,  
38 contact, or visitation would be jeopardized or that efforts to reunite

1 the parent and child would be hindered by such placement, contact, or  
2 visitation. In no event shall parental visitation time be reduced in  
3 order to provide sibling visitation.

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

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

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

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

36 **Sec. 24.** RCW 13.34.136 and 2008 c 267 s 3 and 2008 c 152 s 2 are  
37 each reenacted and amended to read as follows:

1 (1) Whenever a child is ordered removed from the home, a permanency  
2 plan shall be developed no later than sixty days from the time the  
3 supervising agency assumes responsibility for providing services,  
4 including placing the child, or at the time of a hearing under RCW  
5 13.34.130, whichever occurs first. The permanency planning process  
6 continues until a permanency planning goal is achieved or dependency is  
7 dismissed. The planning process shall include reasonable efforts to  
8 return the child to the parent's home.

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

16 The permanency plan shall include:

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

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

1 (i) The supervising agency's plan shall specify what services the  
2 parents will be offered to enable them to resume custody, what  
3 requirements the parents must meet to resume custody, and a time limit  
4 for each service plan and parental requirement.

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

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

28 (iv) The plan shall state whether both in-state and, where  
29 appropriate, out-of-state placement options have been considered by the  
30 (~~department~~) supervising agency.

31 (v) Unless it is not in the best interests of the child, whenever  
32 practical, the plan should ensure the child remains enrolled in the  
33 school the child was attending at the time the child entered foster  
34 care.

35 (vi) The supervising agency (~~(charged with supervising a child in~~  
36 ~~placement)~~) shall provide all reasonable services that are available  
37 within the supervising agency, or within the community, or those



1 services which the department has existing contracts to purchase. It  
2 shall report to the court if it is unable to provide such services; and

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

16 (3) Permanency planning goals should be achieved at the earliest  
17 possible date. If the child has been in out-of-home care for fifteen  
18 of the most recent twenty-two months, the court shall require the  
19 (~~department~~) supervising agency to file a petition seeking  
20 termination of parental rights in accordance with RCW  
21 13.34.145(3)(b)(vi). In cases where parental rights have been  
22 terminated, the child is legally free for adoption, and adoption has  
23 been identified as the primary permanency planning goal, it shall be a  
24 goal to complete the adoption within six months following entry of the  
25 termination order.

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

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

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

36 (7) For purposes related to permanency planning:

37 (a) "Guardianship" means a dependency guardianship or a legal

1 guardianship pursuant to chapter 11.88 RCW or equivalent laws of  
2 another state or a federally recognized Indian tribe.

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

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

8 **Sec. 25.** RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are  
9 each reenacted and amended to read as follows:

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

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

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

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

34 (b) Prior to the child returning home, the ((department))  
35 supervising agency must complete the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (ii) The continued participation of the parents, if applicable, in  
34 available substance abuse or mental health treatment if substance abuse  
35 or mental illness was a contributing factor to the removal of the  
36 child.

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

1 (i) Noncompliance by the parents with the supervising agency's case  
2 plan or court order;

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

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

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

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

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

25 **Sec. 26.** RCW 13.34.145 and 2008 c 152 s 3 are each amended to read  
26 as follows:

27 (1) The purpose of a permanency planning hearing is to review the  
28 permanency plan for the child, inquire into the welfare of the child  
29 and progress of the case, and reach decisions regarding the permanent  
30 placement of the child.

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

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

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

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

22 (3) At the permanency planning hearing, the court shall conduct the  
23 following inquiry:

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

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

34 (i) The continuing necessity for, and the safety and  
35 appropriateness of, the placement;

36 (ii) The extent of compliance with the permanency plan by the  
37 supervising agency and any other service providers, the child's  
38 parents, the child, and the child's guardian, if any;

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

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

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

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

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

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

22 (C) Being placed for adoption;

23 (D) Being placed with a guardian;

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

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

28 At this hearing, the court shall order the (~~department~~)  
29 supervising agency to file a petition seeking termination of parental  
30 rights if the child has been in out-of-home care for fifteen of the  
31 last twenty-two months since the date the dependency petition was filed  
32 unless the court makes a good cause exception as to why the filing of  
33 a termination of parental rights petition is not appropriate. Any good  
34 cause finding shall be reviewed at all subsequent hearings pertaining  
35 to the child. For purposes of this section, "good cause exception"  
36 includes but is not limited to the following: The child is being cared  
37 for by a relative; the department has not provided to the child's  
38 family such services as the court and the department have deemed

1 necessary for the child's safe return home; or the department has  
2 documented in the case plan a compelling reason for determining that  
3 filing a petition to terminate parental rights would not be in the  
4 child's best interests.

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

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

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

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

23 (4) In all cases, at the permanency planning hearing, the court  
24 shall:

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

27 (ii) Modify the permanency plan, and order implementation of the  
28 modified plan; and

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

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

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



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

4 (7) If the court orders the child returned home, casework  
5 supervision by the supervising agency shall continue for at least six  
6 months, at which time a review hearing shall be held pursuant to RCW  
7 13.34.138, and the court shall determine the need for continued  
8 intervention.

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

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

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

34 (11) The approval of a permanency plan that does not contemplate  
35 return of the child to the parent does not relieve the supervising  
36 agency of its obligation to provide reasonable services, under this  
37 chapter, intended to effectuate the return of the child to the parent,

1 including but not limited to, visitation rights. The court shall  
2 consider the child's relationships with siblings in accordance with RCW  
3 13.34.130.

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

7 **Sec. 27.** RCW 13.34.155 and 2000 c 135 s 1 are each amended to read  
8 as follows:

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

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

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

34 **Sec. 28.** RCW 13.34.174 and 2000 c 122 s 23 are each amended to  
35 read as follows:

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

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

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

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

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

32 (3) If the court has ordered treatment pursuant to a dependency  
33 proceeding it shall also require the treatment program to provide, in  
34 the reports required by subsection (2) of this section, status reports  
35 to the court, the department, the supervising (~~(child-placing)~~) agency  
36 (~~(if any)~~), and the person or person's counsel regarding the person's  
37 cooperation with the treatment plan proposed and the person's progress  
38 in treatment.

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

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

12 **Sec. 29.** RCW 13.34.176 and 2000 c 122 s 24 are each amended to  
13 read as follows:

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

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

28 **Sec. 30.** RCW 13.34.180 and 2001 c 332 s 4 are each amended to read  
29 as follows:

30 (1) A petition seeking termination of a parent and child  
31 relationship may be filed in juvenile court by any party, including the  
32 supervising agency, to the dependency proceedings concerning that  
33 child. Such petition shall conform to the requirements of RCW  
34 13.34.040, shall be served upon the parties as provided in RCW  
35 13.34.070(8), and shall allege all of the following unless subsection  
36 (2) or (3) of this section applies:

