

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1769

Chapter 397, Laws of 2009

61st Legislature
2009 Regular Session

DEPENDENCY MATTERS--HOUSING ASSISTANCE

EFFECTIVE DATE: 07/26/09

Passed by the House April 18, 2009
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 9, 2009
Yeas 44 Nays 0

BRAD OWEN

President of the Senate

Approved May 7, 2009, 2:38 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1769** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 8, 2009

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1769

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Early Learning & Children's Services (originally sponsored by Representatives Orwall, White, Dammeier, Clibborn, Nelson, Lias, Carlyle, Eddy, Upthegrove, Green, Chase, Seaquist, Miloscia, Kagi, Roberts, Kenney, and Morrell)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to orders for housing assistance in dependency
2 matters; amending RCW 13.34.030 and 13.34.065; and reenacting and
3 amending RCW 13.34.130 and 13.34.138.

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

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

7 For purposes of this chapter:

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

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

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

8 (4) "Dependency guardian" means the person, nonprofit corporation,
9 or Indian tribe appointed by the court pursuant to this chapter for the
10 limited purpose of assisting the court in the supervision of the
11 dependency.

12 (5) "Dependent child" means any child who:

13 (a) Has been abandoned;

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

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

20 (6) "Developmental disability" means a disability attributable to
21 mental retardation, cerebral palsy, epilepsy, autism, or another
22 neurological or other condition of an individual found by the secretary
23 to be closely related to mental retardation or to require treatment
24 similar to that required for individuals with mental retardation, which
25 disability originates before the individual attains age eighteen, which
26 has continued or can be expected to continue indefinitely, and which
27 constitutes a substantial handicap to the individual.

28 (7) "Guardian" means the person or agency that: (a) Has been
29 appointed as the guardian of a child in a legal proceeding other than
30 a proceeding under this chapter; and (b) has the legal right to custody
31 of the child pursuant to such appointment. The term "guardian" shall
32 not include a "dependency guardian" appointed pursuant to a proceeding
33 under this chapter.

34 (8) "Guardian ad litem" means a person, appointed by the court to
35 represent the best interests of a child in a proceeding under this
36 chapter, or in any matter which may be consolidated with a proceeding
37 under this chapter. A "court-appointed special advocate" appointed by
38 the court to be the guardian ad litem for the child, or to perform

1 substantially the same duties and functions as a guardian ad litem,
2 shall be deemed to be guardian ad litem for all purposes and uses of
3 this chapter.

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

11 (10) "Housing assistance" means appropriate referrals by the
12 department or other supervising agencies to federal, state, local, or
13 private agencies or organizations, assistance with forms, applications,
14 or financial subsidies or other monetary assistance for housing. For
15 purposes of this chapter, "housing assistance" is not a remedial
16 service or time-limited family reunification service as described in
17 RCW 13.34.025(2).

18 (11) "Indigent" means a person who, at any stage of a court
19 proceeding, is:

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

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

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

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

31 (~~(11)~~) (12) "Out-of-home care" means placement in a foster family
32 home or group care facility licensed pursuant to chapter 74.15 RCW or
33 placement in a home, other than that of the child's parent, guardian,
34 or legal custodian, not required to be licensed pursuant to chapter
35 74.15 RCW.

36 (~~(12)~~) (13) "Preventive services" means preservation services, as
37 defined in chapter 74.14C RCW, and other reasonably available services,
38 including housing (~~services~~) assistance, capable of preventing the

1 need for out-of-home placement while protecting the child. (~~Housing~~
2 ~~services may include, but are not limited to, referrals to federal,~~
3 ~~state, local, or private agencies or organizations, assistance with~~
4 ~~forms and applications, or financial subsidies for housing.~~

5 ~~(13))~~ (14) "Shelter care" means temporary physical care in a
6 facility licensed pursuant to RCW 74.15.030 or in a home not required
7 to be licensed pursuant to RCW 74.15.030.

