

CERTIFICATION OF ENROLLMENT

**SECOND SUBSTITUTE HOUSE BILL 2106**

Chapter 520, Laws of 2009

(partial veto)

61st Legislature  
2009 Regular Session

**CHILD WELFARE SERVICES--CONTRACTS**

EFFECTIVE DATE: 07/26/09 - Except section 8, which becomes effective 05/18/09.

Passed by the House April 21, 2009  
Yeas 97 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 16, 2009  
Yeas 37 Nays 10

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Approved May 18, 2009, 10:11 a.m., with the exception of Sections 1, 14 and 19 which are vetoed.

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 **SECOND SUBSTITUTE HOUSE BILL 2106** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

\_\_\_\_\_  
**Chief Clerk**

FILED

May 20, 2009

**Secretary of State  
State of Washington**

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**SECOND SUBSTITUTE HOUSE BILL 2106**

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Ways & Means (originally sponsored by Representatives Kagi, Roberts, Kenney, and Morrell)

READ FIRST TIME 03/03/09.

1            AN ACT Relating to improving child welfare outcomes through the  
2    phased implementation of strategic and proven reforms; amending RCW  
3    74.13.020, 74.15.010, 74.15.020, 74.15.050, 74.15.100, 26.44.020,  
4    26.44.200, 13.34.025, 13.34.030, 13.34.065, 13.34.067, 13.34.094,  
5    13.34.096, 13.34.125, 13.34.145, 13.34.155, 13.34.174, 13.34.176,  
6    13.34.180, 13.34.210, 13.34.215, 13.34.230, 13.34.233, 13.34.245,  
7    13.34.320, 13.34.330, 13.34.340, 13.34.350, 13.34.370, 13.34.380,  
8    13.34.385, 13.34.390, 13.34.400, 74.13.010, 74.13.031, 74.13.0311,  
9    74.13.032, 74.13.036, 74.13.037, 74.13.042, 74.13.045, 74.13.055,  
10   74.13.060, 74.13.065, 74.13.075, 74.13.077, 74.13.096, 74.13.103,  
11   74.13.106, 74.13.109, 74.13.124, 74.13.136, 74.13.165, 74.13.170,  
12   74.13.250, 74.13.283, 74.13.285, 74.13.288, 74.13.289, 74.13.300,  
13   74.13.310, 74.13.315, 74.13.320, 74.13.325, 74.13.333, 74.13.334,  
14   74.13.500, 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590,  
15   74.13.600, 74.13.640, 74.13.650, and 74.13.670; reenacting and amending  
16   RCW 74.15.030, 13.34.130, 13.34.136, 13.34.138, and 74.13.280; adding  
17   new sections to chapter 74.13 RCW; adding a new section to chapter  
18   43.10 RCW; adding a new section to chapter 26.44 RCW; creating a new  
19   section; recodifying RCW 74.13.085, 74.13.0902, 74.13.095, 74.15.031,  
20   74.13.100, 74.13.103, 74.13.106, 74.13.109, 74.13.112, 74.13.115,  
21   74.13.116, 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130,

1 74.13.133, 74.13.136, 74.13.139, 74.13.145, 74.13.150, 74.13.152,  
2 74.13.153, 74.13.154, 74.13.155, 74.13.156, 74.13.157, 74.13.158,  
3 74.13.159, 74.13.165, and 74.13.170; repealing RCW 13.34.803,  
4 13.34.805, 13.34.8051, 13.34.810, 26.44.230, 74.13.200, 74.13.210,  
5 74.13.220, 74.13.230, 74.13.340, 74.13.630, and 74.13.800; 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 directs the 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 to encourage broad participation by*  
24 *interested entities in the bidding process. The legislature directs*  
25 *that the department retain those positions necessary to provide child*  
26 *protective and investigative services and to administer performance-*  
27 *based contracts.*

28 *The legislature further intends that the programmatic and*  
29 *administrative changes contained in this act have the result of*  
30 *reducing racial disproportionality in the child welfare system and*  
31 *racial disparities in child outcomes.*

32 *The legislature, in creating the committee in section 8 of this*  
33 *act, is establishing the mechanism to design, in collaboration with the*  
34 *executive and judicial branches and all affected entities, the*  
35 *transition to performance-based contracts in the delivery of out-of-*  
36 *home care and case management services.*

*\*Sec. 1 was vetoed. See message at end of chapter.*

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

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

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

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

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

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

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

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

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

24       For purposes of this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (1) No later than January 1, 2011, the department shall convert its  
19 current contracts with providers into performance-based contracts. In  
20 accomplishing this conversion, the department shall decrease the total  
21 number of contracts it uses to purchase services from providers.

22 (2) No later than July 1, 2012:

23 (a) In the demonstration sites selected under section 8(4)(a) of  
24 this act, child welfare services shall be provided by supervising  
25 agencies with whom the department has entered into performance-based  
26 contracts. Supervising agencies may enter into subcontracts with other  
27 licensed agencies; and

28 (b) Except as provided in subsection (4) of this section, and  
29 notwithstanding any law to the contrary, the department may not  
30 directly provide child welfare services to families and children  
31 provided child welfare services by supervising agencies in the  
32 demonstration sites selected under section 8(4)(a) of this act.

33 (3) No later than July 1, 2012, for families and children provided  
34 child welfare services by supervising agencies in the demonstration  
35 sites selected under section 8(4)(a) of this act, the department is  
36 responsible for only the following:

1 (a) Monitoring the quality of services for which the department  
2 contracts under this chapter;

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

6 (c) Providing child protection functions and services, including  
7 intake and investigation of allegations of child abuse or neglect,  
8 emergency shelter care functions under RCW 13.34.050, and referrals to  
9 appropriate providers; and

10 (d) Issuing licenses pursuant to chapter 74.15 RCW.

11 (4) No later than July 1, 2012, for families and children provided  
12 child welfare services by supervising agencies in the demonstration  
13 sites selected under section 8(4)(a) of this act, the department may  
14 provide child welfare services only in an emergency or as a provider of  
15 last resort. The department shall adopt rules describing the  
16 circumstances under which the department may provide those services.  
17 For purposes of this section, "provider of last resort" means the  
18 department is unable to contract with a private agency to provide child  
19 welfare services in a particular geographic area or, after entering  
20 into a contract with a private agency, either the contractor or the  
21 department terminates the contract.

22 (5) For purposes of this chapter, on and after September 1, 2010,  
23 performance-based contracts shall be structured to hold the supervising  
24 agencies accountable for achieving the following goals in order of  
25 importance: Child safety; child permanency, including reunification;  
26 and child well-being.

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

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

33 Pursuant to RCW 41.06.142(3), performance-based contracting under  
34 section 3 of this act is expressly mandated by the legislature and is  
35 not subject to the processes set forth in RCW 41.06.142 (1), (4), and  
36 (5).

1 A continuation or expansion of delivery of child welfare services  
2 under the provisions of section 10 of this act shall be considered  
3 expressly mandated by the legislature and not subject to the provisions  
4 of RCW 41.06.142 (1), (4), and (5).

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

7 Children whose cases are managed by a supervising agency remain  
8 under the care and placement authority of the state.

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

11 Performance-based contracts with private nonprofit entities who  
12 otherwise meet the definition of supervising agency shall receive  
13 primary preference. This section does not apply to Indian tribes.

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

16 The office of the attorney general shall provide, or cause to be  
17 provided, legal services in only dependency or termination of parental  
18 rights matters to supervising agencies with whom the department of  
19 social and health services has entered into performance-based contracts  
20 to provide child welfare services as soon as the contracts become  
21 effective.

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

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

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

27 (ii) 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;



1 (iii) The assistant secretary of the children's administration in  
2 the department;

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

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

9 (vi) Two nationally recognized experts in performance-based  
10 contracts;

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

12 (viii) A representative of the collective bargaining unit that  
13 represents the largest number of employees in the children's  
14 administration;

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

17 (x) Four representatives from the Indian policy advisory committee  
18 convened by the department's office of Indian policy and support  
19 services;

20 (xi) Two currently elected or former superior court judges with  
21 significant experience in dependency matters, selected by the superior  
22 court judge's association;

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

25 (xiii) A member of the Washington state racial disproportionality  
26 advisory committee;

27 (xiv) A foster parent; and

28 (xv) A parent representative who has had personal experience with  
29 the dependency system.

30 (b) The president of the senate and the speaker of the house of  
31 representatives shall jointly appoint the members under (a)(ii), (xiv),  
32 and (xv) of this subsection.

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

35 (d) The cochairs of the committee shall be the assistant secretary  
36 for the children's administration and another member selected by a  
37 majority vote of those members present at the initial meeting.

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

5 (3) The plan shall include the following:

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

8 (i) The target population;

9 (ii) The referral and exit criteria for the services;

10 (iii) The child welfare services including the use of evidence-  
11 based services and practices to be provided by contractors;

12 (iv) The roles and responsibilities of public and private agency  
13 workers in key case decisions;

14 (v) Contract performance and outcomes, including those related to  
15 eliminating racial disparities in child outcomes;

16 (vi) That supervising agencies will provide culturally competent  
17 service;

18 (vii) How to measure whether each contractor has met the goals  
19 listed in section 3(5) of this act; and

20 (viii) Incentives to meet performance outcomes;

21 (b) A method by which the department will substantially reduce its  
22 current number of contracts for child welfare services;

23 (c) A method or methods by which clients will access community-  
24 based services, how private supervising agencies will engage other  
25 services or form local service networks, develop subcontracts, and  
26 share information and supervision of children;

27 (d) Methods to address the effects of racial disproportionality, as  
28 identified in the 2008 Racial Disproportionality Advisory Committee  
29 Report published by the Washington state institute for public policy in  
30 June 2008;

31 (e) Methods for inclusion of the principles and requirements of the  
32 centennial accord executed in November 2001, executed between the state  
33 of Washington and federally recognized tribes in Washington state;

34 (f) Methods for assuring performance-based contracts adhere to the  
35 letter and intent of the federal Indian child welfare act;

36 (g) Contract monitoring and evaluation procedures that will ensure  
37 that children and families are receiving timely and quality services  
38 and that contract terms are being implemented;

1 (h) A method or methods by which to ensure that the children's  
2 administration has sufficiently trained and experienced staff to  
3 monitor and manage performance-based contracts;

4 (i) A process by which to expand the capacity of supervising and  
5 other private agencies to meet the service needs of children and  
6 families in a performance-based contractual arrangement;

7 (j) A method or methods by which supervising and other private  
8 agencies can expand services in underserved areas of the state;

9 (k) The appropriate amounts and procedures for the reimbursement of  
10 supervising agencies given the proposed services restructuring;

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

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

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

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

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

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

27 (p) A description of the costs of the transition, the initial  
28 start-up costs and the mechanisms to periodically assess the overall  
29 adequacy of funds and the fiscal impact of the changes, and the  
30 feasibility of the plan and the impact of the plan on department  
31 employees during the transition; and

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

34 (4)(a) The committee, with the assistance of the department, shall  
35 select two demonstration sites within which to implement this act. One  
36 site must be located on the eastern side of the state. The other site  
37 must be located on the western side of the state. Neither site must be  
38 wholly located in any of the department's administrative regions.