1 (a) That the child has been found to be a dependent child;  
2 (b) That the court has entered a dispositional order pursuant to  
3 RCW 13.34.130;  
4 (c) That the child has been removed or will, at the time of the  
5 hearing, have been removed from the custody of the parent for a period  
6 of at least six months pursuant to a finding of dependency;  
7 (d) That the services ordered under RCW 13.34.136 have been  
8 expressly and understandably offered or provided and all necessary  
9 services, reasonably available, capable of correcting the parental  
10 deficiencies within the foreseeable future have been expressly and  
11 understandably offered or provided;  
12 (e) That there is little likelihood that conditions will be  
13 remedied so that the child can be returned to the parent in the near  
14 future. A parent's failure to substantially improve parental  
15 deficiencies within twelve months following entry of the dispositional  
16 order shall give rise to a rebuttable presumption that there is little  
17 likelihood that conditions will be remedied so that the child can be  
18 returned to the parent in the near future. The presumption shall not  
19 arise unless the petitioner makes a showing that all necessary services  
20 reasonably capable of correcting the parental deficiencies within the  
21 foreseeable future have been clearly offered or provided. In  
22 determining whether the conditions will be remedied the court may  
23 consider, but is not limited to, the following factors:  
24 (i) Use of intoxicating or controlled substances so as to render  
25 the parent incapable of providing proper care for the child for  
26 extended periods of time or for periods of time that present a risk of  
27 imminent harm to the child, and documented unwillingness of the parent  
28 to receive and complete treatment or documented multiple failed  
29 treatment attempts; or  
30 (ii) Psychological incapacity or mental deficiency of the parent  
31 that is so severe and chronic as to render the parent incapable of  
32 providing proper care for the child for extended periods of time or for  
33 periods of time that present a risk of imminent harm to the child, and  
34 documented unwillingness of the parent to receive and complete  
35 treatment or documentation that there is no treatment that can render  
36 the parent capable of providing proper care for the child in the near  
37 future; and

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

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

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

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

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

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

20 (d) Assault in the first or second degree, as defined in chapter  
21 9A.36 RCW, against the surviving child or another child of the parent.

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

25 "NOTICE

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

30 1. You have the right to a fact-finding hearing before  
31 a judge.

32 2. You have the right to have a lawyer represent you at  
33 the hearing. A lawyer can look at the files in your case, talk  
34 to the (~~department of social and health services~~) supervising  
35 agency and other agencies, tell you about the law, help you  
36 understand your rights, and help you at hearings. If you

1 cannot afford a lawyer, the court will appoint one to represent  
2 you. To get a court-appointed lawyer you must contact:  
3 (explain local procedure).

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

8 You should be present at this hearing.

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

12 **Sec. 31.** RCW 13.34.210 and 2003 c 227 s 8 are each amended to read  
13 as follows:

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

27 If a child has not been adopted within six months after the date of  
28 the order and a guardianship of the child under RCW 13.34.231 or  
29 chapter 11.88 RCW, or a permanent custody order under chapter 26.10  
30 RCW, has not been entered by the court, the court shall review the case  
31 every six months until a decree of adoption is entered except for those  
32 cases which are reviewed by a citizen review board under chapter 13.70  
33 RCW. The supervising agency shall take reasonable steps to ensure that  
34 the child maintains relationships with siblings as provided in RCW  
35 13.34.130(3) and shall report to the court the status and extent of  
36 such relationships.

1           **Sec. 32.** RCW 13.34.215 and 2008 c 267 s 1 are each amended to read  
2 as follows:

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

6           (a) The child was previously found to be a dependent child under  
7 this chapter;

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

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

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

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

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

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

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

33          (6) The juvenile court shall conditionally grant the petition if it  
34 finds by clear and convincing evidence that the child has not achieved  
35 his or her permanency plan and is not likely to imminently achieve his  
36 or her permanency plan and that reinstatement of parental rights is in  
37 the child's best interest. In determining whether reinstatement is in



1 the child's best interest the court shall consider, but is not limited  
2 to, the following:

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

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

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

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

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

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

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

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

33 (9) After the child has been placed with the parent for six months,  
34 the court shall hold a hearing. If the placement with the parent has  
35 been successful, the court shall enter a final order of reinstatement  
36 of parental rights, which shall restore all rights, powers, privileges,  
37 immunities, duties, and obligations of the parent as to the child,  
38 including those relating to custody, control, and support of the child.

1 The court shall dismiss the dependency and direct the clerk's office to  
2 provide a certified copy of the final order of reinstatement of  
3 parental rights to the parent at no cost.

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

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

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

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

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

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

32 Any party to a dependency proceeding, including the supervising  
33 agency, may file a petition in juvenile court requesting that  
34 guardianship be created as to a dependent child. The department (~~of~~  
35 ~~social and health services~~) or supervising agency shall receive notice  
36 of any guardianship proceedings and have the right to intervene in the  
37 proceedings.

1           **Sec. 34.** RCW 13.34.233 and 2000 c 122 s 30 are each amended to  
2 read as follows:

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

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

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

28           (4) Upon entry of an order terminating the guardianship, the child  
29 shall remain dependent and the court shall either return the child to  
30 the child's parent or order the child into the custody, control, and  
31 care of ~~((the department or))~~ a ~~((licensed child placing))~~ supervising  
32 agency for placement in a foster home or group care facility licensed  
33 pursuant to chapter 74.15 RCW or in a home not required to be licensed  
34 pursuant to such chapter. The court shall not place a child in the  
35 custody of the child's parent unless the court finds that reasons for  
36 removal as set forth in RCW 13.34.130 no longer exist and that such  
37 placement is in the child's best interest. The court shall thereafter

1 conduct reviews as provided in RCW 13.34.138 and, where applicable,  
2 shall hold a permanency planning hearing in accordance with RCW  
3 13.34.145.

4 **Sec. 35.** RCW 13.34.245 and 1997 c 386 s 18 are each amended to  
5 read as follows:

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

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

35 (3) Upon filing of the petition for validation, the clerk of the  
36 court shall schedule the petition for a hearing on the court validation  
37 of the voluntary consent no later than forty-eight hours after the

1 petition has been filed, excluding Saturdays, Sundays, and holidays.  
2 Notification of time, date, location, and purpose of the validation  
3 hearing shall be provided as soon as possible to the consenting parent  
4 or Indian custodian, the ((~~department or other child placing~~))  
5 supervising agency which is to assume responsibility for the child's  
6 placement and care pursuant to the consent to foster care placement,  
7 and the Indian tribe in which the child is enrolled or eligible for  
8 enrollment as a member. If the identity and location of any  
9 nonconsenting parent or Indian custodian is known, reasonable attempts  
10 shall be made to notify the parent or Indian custodian of the consent  
11 to placement and the validation hearing. Notification under this  
12 subsection may be given by the most expedient means, including, but not  
13 limited to, mail, personal service, telephone, and telegraph.

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

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

30 **Sec. 36.** RCW 13.34.320 and 1999 c 188 s 2 are each amended to read  
31 as follows:

32 The ((~~department~~)) supervising agency shall obtain the prior  
33 consent of a child's parent, legal guardian, or legal custodian before  
34 a dependent child is admitted into an inpatient mental health treatment  
35 facility. If the child's parent, legal guardian, or legal custodian is  
36 unavailable or does not agree with the proposed admission, the  
37 ((~~department~~)) supervising agency shall request a hearing and provide

1 notice to all interested parties to seek prior approval of the juvenile  
2 court before such admission. In the event that an emergent situation  
3 creating a risk of substantial harm to the health and welfare of a  
4 child in the custody of the ((department)) supervising agency does not  
5 allow time for the ((department)) supervising agency to obtain prior  
6 approval or to request a court hearing before consenting to the  
7 admission of the child into an inpatient mental health hospital, the  
8 ((department)) supervising agency shall seek court approval by  
9 requesting that a hearing be set on the first available court date.

10 **Sec. 37.** RCW 13.34.330 and 1999 c 188 s 3 are each amended to read  
11 as follows:

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

18 **Sec. 38.** RCW 13.34.340 and 2000 c 122 s 35 are each amended to  
19 read as follows:

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

1 except that, for medical purposes only, a treating physician may  
2 disclose the ((department)) supervising agency records to another  
3 treating physician.