8 (~~(14))~~ (15) "Sibling" means a child's birth brother, birth
9 sister, adoptive brother, adoptive sister, half-brother, or half-
10 sister, or as defined by the law or custom of the Indian child's tribe
11 for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

12 (~~(15))~~ (16) "Social study" means a written evaluation of matters
13 relevant to the disposition of the case and shall contain the following
14 information:

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

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

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

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

35 (e) A description of the steps that will be taken to minimize the
36 harm to the child that may result if separation occurs including an
37 assessment of the child's relationship and emotional bond with any

1 siblings, and the agency's plan to provide ongoing contact between the
2 child and the child's siblings if appropriate; and

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

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

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

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

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

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

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

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

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

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

36 (iii) If the parent, guardian, or custodian is not represented by

1 counsel, the right to be represented. If the parent, guardian, or
2 custodian is indigent, the court shall appoint counsel as provided in
3 RCW 13.34.090; and

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

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

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

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

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

33 (d) What services were provided to the family to prevent or
34 eliminate the need for removal of the child from the child's home. If
35 the dependency petition or other information before the court alleges
36 that homelessness or the lack of suitable housing was a significant
37 factor contributing to the removal of the child, the court shall

1 inquire as to whether housing assistance was provided to the family to
2 prevent or eliminate the need for removal of the child or children;

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

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

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

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

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

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

24 (k) The terms and conditions for parental, sibling, and family
25 visitation.

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

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

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

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

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

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

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

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

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

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

20 (d) If a relative is not available, the court shall order continued
21 shelter care or order placement with another suitable person, and the
22 court shall set forth its reasons for the order. If the court orders
23 placement of the child with a person not related to the child and not
24 licensed to provide foster care, the placement is subject to all terms
25 and conditions of this section that apply to relative placements.

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

34 (f) Uncertainty by a parent, guardian, legal custodian, relative,
35 or other suitable person that the alleged abuser has in fact abused the
36 child shall not, alone, be the basis upon which a child is removed from
37 the care of a parent, guardian, or legal custodian under (a) of this

1 subsection, nor shall it be a basis, alone, to preclude placement with
2 a relative under (b) of this subsection or with another suitable person
3 under (d) of this subsection.

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

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

14 (c) The court may order another conference, case staffing, or
15 hearing as an alternative to the case conference required under RCW
16 13.34.067 so long as the conference, case staffing, or hearing ordered
17 by the court meets all requirements under RCW 13.34.067, including the
18 requirement of a written agreement specifying the services to be
19 provided to the parent.

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

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

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

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

37 (b) If a child is returned home from shelter care a second time in

1 the case a law enforcement officer must be present and file a report to
2 the department.

3 **Sec. 3.** 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 (~~these~~) services to assist the parents in maintaining
19 the child in the home, including housing assistance, if appropriate,
20 that least interfere with family autonomy and are adequate to protect
21 the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (2)(a) A child shall not be returned home at the review hearing
20 unless the court finds that a reason for removal as set forth in RCW
21 13.34.130 no longer exists. The parents, guardian, or legal custodian
22 shall report to the court the efforts they have made to correct the
23 conditions which led to removal. If a child is returned, casework
24 supervision shall continue for a period of six months, at which time
25 there shall be a hearing on the need for continued intervention.

26 (b) Prior to the child returning home, the department must complete
27 the following:

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

30 (ii) Identify any persons who may act as a caregiver for the child
31 in addition to the parent with whom the child is being placed and
32 determine whether such persons are in need of any services in order to
33 ensure the safety of the child, regardless of whether such persons are
34 a party to the dependency. The department or supervising agency may
35 recommend to the court and the court may order that placement of the
36 child in the parent's home be contingent on or delayed based on the
37 need for such persons to engage in or complete services to ensure the
38 safety of the child prior to placement. If services are recommended

1 for the caregiver, and the caregiver fails to engage in or follow
2 through with the recommended services, the department or supervising
3 agency must promptly notify the court; and

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

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

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

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

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

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

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

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

1 (vi) Whether a parent's homelessness or lack of suitable housing is
2 a significant factor delaying permanency for the child by preventing
3 the return of the child to the home of the child's parent and whether
4 housing assistance should be provided by the department or supervising
5 agency;

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

8 (~~(vii)~~) (viii) Whether preference has been given to placement
9 with the child's relatives;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (4) The court's (~~ability~~) authority to order housing assistance
16 under (~~RCW 13.34.130 and this section~~) this chapter is: (a) Limited
17 to cases in which (~~homelessness or the lack of adequate and safe~~
18 ~~housing is the primary reason for an out-of-home placement~~) a parent's
19 homelessness or lack of suitable housing is a significant factor
20 delaying permanency for the child and housing assistance would aid the
21 parent in providing an appropriate home for the child; and (b) subject
22 to the availability of funds appropriated for this specific purpose.
23 Nothing in this chapter shall be construed to create an entitlement to
24 housing assistance nor to create judicial authority to order the
25 provision of such assistance to any person or family if the assistance
26 or funding are unavailable or the child or family are not eligible for
27 such assistance.

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

Passed by the House April 18, 2009.

Passed by the Senate April 9, 2009.

Approved by the Governor May 7, 2009.

Filed in Office of Secretary of State May 8, 2009.