1 (b) The committee shall develop two sets of performance outcomes to  
2 be included in the performance-based contracts the department enters  
3 into with supervising agencies. The first set of outcomes shall be  
4 used for those cases transferred to a supervising agency over time.  
5 The second set of outcomes shall be used for new entrants to the child  
6 welfare system.

7 (c) The committee shall also identify methods for ensuring that  
8 comparison of performance between supervising agencies and the existing  
9 service delivery system takes into account the variation in the  
10 characteristics of the populations being served as well as historical  
11 trends in outcomes for those populations.

12 (5) The committee shall determine the appropriate size of the child  
13 and family populations to be provided services under performance-based  
14 contracts with supervising agencies. The committee shall also identify  
15 the time frame within which cases will be transferred to supervising  
16 agencies. The performance-based contracts entered into with  
17 supervising agencies shall encompass the provision of child welfare  
18 services to enough children and families in each demonstration site to  
19 allow for the assessment of whether there are meaningful differences,  
20 to be defined by the committee, between the outcomes achieved in the  
21 demonstration sites and the comparison sites or populations. To ensure  
22 adequate statistical power to assess these differences, the populations  
23 served shall be large enough to provide a probability greater than  
24 seventy percent that meaningful difference will be detected and a  
25 ninety-five percent probability that observed differences are not due  
26 to chance alone.

27 (6) The committee shall also prepare as part of the plan a  
28 recommendation as to how to implement this act so that full  
29 implementation of this act is achieved no later than June 30, 2012.

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

33 (8) Beginning June 30, 2009, the committee shall report quarterly  
34 to the governor and the legislative children's oversight committee  
35 established in RCW 44.04.220. From June 30, 2012, until January 1,  
36 2015, the committee need only report twice a year. The committee shall  
37 report on its progress in meeting its duties under subsections (2) and  
38 (3) of this section and on any other matters the committee or the

1 legislative children's oversight committee or the governor deems  
2 appropriate. The portion of the plan required in subsection (6) of  
3 this section shall be due to the legislative children's oversight  
4 committee on or before June 1, 2010. The reports shall be in written  
5 form.

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

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

15 (11) It is expected that the administrative costs for the committee  
16 will be supported through private funds.

17 (12) Staff support for the committee shall be provided jointly by  
18 partners for our children and legislative staff.

19 (13) The committee is subject to chapters 42.30 (open public  
20 meetings act) and 42.52 (ethics in public service) RCW.

21 (14) This section expires July 1, 2015.

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

24 (1) Based upon the recommendations of the child welfare  
25 transformation design committee, including the two sets of outcomes  
26 developed by the committee under section 8(4)(b) of this act, the  
27 Washington state institute for public policy is to conduct a review of  
28 measurable effects achieved by the supervising agencies and compare  
29 those measurable effects with the existing services offered by the  
30 state. The report on the measurable effects shall be provided to the  
31 governor and the legislature no later than April 1, 2015.

32 (2) No later than June 30, 2011, the Washington state institute for  
33 public policy shall provide the legislature and the governor an initial  
34 report on the department's conversion to the use of performance-based  
35 contracts as provided in section 3(1) of this act. No later than June  
36 30, 2012, the Washington state institute for public policy shall

1 provide the governor and the legislature with a second report on the  
2 department's conversion of its contracts to performance-based  
3 contracts.

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

7 NEW SECTION. **Sec. 10.** A new section is added to chapter 74.13 RCW  
8 to read as follows:

9 Not later than June 1, 2015, the governor shall, based on the  
10 report by the Washington state institute for public policy, determine  
11 whether to expand this act to the remainder of the state or terminate  
12 this act. The governor shall inform the legislature of his or her  
13 decision within seven days of the decision. The department shall,  
14 regardless of the decision of the governor regarding the delivery of  
15 child welfare services, continue to purchase services through the use  
16 of performance-based contracts.

17 NEW SECTION. **Sec. 11.** The department of social and health  
18 services, the office of financial management, and the caseload forecast  
19 council shall develop a proposal for submission to the legislature and  
20 the governor for the reinvestment of savings, including savings in  
21 reduced foster care caseloads, into evidence-based prevention and  
22 intervention programs designed to prevent the need for or reduce the  
23 duration of foster care placements. The proposal must be submitted to  
24 the legislature and the governor by November 30, 2010, and shall  
25 include sufficient detail regarding accounting, budgeting, and  
26 allocation or other procedures for legislative consideration and  
27 approval.

28 **Sec. 12.** RCW 74.15.010 and 1995 c 302 s 2 are each amended to read  
29 as follows:

30 The purpose of chapter 74.15 RCW and RCW 74.13.031 is:  
31 (1) To safeguard the health, safety, and well-being of children,  
32 expectant mothers and developmentally disabled persons receiving care  
33 away from their own homes, which is paramount over the right of any  
34 person to provide care;

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

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

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

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

17 **Sec. 13.** RCW 74.15.020 and 2007 c 412 s 1 are each amended to read  
18 as follows:

19 For the purpose of this chapter and RCW 74.13.031, and unless  
20 otherwise clearly indicated by the context thereof, the following terms  
21 shall mean:

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

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

34 (b) "Community facility" means a group care facility operated for  
35 the care of juveniles committed to the department under RCW 13.40.185.  
36 A county detention facility that houses juveniles committed to the

1 department under RCW 13.40.185 pursuant to a contract with the  
2 department is not a community facility;

3 (c) "Crisis residential center" means an agency which is a  
4 temporary protective residential facility operated to perform the  
5 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
6 74.13.032 through 74.13.036;

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

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

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

28 (g) "HOPE center" means an agency licensed by the secretary to  
29 provide temporary residential placement and other services to street  
30 youth. A street youth may remain in a HOPE center for thirty days  
31 while services are arranged and permanent placement is coordinated. No  
32 street youth may stay longer than thirty days unless approved by the  
33 department and any additional days approved by the department must be  
34 based on the unavailability of a long-term placement option. A street  
35 youth whose parent wants him or her returned to home may remain in a  
36 HOPE center until his or her parent arranges return of the youth, not  
37 longer. All other street youth must have court approval under chapter  
38 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;



1 (h) "Maternity service" means an agency which provides or arranges  
2 for care or services to expectant mothers, before or during  
3 confinement, or which provides care as needed to mothers and their  
4 infants after confinement;

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

14 (j) "Service provider" means the entity that operates a community  
15 facility.

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

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

19 (i) Any blood relative, including those of half-blood, and  
20 including first cousins, second cousins, nephews or nieces, and persons  
21 of preceding generations as denoted by prefixes of grand, great, or  
22 great-great;

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

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

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

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

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

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

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

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

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

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

21 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
22 performing functions defined in chapter 70.41 RCW, nursing homes  
23 licensed under chapter 18.51 RCW and boarding homes licensed under  
24 chapter 18.20 RCW;

25 (h) Licensed physicians or lawyers;

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

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

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

36 (l) An agency operated by any unit of local, state, or federal  
37 government or an agency licensed by an Indian tribe pursuant to RCW  
38 74.15.190;

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

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

6 (3) "Department" means the state department of social and health  
7 services.

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

14 (~~5~~) "Juvenile" means a person under the age of twenty-one who has  
15 been sentenced to a term of confinement under the supervision of the  
16 department under RCW 13.40.185.

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

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

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

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

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

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

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

3        (a) Educational services, including basic literacy and  
4 computational skills training, either in local alternative or public  
5 high schools or in a high school equivalency program that leads to  
6 obtaining a high school equivalency degree;

7        (b) Assistance and counseling related to obtaining vocational  
8 training or higher education, job readiness, job search assistance, and  
9 placement programs;

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

13       (d) Individual and group counseling; and

14       (e) Establishing networks with federal agencies and state and local  
15 organizations such as the United States department of labor, employment  
16 and training administration programs including the ((~~job-training~~  
17 ~~partnership~~)) workforce investment act which administers private  
18 industry councils and the job corps; vocational rehabilitation; and  
19 volunteer programs.

20        ***\*Sec. 14. RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are***  
21 ***each reenacted and amended to read as follows:***

22        ***The secretary shall have the power and it shall be the secretary's***  
23 ***duty:***

24        ***(1) In consultation with the children's services advisory***  
25 ***committee, and with the advice and assistance of persons representative***  
26 ***of the various type agencies to be licensed, to designate categories of***  
27 ***facilities for which separate or different requirements shall be***  
28 ***developed as may be appropriate whether because of variations in the***  
29 ***ages, sex and other characteristics of persons served, variations in***  
30 ***the purposes and services offered or size or structure of the agencies***  
31 ***to be licensed ((~~hereunder~~)) under this chapter, or because of any***  
32 ***other relevant factor ((~~relevant thereto~~));***

33        ***(2) In consultation with the children's services advisory***  
34 ***committee, and with the advice and assistance of persons representative***  
35 ***of the various type agencies to be licensed, to adopt and publish***  
36 ***minimum requirements for licensing applicable to each of the various***  
37 ***categories of agencies to be licensed.***

1 The minimum requirements shall be limited to:

2 (a) The size and suitability of a facility and the plan of  
3 operation for carrying out the purpose for which an applicant seeks a  
4 license;

5 (b) Obtaining background information and any out-of-state  
6 equivalent, to determine whether the applicant or service provider is  
7 disqualified and to determine the character, competence, and  
8 suitability of an agency, the agency's employees, volunteers, and other  
9 persons associated with an agency;

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

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

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

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

24 (ii) Foster care and adoption placements; and

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

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

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

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

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

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

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

7       (l) The financial ability of an agency to comply with minimum  
8 requirements established pursuant to chapter 74.15 RCW and RCW  
9 74.13.031; and

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

12       (3) To investigate any person, including relatives by blood or  
13 marriage except for parents, for character, suitability, and competence  
14 in the care and treatment of children, expectant mothers, and  
15 developmentally disabled persons prior to authorizing that person to  
16 care for children, expectant mothers, and developmentally disabled  
17 persons. However, if a child is placed with a relative under RCW  
18 13.34.065 or 13.34.130, and if such relative appears otherwise suitable  
19 and competent to provide care and treatment the criminal history  
20 background check required by this section need not be completed before  
21 placement, but shall be completed as soon as possible after placement;

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

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

31       (6) To prescribe the procedures and the form and contents of  
32 reports necessary for the administration of chapter 74.15 RCW and RCW  
33 74.13.031 and to require regular reports from each licensee;

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

37       (8) To review requirements adopted hereunder at least every two

1 *years and to adopt appropriate changes after consultation with affected*  
2 *groups for child day-care requirements and with the children's services*  
3 *advisory committee for requirements for other agencies; and*

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

*\*Sec. 14 was vetoed. See message at end of chapter.*

7 **Sec. 15.** RCW 74.15.050 and 1995 c 369 s 62 are each amended to  
8 read as follows:

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

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

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

21 (3) To make a periodic review of requirements under RCW  
22 74.15.030(7) and to adopt necessary changes after consultation as  
23 required in subsection (1) of this section;

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

30 **Sec. 16.** RCW 74.15.100 and 2006 c 265 s 403 are each amended to  
31 read as follows:

32 Each agency or supervising agency shall make application for a  
33 license or renewal of license to the department (~~(of social and health~~  
34 ~~services)~~) on forms prescribed by the department. A licensed agency  
35 having foster-family homes under its supervision may make application  
36 for a license on behalf of any such foster-family home. Such a foster

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

19 **Sec. 17.** RCW 26.44.020 and 2007 c 220 s 1 are each amended to read  
20 as follows:

21 The definitions in this section apply throughout this chapter  
22 unless the context clearly requires otherwise.

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

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

32 (3) "Child protective services" means those services provided by  
33 the department designed to protect children from child abuse and  
34 neglect and safeguard such children from future abuse and neglect, and  
35 conduct investigations of child abuse and neglect reports.  
36 Investigations may be conducted regardless of the location of the  
37 alleged abuse or neglect. Child protective services includes referral



1 to services to ameliorate conditions that endanger the welfare of  
2 children, the coordination of necessary programs and services relevant  
3 to the prevention, intervention, and treatment of child abuse and  
4 neglect, and services to children to ensure that each child has a  
5 permanent home. In determining whether protective services should be  
6 provided, the department shall not decline to provide such services  
7 solely because of the child's unwillingness or developmental inability  
8 to describe the nature and severity of the abuse or neglect.