4 **Sec. 39.** RCW 13.34.350 and 2001 c 52 s 2 are each amended to read  
5 as follows:

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

14 **Sec. 40.** RCW 13.34.370 and 2004 c 146 s 2 are each amended to read  
15 as follows:

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

23 **Sec. 41.** RCW 13.34.380 and 2004 c 146 s 3 are each amended to read  
24 as follows:

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

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

4 **Sec. 42.** RCW 13.34.385 and 2008 c 259 s 1 are each amended to read  
5 as follows:

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

8 (a) The child has been found to be a dependent child under this  
9 chapter;

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

12 (c) The child is in the custody of the department or another public  
13 (~~or private~~) agency or supervising agency; and

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

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

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

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

33 (b) The length and quality of the prior relationship between the  
34 child and the relative;

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



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

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

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

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

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

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

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

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

25 **Sec. 43.** RCW 13.34.390 and 2005 c 504 s 303 are each amended to  
26 read as follows:

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

34 **Sec. 44.** RCW 13.34.400 and 2007 c 411 s 2 are each amended to read  
35 as follows:

36 In any proceeding under this chapter, if the (~~department~~)

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

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

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

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

33 (4) If the report contains a recommendation, opinion, or assertion  
34 by the ((department)) supervising agency relating to injuries to a  
35 child, the ((department)) supervising agency shall attach a summary of  
36 the physician's report, prepared by the physician or the physician's  
37 designee, relating to the recommendation, opinion, or assertion by the  
38 department.

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

6 **Sec. 45.** RCW 41.06.142 and 2008 c 267 s 9 are each amended to read  
7 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

22 (d) The director of general administration, with the advice and  
23 assistance of the department of personnel, shall, by rule, establish  
24 procedures to ensure that bids are submitted and evaluated in a fair  
25 and objective manner and that there exists a competitive market for the  
26 service. Such rules shall include, but not be limited to: (i)  
27 Prohibitions against participation in the bid evaluation process by  
28 employees who prepared the business unit's bid or who perform any of  
29 the services to be contracted; (ii) provisions to ensure no bidder  
30 receives an advantage over other bidders and that bid requirements are  
31 applied equitably to all parties; and (iii) procedures that require the  
32 contracting agency to receive complaints regarding the bidding process  
33 and to consider them before awarding the contract. Appeal of an  
34 agency's actions under this subsection is an adjudicative proceeding  
35 and subject to the applicable provisions of chapter 34.05 RCW, the  
36 administrative procedure act, with the final decision to be rendered by  
37 an administrative law judge assigned under chapter 34.12 RCW.

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

8 (f) A department, agency, or institution of higher education may  
9 contract with the department of general administration to conduct the  
10 bidding process.

11 (5) As used in this section:

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

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

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

23 (6) The requirements of this section do not apply to RCW  
24 74.13.031(5) or section 3 of this act.

25 **Sec. 46.** RCW 74.13.010 and 1965 c 30 s 2 are each amended to read  
26 as follows:

27 The purpose of this chapter is to safeguard, protect, and  
28 contribute to the welfare of the children of the state, through a  
29 comprehensive and coordinated program of (~~public~~) child welfare  
30 services provided by both the department and supervising agencies  
31 providing for: Social services and facilities for children who require  
32 guidance, care, control, protection, treatment, or rehabilitation;  
33 setting of standards for social services and facilities for children;  
34 cooperation with public and voluntary agencies, organizations, and  
35 citizen groups in the development and coordination of programs and  
36 activities in behalf of children; and promotion of community conditions

1 and resources that help parents to discharge their responsibilities for  
2 the care, development, and well-being of their children.

3 NEW SECTION. **Sec. 47.** A new section is added to chapter 74.13 RCW  
4 to read as follows:

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

9 **Sec. 48.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read  
10 as follows:

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

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

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

30 (3) The department shall investigate complaints of any recent act  
31 or failure to act on the part of a parent or caretaker that results in  
32 death, serious physical or emotional harm, or sexual abuse or  
33 exploitation, or that presents an imminent risk of serious harm, and on  
34 the basis of the findings of such investigation, offer child welfare  
35 services in relation to the problem to such parents, legal custodians,  
36 or persons serving in loco parentis, and/or bring the situation to the

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

8 (4) Supervising agencies shall offer, on a voluntary basis, family  
9 reconciliation services to families who are in conflict.

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

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

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

32 (6) Supervising agencies shall have authority to accept custody of  
33 children from parents and to accept custody of children from juvenile  
34 courts, where authorized to do so under law, to provide child welfare  
35 services including placement for adoption, to provide for the routine  
36 and necessary medical, dental, and mental health care, or necessary  
37 emergency care of the children, and to provide for the physical care of  
38 such children and make payment of maintenance costs if needed. Except

1 where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private  
2 adoption agency which receives children for adoption from the  
3 department shall discriminate on the basis of race, creed, or color  
4 when considering applications in their placement for adoption.

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

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

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

21 (10)(a) The supervising agencies shall have authority to provide  
22 continued foster care or group care as needed to participate in or  
23 complete a high school or vocational school program.

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

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

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



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

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

18           Notwithstanding any other provision of RCW 13.32A.170 through  
19 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
20 services to be provided by the department (~~(of social and health~~  
21 ~~services)) under subsections (4), (6), and (7) of this section, subject  
22 to the limitations of these subsections, may be provided by any program  
23 offering such services funded pursuant to Titles II and III of the  
24 federal juvenile justice and delinquency prevention act of 1974.~~

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

29           (14) Supervising agencies shall have authority to provide  
30 independent living services to youths, including individuals who have  
31 attained eighteen years of age, and have not attained twenty-one years  
32 of age who are or have been in foster care.

33           (15) The department and supervising agencies shall consult at least  
34 quarterly with foster parents, including members of the foster parent  
35 association of Washington state, for the purpose of receiving  
36 information and comment regarding how the department (~~(is))~~ and  
37 supervising agencies are performing the duties and meeting the  
38 obligations specified in this section and RCW 74.13.250 and 74.13.320

1 regarding the recruitment of foster homes, reducing foster parent  
2 turnover rates, providing effective training for foster parents, and  
3 administering a coordinated and comprehensive plan that strengthens  
4 services for the protection of children. Consultation shall occur at  
5 the regional and statewide levels.

6 **Sec. 49.** RCW 74.13.0311 and 2002 c 219 s 13 are each amended to  
7 read as follows:

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

15 **Sec. 50.** RCW 74.13.032 and 1998 c 296 s 4 are each amended to read  
16 as follows:

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

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

31 (3) The department shall, in addition to the facilities established  
32 under subsections (1) and (2) of this section, establish additional  
33 crisis residential centers pursuant to performance-based contracts with  
34 licensed private group care facilities.

35 (4) The staff at the facilities established under this section  
36 shall be trained so that they may effectively counsel juveniles

1 admitted to the centers, provide treatment, supervision, and structure  
2 to the juveniles that recognize the need for support and the varying  
3 circumstances that cause children to leave their families, and carry  
4 out the responsibilities stated in RCW 13.32A.090. ((The  
5 responsibilities stated in RCW 13.32A.090 may, in any of the centers,  
6 be carried out by the department.))

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

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

16 **Sec. 51.** RCW 74.13.036 and 2003 c 207 s 2 are each amended to read  
17 as follows:

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

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

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

33 (b) Procedures for designating ((department)) supervising agency  
34 staff responsible for family reconciliation services;

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

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

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

9 (3) In addition to its other oversight duties, the department  
10 shall:

11 (a) Identify and evaluate resource needs in each region of the  
12 state;

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

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

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

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

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

34 **Sec. 52.** RCW 74.13.037 and 1997 c 146 s 9 are each amended to read  
35 as follows:

36 Within available funds appropriated for this purpose, the  
37 department shall establish, (~~by~~) through performance-based contracts

1 with private vendors, transitional living programs for youth who are  
2 being assisted by the department in being emancipated as part of their  
3 permanency plan under chapter 13.34 RCW. These programs shall be  
4 licensed under rules adopted by the department.

5 **Sec. 53.** RCW 74.13.042 and 1995 c 311 s 14 are each amended to  
6 read as follows:

7 If the department or supervising agency is denied lawful access to  
8 records or information, or requested records or information is not  
9 provided in a timely manner, the department or supervising agency may  
10 petition the court for an order compelling disclosure.

11 (1) The petition shall be filed in the juvenile court for the  
12 county in which the record or information is located or the county in  
13 which the person who is the subject of the record or information  
14 resides. If the person who is the subject of the record or information  
15 is a party to or the subject of a pending proceeding under chapter  
16 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

17 (2) Except as otherwise provided in this section, the persons from  
18 whom and about whom the record or information is sought shall be served  
19 with a summons and a petition at least seven calendar days prior to a  
20 hearing on the petition. The court may order disclosure upon ex parte  
21 application of the department or supervising agency, without prior  
22 notice to any person, if the court finds there is reason to believe  
23 access to the record or information is necessary to determine whether  
24 the child is in imminent danger and in need of immediate protection.

25 (3) The court shall grant the petition upon a showing that there is  
26 reason to believe that the record or information sought is necessary  
27 for the health, safety, or welfare of the child who is currently  
28 receiving child welfare services.

29 **Sec. 54.** RCW 74.13.045 and 1998 c 245 s 146 are each amended to  
30 read as follows:

31 The department shall develop and implement an informal,  
32 nonadversarial complaint resolution process to be used by clients of  
33 the department or supervising agency, foster parents, and other  
34 affected individuals who have complaints regarding a department policy  
35 or procedure, ~~((or))~~ the application of such a policy or procedure, or  
36 the performance of an entity that has entered into a performance-based

1 contract with the department, related to programs administered under  
2 this chapter. The process shall not apply in circumstances where the  
3 complainant has the right under Title 13, 26, or 74 RCW to seek  
4 resolution of the complaint through judicial review or through an  
5 adjudicative proceeding.

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

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

18 The department shall compile complaint resolution data including  
19 the nature of the complaint and the outcome of the process.

20 **Sec. 55.** RCW 74.13.055 and 1998 c 245 s 147 are each amended to  
21 read as follows:

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

30 **Sec. 56.** RCW 74.13.060 and 1971 ex.s. c 169 s 7 are each amended  
31 to read as follows:

32 (1) The secretary or his or her designees or delegates shall be  
33 the custodian without compensation of such moneys and other funds of  
34 any person which may come into the possession of the secretary during  
35 the period such person is placed with the department (~~of social and~~  
36 ~~health services~~) or an entity with which it has entered into a

1 performance-based contract pursuant to chapter 74.13 RCW. As such  
2 custodian, the secretary shall have authority to disburse moneys from  
3 the person's funds for the following purposes only and subject to the  
4 following limitations:

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

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

14 ~~((3))~~ (2) All funds held by the secretary as custodian may be  
15 deposited in a single fund, the receipts and expenditures therefrom to  
16 be accurately accounted for by him or her on an individual basis.  
17 Whenever, the funds belonging to any one person exceed the sum of five  
18 hundred dollars, the secretary may deposit said funds in a savings and  
19 loan association account on behalf of that particular person.

20 ~~((4))~~ (3) When the conditions of placement no longer exist and  
21 public assistance is no longer being provided for such person, upon a  
22 showing of legal competency and proper authority, the secretary shall  
23 deliver to such person, or the parent, person, or agency legally  
24 responsible for such person, all funds belonging to the person  
25 remaining in his or her possession as custodian, together with a full  
26 and final accounting of all receipts and expenditures made therefrom.

27 ~~((5))~~ (4) The appointment of a guardian for the estate of such  
28 person shall terminate the secretary's authority as custodian of said  
29 funds upon receipt by the secretary of a certified copy of letters of  
30 guardianship. Upon the guardian's request, the secretary shall  
31 immediately forward to such guardian any funds of such person remaining  
32 in the secretary's possession together with full and final accounting  
33 of all receipts and expenditures made therefrom.

34 **Sec. 57.** RCW 74.13.065 and 2002 c 52 s 8 are each amended to read  
35 as follows:

36 (1) The ~~((department, or))~~ supervising agency ~~((responsible for~~  
37 ~~supervising a child in out-of-home care,))~~ shall conduct a social study

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

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

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

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

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

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

15 (e) The racial, ethnic, cultural, and religious background of the  
16 child;

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

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

21 **Sec. 58.** RCW 74.13.075 and 1994 c 169 s 1 are each amended to read  
22 as follows:

23 (1) For the purposes of funds appropriated for the treatment of  
24 sexually aggressive youth, the term "sexually aggressive youth" means  
25 those juveniles who:

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

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

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

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



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

5 (a) The age of the juvenile;

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

8 (c) The juvenile's past conduct;

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

10 (e) The cost of the treatment; and

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

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

19 **Sec. 59.** RCW 74.13.077 and 1993 c 402 s 4 are each amended to read  
20 as follows:

21 The secretary (~~(of the department of social and health services))~~)  
22 is authorized to transfer surplus, unused treatment funds from the  
23 civil commitment center operated under chapter 71.09 RCW to the  
24 division of children and family services to provide treatment services  
25 for sexually aggressive youth.

26 **Sec. 60.** RCW 74.13.096 and 2007 c 465 s 2 are each amended to read  
27 as follows:

28 (1) The secretary (~~(of the department of social and health~~  
29 ~~services))~~) shall convene an advisory committee to analyze and make  
30 recommendations on the disproportionate representation of children of  
31 color in Washington's child welfare system. The department shall  
32 collaborate with the Washington institute for public policy and private  
33 sector entities to develop a methodology for the advisory committee to  
34 follow in conducting a baseline analysis of data from the child welfare  
35 system to determine whether racial disproportionality and racial  
36 disparity exist in this system. The Washington institute for public

1 policy shall serve as technical staff for the advisory committee. In  
2 determining whether racial disproportionality or racial disparity  
3 exists, the committee shall utilize existing research and evaluations  
4 conducted within Washington state, nationally, and in other states and  
5 localities that have similarly analyzed the prevalence of racial  
6 disproportionality and disparity in child welfare.

7 (2) At a minimum, the advisory committee shall examine and analyze:

8 (a) The level of involvement of children of color at each stage in the  
9 state's child welfare system, including the points of entry and exit,  
10 and each point at which a treatment decision is made; (b) the number of  
11 children of color in low-income or single-parent families involved in  
12 the state's child welfare system; (c) the family structures of families  
13 involved in the state's child welfare system; and (d) the outcomes for  
14 children in the existing child welfare system. This analysis shall be  
15 disaggregated by racial and ethnic group, and by geographic region.

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

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

36 (5) Not later than June 1, 2008, the advisory committee created in  
37 subsection (1) of this section shall report to the secretary of the  
38 department (~~(of social and health services)~~) on the results of the

1 analysis. If the results of the analysis indicate disproportionality  
2 or disparity exists for any racial or ethnic group in any region of the  
3 state, the committee, in conjunction with the secretary of the  
4 department (~~(of social and health services)~~), shall develop a plan for  
5 remedying the disproportionality or disparity. The remediation plan  
6 shall include: (a) Recommendations for administrative and legislative  
7 actions related to appropriate programs and services to reduce and  
8 eliminate disparities in the system and improve the long-term outcomes  
9 for children of color who are served by the system; and (b) performance  
10 measures for implementing the remediation plan. To the extent possible  
11 and appropriate, the remediation plan shall be developed to integrate  
12 the recommendations required in this subsection with the department's  
13 existing compliance plans, training efforts, and other practice  
14 improvement and reform initiatives in progress. The advisory committee  
15 shall be responsible for ongoing evaluation of current and prospective  
16 policies and procedures for their contribution to or effect on racial  
17 disproportionality and disparity.