9 (4) "Child protective services section" means the child protective  
10 services section of the department.

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

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

17 (7) "Department" means the state department of social and health  
18 services.

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

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

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

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

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

36 (13) "Negligent treatment or maltreatment" means an act or a  
37 failure to act, or the cumulative effects of a pattern of conduct,  
38 behavior, or inaction, that evidences a serious disregard of

1 consequences of such magnitude as to constitute a clear and present  
2 danger to a child's health, welfare, or safety, including but not  
3 limited to conduct prohibited under RCW 9A.42.100. When considering  
4 whether a clear and present danger exists, evidence of a parent's  
5 substance abuse as a contributing factor to negligent treatment or  
6 maltreatment shall be given great weight. The fact that siblings share  
7 a bedroom is not, in and of itself, negligent treatment or  
8 maltreatment. Poverty, homelessness, or exposure to domestic violence  
9 as defined in RCW 26.50.010 that is perpetrated against someone other  
10 than the child does not constitute negligent treatment or maltreatment  
11 in and of itself.

12 (14) "Pharmacist" means any registered pharmacist under chapter  
13 18.64 RCW, whether acting in an individual capacity or as an employee  
14 or agent of any public or private organization or institution.

15 (15) "Practitioner of the healing arts" or "practitioner" means a  
16 person licensed by this state to practice podiatric medicine and  
17 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
18 medicine and surgery, or medicine and surgery or to provide other  
19 health services. The term "practitioner" includes a duly accredited  
20 Christian Science practitioner(~~(:—PROVIDED, HOWEVER, That)~~). A person  
21 who is being furnished Christian Science treatment by a duly accredited  
22 Christian Science practitioner will not be considered, for that reason  
23 alone, a neglected person for the purposes of this chapter.

24 (16) "Professional school personnel" include, but are not limited  
25 to, teachers, counselors, administrators, child care facility  
26 personnel, and school nurses.

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

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

35 (19) "Sexual exploitation" includes: (a) Allowing, permitting, or  
36 encouraging a child to engage in prostitution by any person; or (b)  
37 allowing, permitting, encouraging, or engaging in the obscene or

1 pornographic photographing, filming, or depicting of a child by any  
2 person.

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

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

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

16 (23) "Unfounded" means the determination following an investigation  
17 by the department that available information indicates that, more  
18 likely than not, child abuse or neglect did not occur, or that there is  
19 insufficient evidence for the department to determine whether the  
20 alleged child abuse did or did not occur.

21 **Sec. 18.** RCW 26.44.200 and 2002 c 134 s 4 are each amended to read  
22 as follows:

23 A law enforcement agency in the course of investigating: (1) An  
24 allegation under RCW 69.50.401(~~(a)~~) (1) and (2) (a) through (e)  
25 relating to manufacture of methamphetamine; or (2) an allegation under  
26 RCW 69.50.440 relating to possession of ephedrine or any of its salts  
27 or isomers or salts of isomers, pseudoephedrine or any of its salts or  
28 isomers or salts of isomers, pressurized ammonia gas, or pressurized  
29 ammonia gas solution with intent to manufacture methamphetamine, that  
30 discovers a child present at the site, shall contact the department  
31 immediately.

32 ***\*NEW SECTION. Sec. 19. A new section is added to chapter 26.44 RCW***  
33 ***to read as follows:***

34 ***Within existing resources, the department shall develop a***  
35 ***curriculum designed to train child protective services staff in***

1 **forensic techniques used for investigating allegations of child abuse**  
2 **or neglect.**

\*Sec. 19 was vetoed. See message at end of chapter.

3 **Sec. 20.** RCW 13.34.025 and 2007 c 410 s 2 are each amended to read  
4 as follows:

5 (1) The department (~~(of social and health services)~~) and  
6 supervising agencies shall develop methods for coordination of services  
7 to parents and children in child dependency cases. To the maximum  
8 extent possible under current funding levels, the department and  
9 supervising agencies must:

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

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

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

21 (2) The department shall coordinate within the administrations of  
22 the department, and with contracted service providers including  
23 supervising agencies, to ensure that parents in dependency proceedings  
24 under this chapter receive priority access to remedial services  
25 recommended by the department or supervising agency in its social study  
26 or ordered by the court for the purpose of correcting any parental  
27 deficiencies identified in the dependency proceeding that are capable  
28 of being corrected in the foreseeable future. Services may also be  
29 provided to caregivers other than the parents as identified in RCW  
30 13.34.138.

31 (a) For purposes of this chapter, remedial services are those  
32 services defined in the federal adoption and safe families act as  
33 time-limited family reunification services. Remedial services include  
34 individual, group, and family counseling; substance abuse treatment  
35 services; mental health services; assistance to address domestic  
36 violence; services designed to provide temporary child care and

1 therapeutic services for families; and transportation to or from any of  
2 the above services and activities.

3 (b) The department shall provide funds for remedial services if the  
4 parent is unable to pay to the extent funding is appropriated in the  
5 operating budget or otherwise available to the department for such  
6 specific services. As a condition for receiving funded remedial  
7 services, the court may inquire into the parent's ability to pay for  
8 all or part of such services or may require that the parent make  
9 appropriate applications for funding to alternative funding sources for  
10 such services.

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

16 (d) This section does not create an entitlement to services and  
17 does not create judicial authority to order the provision of services  
18 except for the specific purpose of making reasonable efforts to remedy  
19 parental deficiencies identified in a dependency proceeding under this  
20 chapter.

21 **Sec. 21.** RCW 13.34.030 and 2003 c 227 s 2 are each amended to read  
22 as follows:

23 For purposes of this chapter:

24 (1) "Abandoned" means when the child's parent, guardian, or other  
25 custodian has expressed, either by statement or conduct, an intent to  
26 forego, for an extended period, parental rights or responsibilities  
27 despite an ability to exercise such rights and responsibilities. If  
28 the court finds that the petitioner has exercised due diligence in  
29 attempting to locate the parent, no contact between the child and the  
30 child's parent, guardian, or other custodian for a period of three  
31 months creates a rebuttable presumption of abandonment, even if there  
32 is no expressed intent to abandon.

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

35 (3) "Current placement episode" means the period of time that  
36 begins with the most recent date that the child was removed from the  
37 home of the parent, guardian, or legal custodian for purposes of

1 placement in out-of-home care and continues until: (a) The child  
2 returns home; (b) an adoption decree, a permanent custody order, or  
3 guardianship order is entered; or (c) the dependency is dismissed,  
4 whichever occurs first.

5 (4) "Department" means the department of social and health  
6 services.

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

11 ((+5)) (6) "Dependent child" means any child who:

12 (a) Has been abandoned;

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

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

19 ((+6)) (7) "Developmental disability" means a disability  
20 attributable to mental retardation, cerebral palsy, epilepsy, autism,  
21 or another neurological or other condition of an individual found by  
22 the secretary to be closely related to mental retardation or to require  
23 treatment similar to that required for individuals with mental  
24 retardation, which disability originates before the individual attains  
25 age eighteen, which has continued or can be expected to continue  
26 indefinitely, and which constitutes a substantial handicap to the  
27 individual.

28 ((+7)) (8) "Guardian" means the person or agency that: (a) Has  
29 been appointed as the guardian of a child in a legal proceeding other  
30 than a proceeding under this chapter; and (b) has the legal right to  
31 custody of the child pursuant to such appointment. The term "guardian"  
32 shall not include a "dependency guardian" appointed pursuant to a  
33 proceeding under this chapter.

34 ((+8)) (9) "Guardian ad litem" means a person, appointed by the  
35 court to represent the best interests of a child in a proceeding under  
36 this chapter, or in any matter which may be consolidated with a  
37 proceeding under this chapter. A "court-appointed special advocate"  
38 appointed by the court to be the guardian ad litem for the child, or to

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

4 ~~((+9+))~~ (10) "Guardian ad litem program" means a court-authorized  
5 volunteer program, which is or may be established by the superior court  
6 of the county in which such proceeding is filed, to manage all aspects  
7 of 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+))~~ (11) "Indigent" means a person who, at any stage of a  
12 court proceeding, is:

13 (a) Receiving one of the following types of public assistance:  
14 Temporary assistance for needy families, general assistance, poverty-  
15 related veterans' benefits, food stamps or food stamp benefits  
16 transferred electronically, refugee resettlement benefits, medicaid, or  
17 supplemental security income; or

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

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

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

24 ~~((+11+))~~ (12) "Out-of-home care" means placement in a foster family  
25 home or group care facility licensed pursuant to chapter 74.15 RCW or  
26 placement in a home, other than that of the child's parent, guardian,  
27 or legal custodian, not required to be licensed pursuant to chapter  
28 74.15 RCW.

29 ~~((+12+))~~ (13) "Preventive services" means preservation services, as  
30 defined in chapter 74.14C RCW, and other reasonably available services,  
31 including housing services, capable of preventing the need for out-of-  
32 home placement while protecting the child. Housing services may  
33 include, but are not limited to, referrals to federal, state, local, or  
34 private agencies or organizations, assistance with forms and  
35 applications, or financial subsidies for housing.

36 ~~((+13+))~~ (14) "Shelter care" means temporary physical care in a  
37 facility licensed pursuant to RCW 74.15.030 or in a home not required  
38 to be licensed pursuant to RCW 74.15.030.

1       (~~(14)~~) (15) "Sibling" means a child's birth brother, birth  
2 sister, adoptive brother, adoptive sister, half-brother, or half-  
3 sister, or as defined by the law or custom of the Indian child's tribe  
4 for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

5       (~~(15)~~) (16) "Social study" means a written evaluation of matters  
6 relevant to the disposition of the case and shall contain the following  
7 information:

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

10       (b) A description of the specific services and activities, for both  
11 the parents and child, that are needed in order to prevent serious harm  
12 to the child; the reasons why such services and activities are likely  
13 to be useful; the availability of any proposed services; and the  
14 agency's overall plan for ensuring that the services will be delivered.  
15 The description shall identify the services chosen and approved by the  
16 parent;

17       (c) If removal is recommended, a full description of the reasons  
18 why the child cannot be protected adequately in the home, including a  
19 description of any previous efforts to work with the parents and the  
20 child in the home; the in-home treatment programs that have been  
21 considered and rejected; the preventive services that have been offered  
22 or provided and have failed to prevent the need for out-of-home  
23 placement, unless the health, safety, and welfare of the child cannot  
24 be protected adequately in the home; and the parents' attitude toward  
25 placement of the child;

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

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

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

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



1       **Sec. 22.** RCW 13.34.065 and 2008 c 267 s 2 are each amended to read  
2 as follows:

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

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

16       (2)(a) If it is likely that the child will remain in shelter care  
17 longer than seventy-two hours, in those areas in which child welfare  
18 services are being provided by a supervising agency, the supervising  
19 agency shall assume case management responsibilities of the case. The  
20 department (~~(of social and health services)~~) or supervising agency  
21 shall submit a recommendation to the court as to the further need for  
22 shelter care in all cases in which (~~it is the petitioner~~) the child  
23 will remain in shelter care longer than the seventy-two hour period.  
24 In all other cases, the recommendation shall be submitted by the  
25 juvenile court probation counselor.