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

28 **Sec. 61.** RCW 74.13.103 and 1971 ex.s. c 63 s 2 are each amended to  
29 read as follows:

30 When a child proposed for adoption is placed with a prospective  
31 adoptive parent the department may charge such parent a fee in payment  
32 or part payment of such adoptive parent's part of the cost of the  
33 adoption services rendered and to be rendered by the department.

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

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

1       Such fee scale shall be annually fixed by the secretary after  
2 considering the recommendations of the committee designated by the  
3 secretary to advise him or her on child welfare and pursuant to the  
4 regulations to be issued by the secretary in accordance with the  
5 provisions of Title 34 RCW.

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

10       Nothing in this section shall require the payment of a fee to the  
11 state of Washington in a case in which an adoption results from  
12 independent placement or placement by a (~~licensed child placing~~)  
13 supervising agency.

14       **Sec. 62.** RCW 74.13.106 and 1985 c 7 s 134 are each amended to read  
15 as follows:

16       All fees paid for adoption services pursuant to RCW 26.33.320 and  
17 74.13.100 through 74.13.145 (as recodified by this act) shall be  
18 credited to the general fund. Expenses incurred in connection with  
19 supporting the adoption of hard to place children shall be paid by  
20 warrants drawn against such appropriations as may be available. The  
21 secretary may for such purposes, contract with any public agency or  
22 (~~licensed child placing~~) supervising agency and/or adoptive parent  
23 and is authorized to accept funds from other sources including federal,  
24 private, and other public funding sources to carry out such purposes.

25       The secretary shall actively seek, where consistent with the  
26 policies and programs of the department, and shall make maximum use of,  
27 such federal funds as are or may be made available to the department  
28 for the purpose of supporting the adoption of hard to place children.  
29 The secretary may, if permitted by federal law, deposit federal funds  
30 for adoption support, aid to adoptions, or subsidized adoption in the  
31 general fund and may use such funds, subject to such limitations as may  
32 be imposed by federal or state law, to carry out the program of  
33 adoption support authorized by RCW 26.33.320 and 74.13.100 through  
34 74.13.145 (as recodified by this act).

35       **Sec. 63.** RCW 74.13.109 and 1990 c 285 s 7 are each amended to read  
36 as follows:

1 The secretary shall issue rules and regulations to assist in the  
2 administration of the program of adoption support authorized by RCW  
3 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act).

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

13 Such agreements shall meet the following criteria:

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

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

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

30 (4) Any prospective parent who is to be a party to such agreement  
31 shall be a person who has the character, judgment, sense of  
32 responsibility, and disposition which make him or her suitable as an  
33 adoptive parent of such child.

34 **Sec. 64.** RCW 74.13.124 and 1985 c 7 s 140 are each amended to read  
35 as follows:

36 An agreement for adoption support made (~~pursuant to RCW~~  
37 ~~26.32.115~~) before January 1, 1985, or pursuant to RCW 26.33.320 and

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

24 The purpose of this section is to assure any such parent that, upon  
25 his or her consenting to assume the burdens of adopting a hard to place  
26 child, the state will not in future so act by way of general reduction  
27 of appropriations for the program authorized by RCW 26.33.320 and  
28 74.13.100 through 74.13.145 (as recodified by this act) or ratable  
29 reductions, to impair the trust and confidence necessarily reposed by  
30 such parent in the state as a condition of such parent taking upon  
31 himself or herself the obligations of parenthood of a difficult to  
32 place child.

33 Should the secretary and any such adoptive parent differ as to  
34 whether any standard or part of a standard adopted by the secretary  
35 after the date of an initial agreement, which standard or part is used  
36 by the secretary in making any review and adjustment, is more generous  
37 than the standard in effect as of the date of the initial determination  
38 with respect to such agreement such adoptive parent may invoke his or

1 her rights, including all rights of appeal under the fair hearing  
2 provisions, available to him or her under RCW 74.13.127 (as recodified  
3 by this act).

4 **Sec. 65.** RCW 74.13.136 and 1985 c 7 s 144 are each amended to read  
5 as follows:

6 Any (~~child-caring~~) supervising agency or person having a child in  
7 foster care or institutional care and wishing to recommend to the  
8 secretary support of the adoption of such child as provided for in RCW  
9 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act)  
10 may do so, and may include in its or his or her recommendation advice  
11 as to the appropriate level of support and any other information likely  
12 to assist the secretary in carrying out the functions vested in the  
13 secretary by RCW 26.33.320 and 74.13.100 through 74.13.145 (as  
14 recodified by this act). Such agency may, but is not required to, be  
15 retained by the secretary to make the required preplacement study of  
16 the prospective adoptive parent or parents.

17 **Sec. 66.** RCW 74.13.165 and 1997 c 272 s 4 are each amended to read  
18 as follows:

19 The secretary or the secretary's designee (~~may~~) shall purchase  
20 services from nonprofit agencies for the purpose of conducting home  
21 studies for legally free children who have been awaiting adoption  
22 finalization for more than (~~ninety~~) sixty days. The home studies  
23 selected to be done under this section shall be for the children who  
24 have been legally free and awaiting adoption finalization the longest  
25 period of time.

26 This section expires June 30, 2011.

27 **Sec. 67.** RCW 74.13.170 and 1991 c 326 s 2 are each amended to read  
28 as follows:

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

1           **Sec. 68.** RCW 74.13.250 and 1990 c 284 s 2 are each amended to read  
2 as follows:

3           (1) Preservice training is recognized as a valuable tool to reduce  
4 placement disruptions, the length of time children are in care, and  
5 foster parent turnover rates. Preservice training also assists  
6 potential foster parents in making their final decisions about foster  
7 parenting and assists social service agencies in obtaining information  
8 about whether to approve potential foster parents.

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

27           (3) Foster parents shall complete preservice training (~~shall be~~  
28 ~~completed prior to~~) before the issuance of a foster care license,  
29 except that the department may, on a case by case basis, issue a  
30 written waiver that allows the foster parent to complete the training  
31 after licensure, so long as the training is completed within ninety  
32 days following licensure.

33           **Sec. 69.** RCW 74.13.280 and 2007 c 409 s 6 and 2007 c 220 s 4 are  
34 each reenacted and amended to read as follows:

35           (1) Except as provided in RCW 70.24.105, whenever a child is placed  
36 in out-of-home care by the department or a (~~child placing~~)  
37 supervising agency, the department or agency shall share information



1 known to the department or agency about the child and the child's  
2 family with the care provider and shall consult with the care provider  
3 regarding the child's case plan. If the child is dependent pursuant to  
4 a proceeding under chapter 13.34 RCW, the (~~department or~~) supervising  
5 agency shall keep the care provider informed regarding the dates and  
6 location of dependency review and permanency planning hearings  
7 pertaining to the child.

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

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

15 (a) Has received a medical diagnosis of fetal alcohol syndrome or  
16 fetal alcohol effect;

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

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

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

23 (4) Any person who receives information about a child or a child's  
24 family pursuant to this section shall keep the information confidential  
25 and shall not further disclose or disseminate the information except as  
26 authorized by law. Care providers shall agree in writing to keep the  
27 information that they receive confidential and shall affirm that the  
28 information will not be further disclosed or disseminated, except as  
29 authorized by law.

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

34 (6) As used in this section:

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

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

- 3 (i) Suicide attempts or suicidal behavior or ideation;
- 4 (ii) Self-mutilation or similar self-destructive behavior;
- 5 (iii) Fire-setting or a developmentally inappropriate fascination  
6 with fire;
- 7 (iv) Animal torture;
- 8 (v) Property destruction; or
- 9 (vi) Substance or alcohol abuse.

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

- 13 (i) Observed assaultive behavior;
- 14 (ii) Reported and documented history of the child willfully  
15 assaulting or inflicting bodily harm; or
- 16 (iii) Attempting to assault or inflict bodily harm on other  
17 children or adults under circumstances where the child has the apparent  
18 ability or capability to carry out the attempted assaults including  
19 threats to use a weapon.

20 **Sec. 70.** RCW 74.13.283 and 2008 c 267 s 7 are each amended to read  
21 as follows:

22 (1) For the purpose of assisting foster youth in obtaining a  
23 Washington state identicard, submission of the information and  
24 materials listed in this subsection from the department or supervising  
25 agency to the department of licensing is sufficient proof of identity  
26 and residency and shall serve as the necessary authorization for the  
27 youth to apply for and obtain a Washington state identicard:

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

- 30 (i) The youth is a minor who resides in Washington;
- 31 (ii) Pursuant to a court order, the youth is dependent and the  
32 department or (~~other~~) supervising agency is the legal custodian of  
33 the youth under chapter 13.34 RCW or under the interstate compact on  
34 the placement of children;
- 35 (iii) The youth's full name and date of birth;
- 36 (iv) The youth's social security number, if available;
- 37 (v) A brief physical description of the youth;

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

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

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

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

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

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

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

17 (4) To the extent other identifying information is readily  
18 available, the department or supervising agency shall include the  
19 additional information with the submission of information required  
20 under subsection (1) of this section.

21 **Sec. 71.** RCW 74.13.285 and 2007 c 409 s 7 are each amended to read  
22 as follows:

23 (1) Within available resources, the ~~((department))~~ supervising  
24 agency shall prepare a passport containing all known and available  
25 information concerning the mental, physical, health, and educational  
26 status of the child for any child who has been in a foster home for  
27 ninety consecutive days or more. The passport shall contain education  
28 records obtained pursuant to RCW 28A.150.510. The passport shall be  
29 provided to a foster parent at any placement of a child covered by this  
30 section. The ~~((department))~~ supervising agency shall update the  
31 passport during the regularly scheduled court reviews required under  
32 chapter 13.34 RCW.

33 New placements ~~((after July 1, 1997,))~~ shall have first priority in  
34 the preparation of passports. ~~((Within available resources, the~~  
35 ~~department may prepare passports for any child in a foster home on July~~  
36 ~~1, 1997, provided that no time spent in a foster home before July 1,~~  
37 ~~1997, shall be included in the computation of the ninety days.))~~

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

7 (3) The department shall hold harmless the provider including  
8 supervising agencies for any unauthorized disclosures caused by the  
9 department.

10 (4) Any foster parent who receives information about a child or a  
11 child's family pursuant to this section shall keep the information  
12 confidential and shall not further disclose or disseminate the  
13 information, except as authorized by law. Such individuals shall agree  
14 in writing to keep the information that they receive confidential and  
15 shall affirm that the information will not be further disclosed or  
16 disseminated, except as authorized by law.

17 **Sec. 72.** RCW 74.13.288 and 2004 c 40 s 2 are each amended to read  
18 as follows:

19 ((+1)) The department of health shall develop recommendations  
20 concerning evidence-based practices for testing for blood-borne  
21 pathogens of children under one year of age who have been placed in  
22 out-of-home care and shall identify the specific pathogens for which  
23 testing is recommended.

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

27 **Sec. 73.** RCW 74.13.289 and 2004 c 40 s 3 are each amended to read  
28 as follows:

29 (1) Upon any placement, the ((~~department of social and health~~  
30 ~~services~~)) supervising agency shall inform each out-of-home care  
31 provider if the child to be placed in that provider's care is infected  
32 with a blood-borne pathogen, and shall identify the specific blood-  
33 borne pathogen for which the child was tested if known by the  
34 ((department)) supervising agency.

35 (2) All out-of-home care providers licensed by the department shall

1 receive training related to blood-borne pathogens, including  
2 prevention, transmission, infection control, treatment, testing, and  
3 confidentiality.

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

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

8 **Sec. 74.** RCW 74.13.300 and 1990 c 284 s 12 are each amended to  
9 read as follows:

10 (1) Whenever a child has been placed in a foster family home by the  
11 (~~department or a child placing~~) supervising agency and the child has  
12 thereafter resided in the home for at least ninety consecutive days,  
13 the (~~department or child placing~~) supervising agency shall notify the  
14 foster family at least five days prior to moving the child to another  
15 placement, unless:

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

18 (b) The child is being returned home;

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

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

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

27 (3) This section is intended solely to assist in minimizing  
28 disruption to the child in changing foster care placements. Nothing in  
29 this section shall be construed to require that a court hearing be held  
30 prior to changing a child's foster care placement nor to create any  
31 substantive custody rights in the foster parents.

32 **Sec. 75.** RCW 74.13.310 and 1990 c 284 s 13 are each amended to  
33 read as follows:

34 Adequate foster parent training has been identified as directly  
35 associated with increasing the length of time foster parents are  
36 willing to provide foster care and reducing the number of placement

1 disruptions for children. Placement disruptions can be harmful to  
2 children by denying them consistent and nurturing support. Foster  
3 parents have expressed the desire to receive training in addition to  
4 the foster parent ((SCOPE)) training currently offered. Foster parents  
5 who care for more demanding children, such as children with severe  
6 emotional, mental, or physical handicaps, would especially benefit from  
7 additional training. The department and supervising agency shall  
8 develop additional training for foster parents that focuses on skills  
9 to assist foster parents in caring for emotionally, mentally, or  
10 physically handicapped children.

11 **Sec. 76.** RCW 74.13.315 and 1997 c 272 s 6 are each amended to read  
12 as follows:

13 The department or supervising agency may provide child care for all  
14 foster parents who are required to attend department-sponsored or  
15 supervising agency-sponsored meetings or training sessions. If the  
16 department or supervising agency does not provide such child care, the  
17 department or supervising agency, where feasible, shall conduct the  
18 activities covered by this section in the foster parent's home or other  
19 location acceptable to the foster parent.

20 **Sec. 77.** RCW 74.13.320 and 1990 c 284 s 15 are each amended to  
21 read as follows:

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

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

33 ~~The project shall consist of one statewide administrator of~~  
34 ~~recruitment programs, and one or more licensed foster care or adoption~~  
35 ~~agency contracts in each of the six departmental regions. These~~

1 ~~contracts shall enhance currently provided services and may not replace~~  
2 ~~services currently funded by the agencies. No more than sixty thousand~~  
3 ~~dollars may be spent annually to fund the administrator position.~~

4 ~~The agencies shall recruit foster care homes and adoptive homes for~~  
5 ~~children classified as special needs children under chapter 74.08 RCW.~~  
6 ~~The agencies shall utilize their own network of contacts and shall also~~  
7 ~~develop programs similar to those used effectively in other states.~~  
8 ~~The department shall expand the foster adopt program statewide to~~  
9 ~~encourage stable placements for foster children for whom permanent out-~~  
10 ~~of-home placement is a likelihood. The department shall carefully~~  
11 ~~consider existing programs to eliminate duplication of services.)~~

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

17 **Sec. 78.** RCW 74.13.325 and 1997 c 272 s 3 are each amended to read  
18 as follows:

19 Within available resources, the department and supervising agencies  
20 shall increase the number of adoptive and foster families available to  
21 accept children through an intensive recruitment and retention program.  
22 The department shall ((~~contract with a private agency to~~)) enter into  
23 performance-based contracts with supervising agencies, under which the  
24 agencies will coordinate all foster care and adoptive home recruitment  
25 activities ((~~for the department and private agencies~~)).