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

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

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

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

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

37       (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  
27 to 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;

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

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

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

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

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

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

20 (k) The terms and conditions for parental, sibling, and family  
21 visitation.

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

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

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

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

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

37 (b) If the court does not release the child to his or her parent,  
38 guardian, or legal custodian, the court shall order placement with a

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

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

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

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

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

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

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

31 (f) Uncertainty by a parent, guardian, legal custodian, relative,  
32 or other suitable person that the alleged abuser has in fact abused the  
33 child shall not, alone, be the basis upon which a child is removed from  
34 the care of a parent, guardian, or legal custodian under (a) of this  
35 subsection, nor shall it be a basis, alone, to preclude placement with  
36 a relative under (b) of this subsection or with another suitable person  
37 under (d) of this subsection.

1 (6)(a) A shelter care order issued pursuant to this section shall  
2 include the requirement for a case conference as provided in RCW  
3 13.34.067. However, if the parent is not present at the shelter care  
4 hearing, or does not agree to the case conference, the court shall not  
5 include the requirement for the case conference in the shelter care  
6 order.

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

11 (c) The court may order another conference, case staffing, or  
12 hearing as an alternative to the case conference required under RCW  
13 13.34.067 so long as the conference, case staffing, or hearing ordered  
14 by the court meets all requirements under RCW 13.34.067, including the  
15 requirement of a written agreement specifying the services to be  
16 provided to the parent.

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

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

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

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

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

1       **Sec. 23.** RCW 13.34.067 and 2004 c 147 s 1 are each amended to read  
2 as follows:

3       (1)(a) Following shelter care and no later than thirty days prior  
4 to fact-finding, the department or supervising agency shall convene a  
5 case conference as required in the shelter care order to develop and  
6 specify in a written service agreement the expectations of both the  
7 department or supervising agency and the parent regarding voluntary  
8 services for the parent.

9       (b) The case conference shall include the parent, counsel for the  
10 parent, caseworker, counsel for the state, guardian ad litem, counsel  
11 for the child, and any other person agreed upon by the parties. Once  
12 the shelter care order is entered, the department or supervising agency  
13 is not required to provide additional notice of the case conference to  
14 any participants in the case conference.

15       (c) The written service agreement expectations must correlate with  
16 the court's findings at the shelter care hearing. The written service  
17 agreement must set forth specific services to be provided to the  
18 parent.

19       (d) The case conference agreement must be agreed to and signed by  
20 the parties. The court shall not consider the content of the  
21 discussions at the case conference at the time of the fact-finding  
22 hearing for the purposes of establishing that the child is a dependent  
23 child, and the court shall not consider any documents or written  
24 materials presented at the case conference but not incorporated into  
25 the case conference agreement, unless the documents or written  
26 materials were prepared for purposes other than or as a result of the  
27 case conference and are otherwise admissible under the rules of  
28 evidence.

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

32       **Sec. 24.** RCW 13.34.094 and 2004 c 147 s 3 are each amended to read  
33 as follows:

34       The department, or supervising agency after the shelter care  
35 hearing, shall, within existing resources, provide to parents  
36 requesting or participating in a multidisciplinary team, family group

1 conference, case conference, or prognostic staffing information that  
2 describes these processes prior to the processes being undertaken.

3 **Sec. 25.** RCW 13.34.096 and 2007 c 409 s 1 are each amended to read  
4 as follows:

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

15 **Sec. 26.** RCW 13.34.125 and 1999 c 173 s 2 are each amended to read  
16 as follows:

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

30 **Sec. 27.** RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are  
31 each reenacted and amended to read as follows:

32 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has  
33 been proven by a preponderance of the evidence that the child is  
34 dependent within the meaning of RCW 13.34.030 after consideration of

1 the social study prepared pursuant to RCW 13.34.110 and after a  
2 disposition hearing has been held pursuant to RCW 13.34.110, the court  
3 shall enter an order of disposition pursuant to this section.

4 (1) The court shall order one of the following dispositions of the  
5 case:

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

13 (b) Order the child to be removed from his or her home and into the  
14 custody, control, and care of a relative (~~((or))~~), the department, or a  
15 (~~((licensed child placing))~~) supervising agency for supervision of the  
16 child's placement. The department or supervising agency (~~((supervising~~  
17 ~~the child's placement))~~) has the authority to place the child, subject  
18 to review and approval by the court (i) with a relative as defined in  
19 RCW 74.15.020(2)(a), (ii) in a foster family home or group care  
20 facility licensed pursuant to chapter 74.15 RCW, or (iii) in the home  
21 of another suitable person if the child or family has a preexisting  
22 relationship with that person, and the person has completed all  
23 required criminal history background checks and otherwise appears to  
24 the department or supervising agency to be suitable and competent to  
25 provide care for the child. Absent good cause, the department or  
26 supervising agency shall follow the wishes of the natural parent  
27 regarding the placement of the child in accordance with RCW 13.34.260.  
28 The department or supervising agency may only place a child with a  
29 person not related to the child as defined in RCW 74.15.020(2)(a) when  
30 the court finds that such placement is in the best interest of the  
31 child. Unless there is reasonable cause to believe that the health,  
32 safety, or welfare of the child would be jeopardized or that efforts to  
33 reunite the parent and child will be hindered, such child shall be  
34 placed with a person who is: (A) Related to the child as defined in  
35 RCW 74.15.020(2)(a) with whom the child has a relationship and is  
36 comfortable; and (B) willing and available to care for the child.

37 (2) Placement of the child with a relative under this subsection  
38 shall be given preference by the court. An order for out-of-home



1 placement may be made only if the court finds that reasonable efforts  
2 have been made to prevent or eliminate the need for removal of the  
3 child from the child's home and to make it possible for the child to  
4 return home, specifying the services that have been provided to the  
5 child and the child's parent, guardian, or legal custodian, and that  
6 preventive services have been offered or provided and have failed to  
7 prevent the need for out-of-home placement, unless the health, safety,  
8 and welfare of the child cannot be protected adequately in the home,  
9 and that:

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

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

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

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

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

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

28 (ii) There is no reasonable cause to believe that the health,  
29 safety, or welfare of any child subject to the order of placement,  
30 contact, or visitation would be jeopardized or that efforts to reunite  
31 the parent and child would be hindered by such placement, contact, or  
32 visitation. In no event shall parental visitation time be reduced in  
33 order to provide sibling visitation.

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

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

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

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

29 **Sec. 28.** RCW 13.34.136 and 2008 c 267 s 3 and 2008 c 152 s 2 are  
30 each reenacted and amended to read as follows:

31 (1) Whenever a child is ordered removed from the home, a permanency  
32 plan shall be developed no later than sixty days from the time the  
33 supervising agency assumes responsibility for providing services,  
34 including placing the child, or at the time of a hearing under RCW  
35 13.34.130, whichever occurs first. The permanency planning process  
36 continues until a permanency planning goal is achieved or dependency is

1 dismissed. The planning process shall include reasonable efforts to  
2 return the child to the parent's home.

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

10 The permanency plan shall include:

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

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

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

36 (ii) Visitation is the right of the family, including the child and  
37 the parent, in cases in which visitation is in the best interest of the  
38 child. Early, consistent, and frequent visitation is crucial for

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

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

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

24 (v) Unless it is not in the best interests of the child, whenever  
25 practical, the plan should ensure the child remains enrolled in the  
26 school the child was attending at the time the child entered foster  
27 care.

28 (vi) The supervising agency (~~(charged with supervising a child in~~  
29 ~~placement))~~ or department shall provide all reasonable services that  
30 are available within the department or supervising agency, or within  
31 the community, or those services which the department has existing  
32 contracts to purchase. It shall report to the court if it is unable to  
33 provide such services; and

34 (c) If the court has ordered, pursuant to RCW 13.34.130(5), that a  
35 termination petition be filed, a specific plan as to where the child  
36 will be placed, what steps will be taken to achieve permanency for the  
37 child, services to be offered or provided to the child, and, if  
38 visitation would be in the best interests of the child, a

1 recommendation to the court regarding visitation between parent and  
2 child pending a fact-finding hearing on the termination petition. The  
3 department or supervising agency shall not be required to develop a  
4 plan of services for the parents or provide services to the parents if  
5 the court orders a termination petition be filed. However, reasonable  
6 efforts to ensure visitation and contact between siblings shall be made  
7 unless there is reasonable cause to believe the best interests of the  
8 child or siblings would be jeopardized.

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

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

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

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

28 (7) For purposes related to permanency planning:

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

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

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

1       **Sec. 29.** 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 by the supervising agency or department shall continue for  
25 a period of six months, at which time there shall be a hearing on the  
26 need for continued intervention.

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

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

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

1 safety of the child prior to placement. If services are recommended  
2 for the caregiver, and the caregiver fails to engage in or follow  
3 through with the recommended services, the department or supervising  
4 agency must promptly notify the court; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (ii) The continued participation of the parents, if applicable, in  
25 available substance abuse or mental health treatment if substance abuse  
26 or mental illness was a contributing factor to the removal of the  
27 child.

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

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

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

36 (iii) The failure of the parents to successfully and substantially  
37 complete available services or treatment for themselves or the child,



1 including substance abuse treatment if a parent's substance abuse was  
2 a contributing factor to the abuse or neglect.

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

10 (4) The court's ability to order housing assistance under RCW  
11 13.34.130 and this section is: (a) Limited to cases in which  
12 homelessness or the lack of adequate and safe housing is the primary  
13 reason for an out-of-home placement; and (b) subject to the  
14 availability of funds appropriated for this specific purpose.

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

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

19 (1) The purpose of a permanency planning hearing is to review the  
20 permanency plan for the child, inquire into the welfare of the child  
21 and progress of the case, and reach decisions regarding the permanent  
22 placement of the child.

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

29 (b) Whenever a child is removed from the home of a dependency  
30 guardian or long-term relative or foster care provider, and the child  
31 is not returned to the home of the parent, guardian, or legal custodian  
32 but is placed in out-of-home care, a permanency planning hearing shall  
33 take place no later than twelve months, as provided in this section,  
34 following the date of removal unless, prior to the hearing, the child  
35 returns to the home of the dependency guardian or long-term care  
36 provider, the child is placed in the home of the parent, guardian, or

1 legal custodian, an adoption decree, guardianship order, or a permanent  
2 custody order is entered, or the dependency is dismissed.

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

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

14 (3) At the permanency planning hearing, the court shall conduct the  
15 following inquiry:

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

20 (b) In cases where the primary permanency planning goal has not  
21 been achieved, the court shall inquire regarding the reasons why the  
22 primary goal has not been achieved and determine what needs to be done  
23 to make it possible to achieve the primary goal. The court shall  
24 review the permanency plan prepared by the agency and make explicit  
25 findings regarding each of the following:

26 (i) The continuing necessity for, and the safety and  
27 appropriateness of, the placement;

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

31 (iii) The extent of any efforts to involve appropriate service  
32 providers in addition to department or supervising agency staff in  
33 planning to meet the special needs of the child and the child's  
34 parents;

35 (iv) The progress toward eliminating the causes for the child's  
36 placement outside of his or her home and toward returning the child  
37 safely to his or her home or obtaining a permanent placement for the  
38 child;

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

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

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

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

15 (C) Being placed for adoption;

16 (D) Being placed with a guardian;

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

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

21 At this hearing, the court shall order the department or  
22 supervising agency to file a petition seeking termination of parental  
23 rights if the child has been in out-of-home care for fifteen of the  
24 last twenty-two months since the date the dependency petition was filed  
25 unless the court makes a good cause exception as to why the filing of  
26 a termination of parental rights petition is not appropriate. Any good  
27 cause finding shall be reviewed at all subsequent hearings pertaining  
28 to the child. For purposes of this section, "good cause exception"  
29 includes but is not limited to the following: The child is being cared  
30 for by a relative; the department has not provided to the child's  
31 family such services as the court and the department have deemed  
32 necessary for the child's safe return home; or the department has  
33 documented in the case plan a compelling reason for determining that  
34 filing a petition to terminate parental rights would not be in the  
35 child's best interests.

36 (c)(i) If the permanency plan identifies independent living as a  
37 goal, the court shall make a finding that the provision of services to  
38 assist the child in making a transition from foster care to independent

1 living will allow the child to manage his or her financial, personal,  
2 social, educational, and nonfinancial affairs prior to approving  
3 independent living as a permanency plan of care.

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

7 (iii) The department or supervising agency shall not discharge a  
8 child to an independent living situation before the child is eighteen  
9 years of age unless the child becomes emancipated pursuant to chapter  
10 13.64 RCW.

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

16 (4) In all cases, at the permanency planning hearing, the court  
17 shall:

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

20 (ii) Modify the permanency plan, and order implementation of the  
21 modified plan; and

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

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

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

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

35 (7) If the court orders the child returned home, casework  
36 supervision by the department or supervising agency shall continue for  
37 at least six months, at which time a review hearing shall be held

1 pursuant to RCW 13.34.138, and the court shall determine the need for  
2 continued intervention.

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

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

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

28 (11) The approval of a permanency plan that does not contemplate  
29 return of the child to the parent does not relieve the supervising  
30 agency of its obligation to provide reasonable services, under this  
31 chapter, intended to effectuate the return of the child to the parent,  
32 including but not limited to, visitation rights. The court shall  
33 consider the child's relationships with siblings in accordance with RCW  
34 13.34.130.

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

1           **Sec. 31.** RCW 13.34.155 and 2000 c 135 s 1 are each amended to read  
2 as follows:

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

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

23           (3) Any order entered in the dependency court establishing or  
24 modifying a permanent legal custody order under chapter 26.10 RCW shall  
25 also be filed in the chapter 26.10 RCW action by the prevailing party.  
26 Once filed, any order establishing or modifying permanent legal custody  
27 shall survive dismissal of the dependency proceeding.

28           **Sec. 32.** RCW 13.34.174 and 2000 c 122 s 23 are each amended to  
29 read as follows:

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

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

- 1 (a) Type of treatment;
- 2 (b) Nature of treatment;
- 3 (c) Length of treatment;
- 4 (d) A treatment time schedule; and
- 5 (e) Approximate cost of the treatment.

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

18 Each report shall also be filed with the court and a copy given to  
19 the person evaluated and the person's counsel. A copy of the treatment  
20 plan shall also be given to the department's or supervising agency's  
21 caseworker and to the guardian ad litem. Any program for chemical  
22 dependency shall meet the program requirements contained in chapter  
23 70.96A RCW.

24 (3) If the court has ordered treatment pursuant to a dependency  
25 proceeding it shall also require the treatment program to provide, in  
26 the reports required by subsection (2) of this section, status reports  
27 to the court, the department, the supervising (~~((child-placing))~~) agency  
28 (~~((if-any))~~), and the person or person's counsel regarding the person's  
29 cooperation with the treatment plan proposed and the person's progress  
30 in treatment.

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

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

4 **Sec. 33.** RCW 13.34.176 and 2000 c 122 s 24 are each amended to  
5 read as follows:

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

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

20 **Sec. 34.** RCW 13.34.180 and 2001 c 332 s 4 are each amended to read  
21 as follows:

22 (1) A petition seeking termination of a parent and child  
23 relationship may be filed in juvenile court by any party, including the  
24 supervising agency, to the dependency proceedings concerning that  
25 child. Such petition shall conform to the requirements of RCW  
26 13.34.040, shall be served upon the parties as provided in RCW  
27 13.34.070(8), and shall allege all of the following unless subsection  
28 (2) or (3) of this section applies:

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

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

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

35 (d) That the services ordered under RCW 13.34.136 have been  
36 expressly and understandably offered or provided and all necessary



1 services, reasonably available, capable of correcting the parental  
2 deficiencies within the foreseeable future have been expressly and  
3 understandably offered or provided;

4 (e) That there is little likelihood that conditions will be  
5 remedied so that the child can be returned to the parent in the near  
6 future. A parent's failure to substantially improve parental  
7 deficiencies within twelve months following entry of the dispositional  
8 order shall give rise to a rebuttable presumption that there is little  
9 likelihood that conditions will be remedied so that the child can be  
10 returned to the parent in the near future. The presumption shall not  
11 arise unless the petitioner makes a showing that all necessary services  
12 reasonably capable of correcting the parental deficiencies within the  
13 foreseeable future have been clearly offered or provided. In  
14 determining whether the conditions will be remedied the court may  
15 consider, but is not limited to, the following factors:

16 (i) Use of intoxicating or controlled substances so as to render  
17 the parent incapable of providing proper care for the child for  
18 extended periods of time or for periods of time that present a risk of  
19 imminent harm to the child, and documented unwillingness of the parent  
20 to receive and complete treatment or documented multiple failed  
21 treatment attempts; or

22 (ii) Psychological incapacity or mental deficiency of the parent  
23 that is so severe and chronic as to render the parent incapable of  
24 providing proper care for the child for extended periods of time or for  
25 periods of time that present a risk of imminent harm to the child, and  
26 documented unwillingness of the parent to receive and complete  
27 treatment or documentation that there is no treatment that can render  
28 the parent capable of providing proper care for the child in the near  
29 future; and

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

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

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

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

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

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

12 (d) Assault in the first or second degree, as defined in chapter  
13 9A.36 RCW, against the surviving child or another child of the parent.

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

17 "NOTICE

18 A petition for termination of parental rights has been filed  
19 against you. You have important legal rights and you must take  
20 steps to protect your interests. This petition could result in  
21 permanent loss of your parental rights.

22 1. You have the right to a fact-finding hearing before  
23 a judge.

24 2. You have the right to have a lawyer represent you at  
25 the hearing. A lawyer can look at the files in your case, talk  
26 to the (~~department of social and health services~~) supervising  
27 agency and other agencies, tell you about the law, help you  
28 understand your rights, and help you at hearings. If you  
29 cannot afford a lawyer, the court will appoint one to represent  
30 you. To get a court-appointed lawyer you must contact:  
31 (explain local procedure).

32 3. At the hearing, you have the right to speak on your  
33 own behalf, to introduce evidence, to examine witnesses, and to  
34 receive a decision based solely on the evidence presented to  
35 the judge.

36 You should be present at this hearing.

1           You may call          (insert agency)          for more information  
2           about your child. The agency's name and telephone number are  
3                    (insert name and telephone number)         ."

4           **Sec. 35.** RCW 13.34.210 and 2003 c 227 s 8 are each amended to read  
5 as follows:

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

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

29           **Sec. 36.** RCW 13.34.215 and 2008 c 267 s 1 are each amended to read  
30 as follows:

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

34           (a) The child was previously found to be a dependent child under  
35 this chapter;

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

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

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

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

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

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

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

26 (6) The juvenile court shall conditionally grant the petition if it  
27 finds by clear and convincing evidence that the child has not achieved  
28 his or her permanency plan and is not likely to imminently achieve his  
29 or her permanency plan and that reinstatement of parental rights is in  
30 the child's best interest. In determining whether reinstatement is in  
31 the child's best interest the court shall consider, but is not limited  
32 to, the following:

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

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

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

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

5 (7) In determining whether the child has or has not achieved his or  
6 her permanency plan or whether the child is likely to achieve his or  
7 her permanency plan, the department or supervising agency shall provide  
8 the court, and the court shall review, information related to any  
9 efforts to achieve the permanency plan including efforts to achieve  
10 adoption or a permanent guardianship.

11 (8)(a) If the court conditionally grants the petition under  
12 subsection (6) of this section, the case will be continued for six  
13 months and a temporary order of reinstatement entered. During this  
14 period, the child shall be placed in the custody of the parent. The  
15 department or supervising agency shall develop a permanency plan for  
16 the child reflecting the plan to be reunification and shall provide  
17 transition services to the family as appropriate.

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

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

26 (9) After the child has been placed with the parent for six months,  
27 the court shall hold a hearing. If the placement with the parent has  
28 been successful, the court shall enter a final order of reinstatement  
29 of parental rights, which shall restore all rights, powers, privileges,  
30 immunities, duties, and obligations of the parent as to the child,  
31 including those relating to custody, control, and support of the child.  
32 The court shall dismiss the dependency and direct the clerk's office to  
33 provide a certified copy of the final order of reinstatement of  
34 parental rights to the parent at no cost.

35 (10) The granting of the petition under this section does not  
36 vacate or otherwise affect the validity of the original termination  
37 order.

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

6 (12) A proceeding to reinstate parental rights is a separate action  
7 from the termination of parental rights proceeding and does not vacate  
8 the original termination of parental rights. An order granted under  
9 this section reinstates the parental rights to the child. This  
10 reinstatement is a recognition that the situation of the parent and  
11 child have changed since the time of the termination of parental rights  
12 and reunification is now appropriate.

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

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

24 **Sec. 37.** RCW 13.34.230 and 1981 c 195 s 1 are each amended to read  
25 as follows:

26 Any party to a dependency proceeding, including the supervising  
27 agency, may file a petition in juvenile court requesting that  
28 guardianship be created as to a dependent child. The department (~~of~~  
29 ~~social and health services~~) or supervising agency shall receive notice  
30 of any guardianship proceedings and have the right to intervene in the  
31 proceedings.

32 **Sec. 38.** RCW 13.34.233 and 2000 c 122 s 30 are each amended to  
33 read as follows:

34 (1) Any party may request the court under RCW 13.34.150 to modify  
35 or terminate a dependency guardianship order. Notice of any motion to  
36 modify or terminate the guardianship shall be served on all other

1 parties, including any agency that was responsible for supervising the  
2 child's placement at the time the guardianship petition was filed.  
3 Notice in all cases shall be served upon the department. If the  
4 department or supervising agency was not previously a party to the  
5 guardianship proceeding, the department or supervising agency shall  
6 nevertheless have the right to: (a) Initiate a proceeding to modify or  
7 terminate a guardianship; and (b) intervene at any stage of such a  
8 proceeding.