26 **Sec. 79.** RCW 74.13.333 and 2004 c 181 s 1 are each amended to read  
27 as follows:

28 A foster parent who believes that a department or supervising  
29 agency employee has retaliated against the foster parent or in any  
30 other manner discriminated against the foster parent because:

31 (1) The foster parent made a complaint with the office of the  
32 family and children's ombudsman, the attorney general, law enforcement  
33 agencies, ((~~or~~)) the department, or the supervising agency, provided  
34 information, or otherwise cooperated with the investigation of such a  
35 complaint;

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

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

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

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

9 (6) The foster parent has discussed or consulted with anyone  
10 concerning the foster parent's rights under this chapter or chapter  
11 74.15 or 13.34 RCW,

12 may file a complaint with the office of the family and children's  
13 ombudsman. The office of the family and children's ombudsman shall  
14 include its recommendations regarding complaints filed under this  
15 section in its annual report pursuant to RCW 43.06A.030. The office of  
16 the family and children's ombudsman shall identify trends which may  
17 indicate a need to improve relations between the department or  
18 supervising agency and foster parents.

19 **Sec. 80.** RCW 74.13.334 and 2004 c 181 s 2 are each amended to read  
20 as follows:

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

25 **Sec. 81.** RCW 74.13.500 and 2005 c 274 s 351 are each amended to  
26 read as follows:

27 (1) Consistent with the provisions of chapter 42.56 RCW and  
28 applicable federal law, the secretary, or the secretary's designee,  
29 shall disclose information regarding the abuse or neglect of a child,  
30 the investigation of the abuse, neglect, or near fatality of a child,  
31 and any services related to the abuse or neglect of a child if any one  
32 of the following factors is present:

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



1 (b) The investigation of the abuse or neglect of the child by the  
2 department or the provision of services by the department or a  
3 supervising agency has been publicly disclosed in a report required to  
4 be disclosed in the course of their official duties, by a law  
5 enforcement agency or official, a prosecuting attorney, any other state  
6 or local investigative agency or official, or by a judge of the  
7 superior court;

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

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

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

20 (3) Except for cases in subsection (1)(d) of this section, requests  
21 for information under this section shall specifically identify the case  
22 about which information is sought and the facts that support a  
23 determination that one of the factors specified in subsection (1) of  
24 this section is present.

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

29 **Sec. 82.** RCW 74.13.515 and 2005 c 274 s 352 are each amended to  
30 read as follows:

31 For purposes of RCW 74.13.500(1)(d), the secretary must make the  
32 fullest possible disclosure consistent with chapter 42.56 RCW and  
33 applicable federal law in cases of all fatalities of children who were  
34 in the care of, or receiving services from, the department or a  
35 supervising agency at the time of their death or within the twelve  
36 months previous to their death.

1 If the secretary specifically determines that disclosure of the  
2 name of the deceased child is contrary to the best interests of the  
3 child's siblings or other children in the household, the secretary may  
4 remove personally identifying information.

5 For the purposes of this section, "personally identifying  
6 information" means the name, street address, social security number,  
7 and day of birth of the child who died and of private persons who are  
8 relatives of the child named in child welfare records. "Personally  
9 identifying information" shall not include the month or year of birth  
10 of the child who has died. Once this personally identifying  
11 information is removed, the remainder of the records pertaining to a  
12 child who has died must be released regardless of whether the remaining  
13 facts in the records are embarrassing to the unidentifiable other  
14 private parties or to identifiable public workers who handled the case.

15 **Sec. 83.** RCW 74.13.525 and 2005 c 274 s 353 are each amended to  
16 read as follows:

17 The department or supervising agency, when acting in good faith, is  
18 immune from any criminal or civil liability, except as provided under  
19 RCW 42.56.550, for any action taken under RCW 74.13.500 through  
20 74.13.520.

21 **Sec. 84.** RCW 74.13.530 and 2001 c 318 s 4 are each amended to read  
22 as follows:

23 (1) No child may be placed or remain in a specific out-of-home  
24 placement under this chapter or chapter 13.34 RCW when there is a  
25 conflict of interest on the part of any adult residing in the home in  
26 which the child is to be or has been placed. A conflict of interest  
27 exists when:

28 (a) There is an adult in the home who, as a result of: (i) His or  
29 her employment; and (ii) an allegation of abuse or neglect of the  
30 child, conducts or has conducted an investigation of the allegation; or

31 (b) The child has been, is, or is likely to be a witness in any  
32 pending cause of action against any adult in the home when the cause  
33 includes: (i) An allegation of abuse or neglect against the child or  
34 any sibling of the child; or (ii) a claim of damages resulting from  
35 wrongful interference with the parent-child relationship of the child  
36 and his or her biological or adoptive parent.

1 (2) For purposes of this section, "investigation" means the  
2 exercise of professional judgment in the review of allegations of abuse  
3 or neglect by: (a) Law enforcement personnel; (b) persons employed by,  
4 or under contract with, the state; (c) persons licensed to practice law  
5 and their employees; and (d) mental health professionals as defined in  
6 chapter 71.05 RCW.

7 (3) The prohibition set forth in subsection (1) of this section may  
8 not be waived or deferred by the department or a supervising agency  
9 under any circumstance or at the request of any person, regardless of  
10 who has made the request or the length of time of the requested  
11 placement.

12 **Sec. 85.** RCW 74.13.560 and 2003 c 112 s 3 are each amended to read  
13 as follows:

14 The administrative regions of the department and the supervising  
15 agencies shall develop protocols with the respective school districts  
16 in their regions specifying specific strategies for communication,  
17 coordination, and collaboration regarding the status and progress of  
18 foster children placed in the region, in order to maximize the  
19 educational continuity and achievement for foster children. The  
20 protocols shall include methods to assure effective sharing of  
21 information consistent with RCW 28A.225.330.

22 **Sec. 86.** RCW 74.13.590 and 2003 c 112 s 6 are each amended to read  
23 as follows:

24 The department and supervising agencies shall perform the tasks  
25 provided in RCW 74.13.550 through 74.13.580 based on available  
26 resources.

27 **Sec. 87.** RCW 74.13.600 and 2003 c 284 s 1 are each amended to read  
28 as follows:

29 (1) For the purposes of this section, "kin" means persons eighteen  
30 years of age or older to whom the child is related by blood, adoption,  
31 or marriage, including marriages that have been dissolved, and means:  
32 (a) Any person denoted by the prefix "grand" or "great"; (b) sibling,  
33 whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or  
34 (e) first cousin.

1 (2) The department and supervising agencies shall plan, design, and  
2 implement strategies to prioritize the placement of children with  
3 willing and able kin when out-of-home placement is required.

4 These strategies must include at least the following:

5 (a) Development of standardized, statewide procedures to be used by  
6 supervising agencies when searching for kin of children prior to out-  
7 of-home placement. The procedures must include a requirement that  
8 documentation be maintained in the child's case record that identifies  
9 kin, and documentation that identifies the assessment criteria and  
10 procedures that were followed during all kin searches. The procedures  
11 must be used when a child is placed in out-of-home care under authority  
12 of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or  
13 when a child is placed under a voluntary placement agreement. To  
14 assist with implementation of the procedures, the ((department))  
15 supervising agencies shall request that the juvenile court require  
16 parents to disclose to the ((department)) agencies all contact  
17 information for available and appropriate kin within two weeks of an  
18 entered order. For placements under signed voluntary agreements, the  
19 department and supervising agencies shall encourage the parents to  
20 disclose to the department and agencies all contact information for  
21 available and appropriate kin within two weeks of the date the parent  
22 signs the voluntary placement agreement.

23 (b) Development of procedures for conducting active outreach  
24 efforts to identify and locate kin during all searches. The procedures  
25 must include at least the following elements:

26 (i) Reasonable efforts to interview known kin, friends, teachers,  
27 and other identified community members who may have knowledge of the  
28 child's kin, within sixty days of the child entering out-of-home care;

29 (ii) Increased use of those procedures determined by research to be  
30 the most effective methods of promoting reunification efforts,  
31 permanency planning, and placement decisions;

32 (iii) Contacts with kin identified through outreach efforts and  
33 interviews under this subsection as part of permanency planning  
34 activities and change of placement discussions;

35 (iv) Establishment of a process for ongoing contact with kin who  
36 express interest in being considered as a placement resource for the  
37 child; and

1 (v) A requirement that when the decision is made to not place the  
2 child with any kin, the department or supervising agency provides  
3 documentation as part of the child's individual service and safety plan  
4 that clearly identifies the rationale for the decision and corrective  
5 action or actions the kin must take to be considered as a viable  
6 placement option.

7 (3) Nothing in this section shall be construed to create an  
8 entitlement to services or to create judicial authority to order the  
9 provision of services to any person or family if the services are  
10 unavailable or unsuitable or the child or family is not eligible for  
11 such services.

12 **Sec. 88.** RCW 74.13.640 and 2008 c 211 s 1 are each amended to read  
13 as follows:

14 (1) The department (~~(of social and health services)~~) shall conduct  
15 a child fatality review in the event of an unexpected death of a minor  
16 in the state who is in the care of or receiving services described in  
17 chapter 74.13 RCW from the department or a supervising agency or who  
18 has been in the care of or received services described in chapter 74.13  
19 RCW from the department or a supervising agency within one year  
20 preceding the minor's death.

21 (2) Upon conclusion of a child fatality review required pursuant to  
22 subsection (1) of this section, the department shall within one hundred  
23 eighty days following the fatality issue a report on the results of the  
24 review, unless an extension has been granted by the governor. Reports  
25 shall be distributed to the appropriate committees of the legislature,  
26 and the department shall create a public web site where all child  
27 fatality review reports required under this section shall be posted and  
28 maintained.

29 (3) The department shall develop and implement procedures to carry  
30 out the requirements of subsections (1) and (2) of this section.

31 (4) In the event a child fatality is the result of apparent abuse  
32 or neglect by the child's parent or caregiver, the department shall  
33 ensure that the fatality review team is comprised of individuals who  
34 had no previous involvement in the case and whose professional  
35 expertise is pertinent to the dynamics of the case.

36 (5) In the event of a near-fatality of a child who is in the care  
37 of or receiving services described in this chapter from the department

1 or who has been in the care of or received services described in this  
2 chapter from the department within one year preceding the  
3 near-fatality, the department shall promptly notify the office of the  
4 family and children's ombudsman.

5 **Sec. 89.** RCW 74.13.650 and 2007 c 220 s 7 are each amended to read  
6 as follows:

7 A foster parent critical support and retention program is  
8 established to retain foster parents who care for sexually reactive  
9 children, physically assaultive children, or children with other high-  
10 risk behaviors, as defined in RCW 74.13.280. Services shall consist of  
11 short-term therapeutic and educational interventions to support the  
12 stability of the placement. The ~~((foster parent critical support and  
13 retention program is to be implemented under the division of children  
14 and family services' contract and supervision. A contractor must  
15 demonstrate experience providing in-home case management, as well as  
16 experience working with caregivers of children with significant  
17 behavioral issues that pose a threat to others or themselves or the  
18 stability of the placement))~~ department shall enter into performance-  
19 based contracts with supervising agencies to provide this program.

20 **Sec. 90.** RCW 74.13.670 and 2007 c 220 s 5 are each amended to read  
21 as follows:

22 (1) A care provider may not be found to have abused or neglected a  
23 child under chapter 26.44 RCW or be denied a license pursuant to  
24 chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to  
25 supervise ~~((wherein))~~ in which:

26 (a) The allegations arise from the child's conduct that is  
27 substantially similar to prior behavior of the child, and:

28 (i) The child is a sexually reactive youth, exhibits high-risk  
29 behaviors, or is physically assaultive or physically aggressive as  
30 defined in RCW 74.13.280, and this information and the child's prior  
31 behavior was not disclosed to the care provider as required by RCW  
32 74.13.280; and

33 (ii) The care provider did not know or have reason to know that the  
34 child needed supervision as a sexually reactive or physically  
35 assaultive or physically aggressive youth, or because of a documented

1 history of high-risk behaviors, as a result of the care provider's  
2 involvement with or independent knowledge of the child or training and  
3 experience; or

4 (b) The child was not within the reasonable control of the care  
5 provider at the time of the incident that is the subject of the  
6 allegation, and the care provider was acting in good faith and did not  
7 know or have reason to know that reasonable control or supervision of  
8 the child was necessary to prevent harm or risk of harm to the child or  
9 other persons.

10 (2) Allegations of child abuse or neglect that meet the provisions  
11 of this section shall be designated as "unfounded" as defined in RCW  
12 26.44.020.

13 NEW SECTION. **Sec. 91.** RCW 74.13.085, 74.13.0902, 74.13.095, and  
14 74.15.031 are each recodified as new sections in chapter 43.215 RCW.

15 NEW SECTION. **Sec. 92.** RCW 74.13.100, 74.13.103, 74.13.106,  
16 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121,  
17 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139,  
18 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155,  
19 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170  
20 are each recodified as a new chapter in Title 74 RCW.

21 NEW SECTION. **Sec. 93.** Section 60 of this act expires June 30,  
22 2014.

23 NEW SECTION. **Sec. 94.** The following acts or parts of acts are  
24 each repealed:

25 (1) RCW 13.34.803 (Drug-affected and alcohol-affected infants--  
26 Comprehensive plan--Report) and 1998 c 314 s 40;

27 (2) RCW 13.34.805 (Drug-affected infants--Study) and 1998 c 314 s  
28 31;

29 (3) RCW 13.34.8051 (Drug-affected infants--Study--Alcohol-affected  
30 infants to be included) and 1998 c 314 s 32;

31 (4) RCW 13.34.810 (Implementation of chapter 314, Laws of 1998) and  
32 1998 c 314 s 48;

33 (5) RCW 26.44.230 (Abuse of adolescents--Reviews and reports) and  
34 2005 c 345 s 2;

1 (6) RCW 74.13.200 (Demonstration project for protection, care, and  
2 treatment of children at-risk of abuse or neglect) and 1979 ex.s. c 248  
3 s 1;  
4 (7) RCW 74.13.210 (Project day care center--Definition) and 1979  
5 ex.s. c 248 s 2;  
6 (8) RCW 74.13.220 (Project services) and 1979 ex.s. c 248 s 3;  
7 (9) RCW 74.13.230 (Project shall utilize community services) and  
8 1979 ex.s. c 248 s 4;  
9 (10) RCW 74.13.340 (Foster parent liaison) and 1997 c 272 s 2;  
10 (11) RCW 74.13.630 (Family decision meetings) and 2004 c 182 s 2;  
11 and  
12 (12) RCW 74.13.800 (Intensive resource home pilot) and 2008 c 281  
13 s 2.

14 NEW SECTION. **Sec. 95.** (1) Except for sections 1 through 6 of this  
15 act, this act takes effect July 1, 2011.

16 (2) Sections 1 through 5 of this act take effect July 1, 2010.

17 (3) Section 6 of this act is necessary for the immediate  
18 preservation of the public peace, health, or safety, or support of the  
19 state government and its existing public institutions, and takes effect  
20 immediately.

--- END ---