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

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

23 (4) Upon entry of an order terminating the guardianship, the child  
24 shall remain dependent and the court shall either return the child to  
25 the child's parent or order the child into the custody, control, and  
26 care of the department or a (~~(licensed child placing)~~) supervising  
27 agency for placement in a foster home or group care facility licensed  
28 pursuant to chapter 74.15 RCW or in a home not required to be licensed  
29 pursuant to such chapter. The court shall not place a child in the  
30 custody of the child's parent unless the court finds that reasons for  
31 removal as set forth in RCW 13.34.130 no longer exist and that such  
32 placement is in the child's best interest. The court shall thereafter  
33 conduct reviews as provided in RCW 13.34.138 and, where applicable,  
34 shall hold a permanency planning hearing in accordance with RCW  
35 13.34.145.

36 **Sec. 39.** RCW 13.34.245 and 1997 c 386 s 18 are each amended to  
37 read as follows:

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

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

30 (3) Upon filing of the petition for validation, the clerk of the  
31 court shall schedule the petition for a hearing on the court validation  
32 of the voluntary consent no later than forty-eight hours after the  
33 petition has been filed, excluding Saturdays, Sundays, and holidays.  
34 Notification of time, date, location, and purpose of the validation  
35 hearing shall be provided as soon as possible to the consenting parent  
36 or Indian custodian, the department or (~~other—child-placing~~)  
37 supervising agency which is to assume responsibility for the child's  
38 placement and care pursuant to the consent to foster care placement,



1 and the Indian tribe in which the child is enrolled or eligible for  
2 enrollment as a member. If the identity and location of any  
3 nonconsenting parent or Indian custodian is known, reasonable attempts  
4 shall be made to notify the parent or Indian custodian of the consent  
5 to placement and the validation hearing. Notification under this  
6 subsection may be given by the most expedient means, including, but not  
7 limited to, mail, personal service, telephone, and telegraph.

8 (4) Any parent or Indian custodian may withdraw consent to a  
9 voluntary foster care placement, made under this section, at any time.  
10 Unless the Indian child has been taken in custody pursuant to RCW  
11 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW  
12 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the  
13 Indian child shall be returned to the parent or Indian custodian upon  
14 withdrawal of consent to foster care placement of the child.

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

24 **Sec. 40.** RCW 13.34.320 and 1999 c 188 s 2 are each amended to read  
25 as follows:

26 The department or supervising agency shall obtain the prior consent  
27 of a child's parent, legal guardian, or legal custodian before a  
28 dependent child is admitted into an inpatient mental health treatment  
29 facility. If the child's parent, legal guardian, or legal custodian is  
30 unavailable or does not agree with the proposed admission, the  
31 department or supervising agency shall request a hearing and provide  
32 notice to all interested parties to seek prior approval of the juvenile  
33 court before such admission. In the event that an emergent situation  
34 creating a risk of substantial harm to the health and welfare of a  
35 child in the custody of the department or supervising agency does not  
36 allow time for the department or supervising agency to obtain prior  
37 approval or to request a court hearing before consenting to the

1 admission of the child into an inpatient mental health hospital, the  
2 department or supervising agency shall seek court approval by  
3 requesting that a hearing be set on the first available court date.

4 **Sec. 41.** RCW 13.34.330 and 1999 c 188 s 3 are each amended to read  
5 as follows:

6 A dependent child who is admitted to an inpatient mental health  
7 facility shall be placed in a facility, with available treatment space,  
8 that is closest to the family home, unless the department or  
9 supervising agency, in consultation with the admitting authority finds  
10 that admission in the facility closest to the child's home would  
11 jeopardize the health or safety of the child.

12 **Sec. 42.** RCW 13.34.340 and 2000 c 122 s 35 are each amended to  
13 read as follows:

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

32 **Sec. 43.** RCW 13.34.350 and 2001 c 52 s 2 are each amended to read  
33 as follows:

34 In order to facilitate communication of information needed to serve  
35 the best interest of any child who is the subject of a dependency case

1 filed under this chapter, the department (~~(of social and health~~  
2 ~~services)~~) shall, consistent with state and federal law governing the  
3 release of confidential information, establish guidelines, and shall  
4 use those guidelines for the facilitation of communication of relevant  
5 information among divisions, providers, the courts, the family,  
6 caregivers, caseworkers, and others.

7 **Sec. 44.** RCW 13.34.370 and 2004 c 146 s 2 are each amended to read  
8 as follows:

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

16 **Sec. 45.** RCW 13.34.380 and 2004 c 146 s 3 are each amended to read  
17 as follows:

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

29 The policies and protocols shall be consistent with the provisions  
30 of this chapter and implementation of the policies and protocols shall  
31 be consistent with relevant orders of the court.

32 **Sec. 46.** RCW 13.34.385 and 2008 c 259 s 1 are each amended to read  
33 as follows:

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

1 (a) The child has been found to be a dependent child under this  
2 chapter;

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

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

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

10 (2) The court shall give prior notice for any proceeding under this  
11 section, or cause prior notice to be given, to the department (~~(or)~~),  
12 other public (~~(or private)) agency, or supervising agency~~ having  
13 custody of the child, the child's attorney or guardian ad litem if  
14 applicable, and the child. The court shall also order the custodial  
15 agency to give prior notice of any hearing to the child's current  
16 foster parent, relative caregiver, guardian or custodian, and the  
17 child's tribe, if applicable.

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

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

27 (b) The length and quality of the prior relationship between the  
28 child and the relative;

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

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

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

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

36 (4) The visitation order may be modified at any time upon a showing  
37 that the visitation poses a risk to the child's safety or well-being.  
38 The visitation order shall state that visitation will automatically

1 terminate upon the child's placement in a preadoptive home, if the  
2 child is adopted, or if there is a subsequent founded abuse or neglect  
3 allegation against the relative.

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

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

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

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

17 **Sec. 47.** RCW 13.34.390 and 2005 c 504 s 303 are each amended to  
18 read as follows:

19 The department (~~((of social and health services))~~) and the department  
20 of health shall develop and expand comprehensive services for drug-  
21 affected and alcohol-affected mothers and infants. Subject to funds  
22 appropriated for this purpose, the expansion shall be in evidence-  
23 based, research-based, or consensus-based practices, (~~((as those terms  
24 are defined in section 603 of this act,))~~) and shall expand capacity in  
25 underserved regions of the state.

26 **Sec. 48.** RCW 13.34.400 and 2007 c 411 s 2 are each amended to read  
27 as follows:

28 In any proceeding under this chapter, if the department or  
29 supervising agency submits a report to the court in which the  
30 department is recommending a new placement or a change in placement,  
31 the department or supervising agency shall include the documents  
32 relevant to persons in the home in which a child will be placed and  
33 listed in subsections (1) through (5) of this section to the report.  
34 The department or supervising agency shall include only these relevant  
35 documents and shall not attach the entire history of the subject of the  
36 report.

1 (1) If the report contains a recommendation, opinion, or assertion  
2 by the department or supervising agency relating to substance abuse  
3 treatment, mental health treatment, anger management classes, or  
4 domestic violence classes, the department or supervising agency shall  
5 attach the document upon which the recommendation, opinion, or  
6 assertion was based. The documentation may include the progress report  
7 or evaluation submitted by the provider, but may not include the entire  
8 history with the provider.

9 (2) If the report contains a recommendation, opinion, or assertion  
10 by the department or supervising agency relating to visitation with a  
11 child, the department or supervising agency shall attach the document  
12 upon which the recommendation, opinion, or assertion was based. The  
13 documentation may include the most recent visitation report, a  
14 visitation report referencing a specific incident alleged in the  
15 report, or summary of the visitation prepared by the person who  
16 supervised the visitation. The documentation attached to the report  
17 shall not include the entire visitation history.

18 (3) If the report contains a recommendation, opinion, or assertion  
19 by the department or supervising agency relating to the psychological  
20 status of a person, the department or supervising agency shall attach  
21 the document upon which the recommendation, opinion, or assertion was  
22 based. The documentation may include the progress report, evaluation,  
23 or summary submitted by the provider, but shall not include the entire  
24 history of the person.

25 (4) If the report contains a recommendation, opinion, or assertion  
26 by the department or supervising agency relating to injuries to a  
27 child, the department or supervising agency shall attach a summary of  
28 the physician's report, prepared by the physician or the physician's  
29 designee, relating to the recommendation, opinion, or assertion by the  
30 department.

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

36 **Sec. 49.** RCW 74.13.010 and 1965 c 30 s 2 are each amended to read  
37 as follows:

1 The purpose of this chapter is to safeguard, protect, and  
2 contribute to the welfare of the children of the state, through a  
3 comprehensive and coordinated program of ((public)) child welfare  
4 services provided by both the department and supervising agencies  
5 providing for: Social services and facilities for children who require  
6 guidance, care, control, protection, treatment, or rehabilitation;  
7 setting of standards for social services and facilities for children;  
8 cooperation with public and voluntary agencies, organizations, and  
9 citizen groups in the development and coordination of programs and  
10 activities in behalf of children; and promotion of community conditions  
11 and resources that help parents to discharge their responsibilities for  
12 the care, development, and well-being of their children.

13 NEW SECTION. Sec. 50. A new section is added to chapter 74.13 RCW  
14 to read as follows:

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

19 **Sec. 51.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read  
20 as follows:

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

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

27 (2) Within available resources, the department and supervising  
28 agencies shall recruit an adequate number of prospective adoptive and  
29 foster homes, both regular and specialized, i.e. homes for children of  
30 ethnic minority, including Indian homes for Indian children, sibling  
31 groups, handicapped and emotionally disturbed, teens, pregnant and  
32 parenting teens, and the department shall annually report to the  
33 governor and the legislature concerning the department's and  
34 supervising agency's success in: (a) Meeting the need for adoptive and  
35 foster home placements; (b) reducing the foster parent turnover rate;  
36 (c) completing home studies for legally free children; and (d)

1 implementing and operating the passport program required by RCW  
2 74.13.285. The report shall include a section entitled "Foster Home  
3 Turn-Over, Causes and Recommendations."

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

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

21 (5) The department or supervising agencies shall monitor placements  
22 of children in out-of-home care and in-home dependencies to assure the  
23 safety, well-being, and quality of care being provided is within the  
24 scope of the intent of the legislature as defined in RCW 74.13.010 and  
25 74.15.010. (~~The policy for monitoring placements~~) Under this section  
26 (~~shall require that~~) children in out-of-home care and in-home  
27 dependencies and their caregivers shall receive a private and  
28 individual face-to-face visit each month.

29 (~~(a)~~) The department or supervising agencies shall conduct the  
30 monthly visits with children and caregivers (~~required under this~~  
31 ~~section unless the child's placement is being supervised under a~~  
32 ~~contract between the department and a private agency accredited by a~~  
33 ~~national child welfare accrediting entity, in which case the private~~  
34 ~~agency shall, within existing resources, conduct the monthly visits~~  
35 ~~with the child and with the child's caregiver according to the~~  
36 ~~standards described in this subsection and shall provide the department~~  
37 ~~with a written report of the visits within fifteen days of completing~~  
38 ~~the visits.~~



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

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

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

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

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

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

36 (b)(i) Beginning in 2006, the department has the authority to allow  
37 up to fifty youth reaching age eighteen to continue in foster care or

1 group care as needed to participate in or complete a posthigh school  
2 academic or vocational program, and to receive necessary support and  
3 transition services.

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

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

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

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

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

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

1 supervising agency or department shall provide preventive services to  
2 families with children that prevent or shorten the duration of an out-  
3 of-home placement.

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

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

19 **Sec. 52.** RCW 74.13.0311 and 2002 c 219 s 13 are each amended to  
20 read as follows:

21 The department or (~~(its—contractors)~~) supervising agencies may  
22 provide child welfare services pursuant to a deferred prosecution plan  
23 ordered under chapter 10.05 RCW. Child welfare services provided under  
24 this chapter pursuant to a deferred prosecution order may not be  
25 construed to prohibit the department or supervising agencies from  
26 providing services or undertaking proceedings pursuant to chapter 13.34  
27 or 26.44 RCW.

28 **Sec. 53.** RCW 74.13.032 and 1998 c 296 s 4 are each amended to read  
29 as follows:

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

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

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

12 (4) The staff at the facilities established under this section  
13 shall be trained so that they may effectively counsel juveniles  
14 admitted to the centers, provide treatment, supervision, and structure  
15 to the juveniles that recognize the need for support and the varying  
16 circumstances that cause children to leave their families, and carry  
17 out the responsibilities stated in RCW 13.32A.090. The  
18 responsibilities stated in RCW 13.32A.090 may, in any of the centers,  
19 be carried out by the department.

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

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

29 **Sec. 54.** RCW 74.13.036 and 2003 c 207 s 2 are each amended to read  
30 as follows:

31 (1) The department (~~(of social and health services)~~) shall oversee  
32 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The  
33 oversight shall be comprised of working with affected parts of the  
34 criminal justice and child care systems as well as with local  
35 government, legislative, and executive authorities to effectively carry  
36 out these chapters. The department shall work with all such entities

1 to ensure that chapters 13.32A and 13.34 RCW are implemented in a  
2 uniform manner throughout the state.

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

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

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

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

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

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

22 (3) In addition to its other oversight duties, the department  
23 shall:

24 (a) Identify and evaluate resource needs in each region of the  
25 state;

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

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

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

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

36 (4) The department shall provide an annual report to the  
37 legislature not later than December 1 of each year only when it has  
38 declined to accept custody of a child from a law enforcement agency or

1 it has received a report of a child being released without placement.  
2 The report shall indicate the number of times it has declined to accept  
3 custody of a child from a law enforcement agency under chapter 13.32A  
4 RCW and the number of times it has received a report of a child being  
5 released without placement under RCW 13.32A.060(1)(c). The report  
6 shall include the dates, places, and reasons the department declined to  
7 accept custody and the dates and places children are released without  
8 placement.

9 **Sec. 55.** RCW 74.13.037 and 1997 c 146 s 9 are each amended to read  
10 as follows:

11 Within available funds appropriated for this purpose, the  
12 department shall establish, (~~by~~) through performance-based contracts  
13 with private vendors, transitional living programs for youth who are  
14 being assisted by the department in being emancipated as part of their  
15 permanency plan under chapter 13.34 RCW. These programs shall be  
16 licensed under rules adopted by the department.

17 **Sec. 56.** RCW 74.13.042 and 1995 c 311 s 14 are each amended to  
18 read as follows:

19 If the department or supervising agency is denied lawful access to  
20 records or information, or requested records or information is not  
21 provided in a timely manner, the department or supervising agency may  
22 petition the court for an order compelling disclosure.

23 (1) The petition shall be filed in the juvenile court for the  
24 county in which the record or information is located or the county in  
25 which the person who is the subject of the record or information  
26 resides. If the person who is the subject of the record or information  
27 is a party to or the subject of a pending proceeding under chapter  
28 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

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

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

5 **Sec. 57.** RCW 74.13.045 and 1998 c 245 s 146 are each amended to  
6 read as follows:

7 The department shall develop and implement an informal,  
8 nonadversarial complaint resolution process to be used by clients of  
9 the department or supervising agency, foster parents, and other  
10 affected individuals who have complaints regarding a department policy  
11 or procedure, ~~((or))~~ the application of such a policy or procedure, or  
12 the performance of an entity that has entered into a performance-based  
13 contract with the department, related to programs administered under  
14 this chapter. The process shall not apply in circumstances where the  
15 complainant has the right under Title 13, 26, or 74 RCW to seek  
16 resolution of the complaint through judicial review or through an  
17 adjudicative proceeding.

18 Nothing in this section shall be construed to create substantive or  
19 procedural rights in any person. Participation in the complaint  
20 resolution process shall not entitle any person to an adjudicative  
21 proceeding under chapter 34.05 RCW or to superior court review.  
22 Participation in the process shall not affect the right of any person  
23 to seek other statutorily or constitutionally permitted remedies.

24 The department shall develop procedures to assure that clients and  
25 foster parents are informed of the availability of the complaint  
26 resolution process and how to access it. The department shall  
27 incorporate information regarding the complaint resolution process into  
28 the training for foster parents and department and supervising agency  
29 caseworkers.

30 The department shall compile complaint resolution data including  
31 the nature of the complaint and the outcome of the process.

32 **Sec. 58.** RCW 74.13.055 and 1998 c 245 s 147 are each amended to  
33 read as follows:

34 The department shall adopt rules pursuant to chapter 34.05 RCW  
35 which establish goals as to the maximum number of children who will  
36 remain in foster care for a period of longer than twenty-four months.

1 The department shall also work cooperatively with (~~the major private~~  
2 ~~child-care-providers~~) supervising agencies to assure that a  
3 partnership plan for utilizing the resources of the public and private  
4 sector in all matters pertaining to child welfare is developed and  
5 implemented.

6 **Sec. 59.** RCW 74.13.060 and 1971 ex.s. c 169 s 7 are each amended  
7 to read as follows:

8 (1) The secretary or his or her designees or delegatees shall be  
9 the custodian without compensation of such moneys and other funds of  
10 any person which may come into the possession of the secretary during  
11 the period such person is placed with the department (~~of social and~~  
12 ~~health-services~~) or an entity with which it has entered into a  
13 performance-based contract pursuant to chapter 74.13 RCW. As such  
14 custodian, the secretary shall have authority to disburse moneys from  
15 the person's funds for the following purposes only and subject to the  
16 following limitations:

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

20 (~~(2) The secretary may apply such funds~~) (b) Against the amount  
21 of public assistance otherwise payable to such person. This includes  
22 applying, as reimbursement, any benefits, payments, funds, or accrual  
23 paid to or on behalf of said person from any source against the amount  
24 of public assistance expended on behalf of said person during the  
25 period for which the benefits, payments, funds or accruals were paid.

26 (~~(3)~~) (2) All funds held by the secretary as custodian may be  
27 deposited in a single fund, the receipts and expenditures therefrom to  
28 be accurately accounted for by him or her on an individual basis.  
29 Whenever, the funds belonging to any one person exceed the sum of five  
30 hundred dollars, the secretary may deposit said funds in a savings and  
31 loan association account on behalf of that particular person.

32 (~~(4)~~) (3) When the conditions of placement no longer exist and  
33 public assistance is no longer being provided for such person, upon a  
34 showing of legal competency and proper authority, the secretary shall  
35 deliver to such person, or the parent, person, or agency legally  
36 responsible for such person, all funds belonging to the person



1 remaining in his or her possession as custodian, together with a full  
2 and final accounting of all receipts and expenditures made therefrom.

3 ((+5)) (4) The appointment of a guardian for the estate of such  
4 person shall terminate the secretary's authority as custodian of said  
5 funds upon receipt by the secretary of a certified copy of letters of  
6 guardianship. Upon the guardian's request, the secretary shall  
7 immediately forward to such guardian any funds of such person remaining  
8 in the secretary's possession together with full and final accounting  
9 of all receipts and expenditures made therefrom.

10 **Sec. 60.** RCW 74.13.065 and 2002 c 52 s 8 are each amended to read  
11 as follows:

12 (1) The department((~~7~~)) or supervising agency ((~~responsible for~~  
13 ~~supervising a child in out-of-home care,~~)) shall conduct a social study  
14 whenever a child is placed in out-of-home care under the supervision of  
15 the department or ((~~other~~)) supervising agency. The study shall be  
16 conducted prior to placement, or, if it is not feasible to conduct the  
17 study prior to placement due to the circumstances of the case, the  
18 study shall be conducted as soon as possible following placement.

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

- 21 (a) The physical and emotional strengths and needs of the child;
- 22 (b) Emotional bonds with siblings and the need to maintain regular  
23 sibling contacts;
- 24 (c) The proximity of the child's placement to the child's family to  
25 aid reunification;
- 26 (d) The possibility of placement with the child's relatives or  
27 extended family;
- 28 (e) The racial, ethnic, cultural, and religious background of the  
29 child;
- 30 (f) The least-restrictive, most family-like placement reasonably  
31 available and capable of meeting the child's needs; and
- 32 (g) Compliance with RCW 13.34.260 regarding parental preferences  
33 for placement of their children.

34 **Sec. 61.** RCW 74.13.075 and 1994 c 169 s 1 are each amended to read  
35 as follows:

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

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

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

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

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

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

20 (a) The age of the juvenile;

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

23 (c) The juvenile's past conduct;

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

25 (e) The cost of the treatment; and

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

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

34 **Sec. 62.** RCW 74.13.077 and 1993 c 402 s 4 are each amended to read  
35 as follows:

36 The secretary (~~(of the department of social and health services))~~  
37 is authorized to transfer surplus, unused treatment funds from the

1 civil commitment center operated under chapter 71.09 RCW to the  
2 division of children and family services to provide treatment services  
3 for sexually aggressive youth.

4 **Sec. 63.** RCW 74.13.096 and 2007 c 465 s 2 are each amended to read  
5 as follows:

6 (1) The secretary (~~((of the department of social and health~~  
7 ~~services))~~) shall convene an advisory committee to analyze and make  
8 recommendations on the disproportionate representation of children of  
9 color in Washington's child welfare system. The department shall  
10 collaborate with the Washington institute for public policy and private  
11 sector entities to develop a methodology for the advisory committee to  
12 follow in conducting a baseline analysis of data from the child welfare  
13 system to determine whether racial disproportionality and racial  
14 disparity exist in this system. The Washington institute for public  
15 policy shall serve as technical staff for the advisory committee. In  
16 determining whether racial disproportionality or racial disparity  
17 exists, the committee shall utilize existing research and evaluations  
18 conducted within Washington state, nationally, and in other states and  
19 localities that have similarly analyzed the prevalence of racial  
20 disproportionality and disparity in child welfare.

21 (2) At a minimum, the advisory committee shall examine and analyze:  
22 (a) The level of involvement of children of color at each stage in the  
23 state's child welfare system, including the points of entry and exit,  
24 and each point at which a treatment decision is made; (b) the number of  
25 children of color in low-income or single-parent families involved in  
26 the state's child welfare system; (c) the family structures of families  
27 involved in the state's child welfare system; and (d) the outcomes for  
28 children in the existing child welfare system. This analysis shall be  
29 disaggregated by racial and ethnic group, and by geographic region.

30 (3) The committee of not more than fifteen individuals shall  
31 consist of experts in social work, law, child welfare, psychology, or  
32 related fields, at least two tribal representatives, a representative  
33 of the governor's juvenile justice advisory committee, a representative  
34 of a community-based organization involved with child welfare issues,  
35 a representative of the department (~~((of social and health services))~~),  
36 a current or former foster care youth, a current or former foster care  
37 parent, and a parent previously involved with Washington's child

1 welfare system. Committee members shall be selected as follows: (a)  
2 Five members selected by the senate majority leader; (b) five members  
3 selected by the speaker of the house of representatives; and (c) five  
4 members selected by the secretary of the department (~~of social and~~  
5 ~~health services~~). The secretary, the senate majority leader, and the  
6 speaker of the house of representatives shall coordinate appointments  
7 to ensure the representation specified in this subsection is achieved.  
8 After the advisory committee appointments are finalized, the committee  
9 shall select two individuals to serve as cochairs of the committee, one  
10 of whom shall be a representative from a nongovernmental entity.

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

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

33 (6) Not later than December 1, 2008, the secretary shall report the  
34 results of the analysis conducted under subsection (2) of this section  
35 and shall describe the remediation plan required under subsection (5)  
36 of this section to the appropriate committees of the legislature with  
37 jurisdiction over policy and fiscal matters relating to children,  
38 families, and human services. Beginning January 1, 2010, the secretary

1 shall report annually to the appropriate committees of the legislature  
2 on the implementation of the remediation plan, including any measurable  
3 progress made in reducing and eliminating racial disproportionality and  
4 disparity in the state's child welfare system.

5 **Sec. 64.** RCW 74.13.103 and 1971 ex.s. c 63 s 2 are each amended to  
6 read as follows:

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

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

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

15 Such fee scale shall be annually fixed by the secretary after  
16 considering the recommendations of the committee designated by the  
17 secretary to advise him or her on child welfare and pursuant to the  
18 regulations to be issued by the secretary in accordance with the  
19 provisions of Title 34 RCW.

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

24 Nothing in this section shall require the payment of a fee to the  
25 state of Washington in a case in which an adoption results from  
26 independent placement or placement by a licensed child-placing or  
27 supervising agency.

28 **Sec. 65.** RCW 74.13.106 and 1985 c 7 s 134 are each amended to read  
29 as follows:

30 All fees paid for adoption services pursuant to RCW 26.33.320 and  
31 74.13.100 through 74.13.145 (as recodified by this act) shall be  
32 credited to the general fund. Expenses incurred in connection with  
33 supporting the adoption of hard to place children shall be paid by  
34 warrants drawn against such appropriations as may be available. The  
35 secretary may for such purposes, contract with any public agency or

1 (~~licensed child placing~~) supervising agency and/or adoptive parent  
2 and is authorized to accept funds from other sources including federal,  
3 private, and other public funding sources to carry out such purposes.

4 The secretary shall actively seek, where consistent with the  
5 policies and programs of the department, and shall make maximum use of,  
6 such federal funds as are or may be made available to the department  
7 for the purpose of supporting the adoption of hard to place children.  
8 The secretary may, if permitted by federal law, deposit federal funds  
9 for adoption support, aid to adoptions, or subsidized adoption in the  
10 general fund and may use such funds, subject to such limitations as may  
11 be imposed by federal or state law, to carry out the program of  
12 adoption support authorized by RCW 26.33.320 and 74.13.100 through  
13 74.13.145 (as recodified by this act).

14 **Sec. 66.** RCW 74.13.109 and 1990 c 285 s 7 are each amended to read  
15 as follows:

16 The secretary shall issue rules and regulations to assist in the  
17 administration of the program of adoption support authorized by RCW  
18 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act).

19 Disbursements from the appropriations available from the general  
20 fund shall be made pursuant to such rules and regulations and pursuant  
21 to agreements conforming thereto to be made by the secretary with  
22 parents for the purpose of supporting the adoption of children in, or  
23 likely to be placed in, foster homes or child caring institutions who  
24 are found by the secretary to be difficult to place in adoption because  
25 of physical or other reasons; including, but not limited to, physical  
26 or mental handicap, emotional disturbance, ethnic background, language,  
27 race, color, age, or sibling grouping.

28 Such agreements shall meet the following criteria:

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

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

35 (3) Such agreement shall provide that adoption support shall not  
36 continue beyond the time that the adopted child reaches eighteen years  
37 of age, becomes emancipated, dies, or otherwise ceases to need

1 support(~~(, provided that)~~). If the secretary ((shall)) finds that  
2 continuing dependency of such child after such child reaches eighteen  
3 years of age warrants the continuation of support pursuant to RCW  
4 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act)  
5 the secretary may do so, subject to all the provisions of RCW 26.33.320  
6 and 74.13.100 through 74.13.145 (as recodified by this act), including  
7 annual review of the amount of such support.

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

12 **Sec. 67.** RCW 74.13.124 and 1985 c 7 s 140 are each amended to read  
13 as follows:

14 An agreement for adoption support made (~~pursuant to RCW~~  
15 ~~26.32.115~~) before January 1, 1985, or pursuant to RCW 26.33.320 and  
16 74.13.100 through 74.13.145 (as recodified by this act), although  
17 subject to review and adjustment as provided for herein, shall, as to  
18 the standard used by the secretary in making such review or reviews and  
19 any such adjustment, constitutes a contract within the meaning of  
20 section 10, Article I of the United States Constitution and section 23,  
21 Article I of the state Constitution. For that reason once such an  
22 agreement has been made any review of and adjustment under such  
23 agreement shall as to the standards used by the secretary, be made only  
24 subject to the provisions of RCW 26.33.320 and 74.13.100 through  
25 74.13.145 (as recodified by this act) and such rules and regulations  
26 relating thereto as they exist on the date of the initial determination  
27 in connection with such agreement or such more generous standard or  
28 parts of such standard as may hereafter be provided for by law or  
29 regulation. Once made such an agreement shall constitute a solemn  
30 undertaking by the state of Washington with such adoptive parent or  
31 parents. The termination of the effective period of RCW 26.33.320 and  
32 74.13.100 through 74.13.145 (as recodified by this act) or a decision  
33 by the state or federal government to discontinue or reduce general  
34 appropriations made available for the purposes to be served by RCW  
35 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act),  
36 shall not affect the state's specific continuing obligations to support

1 such adoptions, subject to such annual review and adjustment for all  
2 such agreements as have theretofore been entered into by the state.

3 The purpose of this section is to assure any such parent that, upon  
4 his or her consenting to assume the burdens of adopting a hard to place  
5 child, the state will not in future so act by way of general reduction  
6 of appropriations for the program authorized by RCW 26.33.320 and  
7 74.13.100 through 74.13.145 (as recodified by this act) or ratable  
8 reductions, to impair the trust and confidence necessarily reposed by  
9 such parent in the state as a condition of such parent taking upon  
10 himself or herself the obligations of parenthood of a difficult to  
11 place child.

12 Should the secretary and any such adoptive parent differ as to  
13 whether any standard or part of a standard adopted by the secretary  
14 after the date of an initial agreement, which standard or part is used  
15 by the secretary in making any review and adjustment, is more generous  
16 than the standard in effect as of the date of the initial determination  
17 with respect to such agreement such adoptive parent may invoke his or  
18 her rights, including all rights of appeal under the fair hearing  
19 provisions, available to him or her under RCW 74.13.127 (as recodified  
20 by this act).

21 **Sec. 68.** RCW 74.13.136 and 1985 c 7 s 144 are each amended to read  
22 as follows:

23 Any (~~(child-caring)~~) supervising agency or person having a child in  
24 foster care or institutional care and wishing to recommend to the  
25 secretary support of the adoption of such child as provided for in RCW  
26 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act)  
27 may do so, and may include in its or his or her recommendation advice  
28 as to the appropriate level of support and any other information likely  
29 to assist the secretary in carrying out the functions vested in the  
30 secretary by RCW 26.33.320 and 74.13.100 through 74.13.145 (as  
31 recodified by this act). Such agency may, but is not required to, be  
32 retained by the secretary to make the required preplacement study of  
33 the prospective adoptive parent or parents.

34 **Sec. 69.** RCW 74.13.165 and 1997 c 272 s 4 are each amended to read  
35 as follows:

36 The secretary or the secretary's designee (~~(may)~~) shall purchase



1 services from nonprofit agencies for the purpose of conducting home  
2 studies for legally free children who have been awaiting adoption  
3 finalization for more than (~~ninety~~) sixty days. The home studies  
4 selected to be done under this section shall be for the children who  
5 have been legally free and awaiting adoption finalization the longest  
6 period of time.

7 This section expires June 30, 2011.

8 **Sec. 70.** RCW 74.13.170 and 1991 c 326 s 2 are each amended to read  
9 as follows:

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

16 **Sec. 71.** RCW 74.13.250 and 1990 c 284 s 2 are each amended to read  
17 as follows:

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

24 (2) Foster parent preservice training shall include information  
25 about the potential impact of placement on foster children; social  
26 service agency administrative processes; the requirements,  
27 responsibilities, expectations, and skills needed to be a foster  
28 parent; attachment, separation, and loss issues faced by birth parents,  
29 foster children, and foster parents; child management and discipline;  
30 birth family relationships; and helping children leave foster care.  
31 Preservice training shall assist applicants in making informed  
32 decisions about whether they want to be foster parents. Preservice  
33 training shall be designed to enable the agency to assess the ability,  
34 readiness, and appropriateness of families to be foster parents. As a  
35 decision tool, effective preservice training provides potential foster  
36 parents with enough information to make an appropriate decision,

1 affords potential foster parents an opportunity to discuss their  
2 decision with others and consider its implications for their family,  
3 clarifies foster family expectations, presents a realistic picture of  
4 what foster parenting involves, and allows potential foster parents to  
5 consider and explore the different types of children they might serve.

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

12 **Sec. 72.** RCW 74.13.280 and 2007 c 409 s 6 and 2007 c 220 s 4 are  
13 each reenacted and amended to read as follows:

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

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

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

31 (a) Has received a medical diagnosis of fetal alcohol syndrome or  
32 fetal alcohol effect;

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

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

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

3 (4) Any person who receives information about a child or a child's  
4 family pursuant to this section shall keep the information confidential  
5 and shall not further disclose or disseminate the information except as  
6 authorized by law. Care providers shall agree in writing to keep the  
7 information that they receive confidential and shall affirm that the  
8 information will not be further disclosed or disseminated, except as  
9 authorized by law.

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

14 (6) As used in this section:

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

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

- 21 (i) Suicide attempts or suicidal behavior or ideation;
- 22 (ii) Self-mutilation or similar self-destructive behavior;
- 23 (iii) Fire-setting or a developmentally inappropriate fascination  
24 with fire;
- 25 (iv) Animal torture;
- 26 (v) Property destruction; or
- 27 (vi) Substance or alcohol abuse.

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

- 31 (i) Observed assaultive behavior;
- 32 (ii) Reported and documented history of the child willfully  
33 assaulting or inflicting bodily harm; or
- 34 (iii) Attempting to assault or inflict bodily harm on other  
35 children or adults under circumstances where the child has the apparent  
36 ability or capability to carry out the attempted assaults including  
37 threats to use a weapon.

1       **Sec. 73.** RCW 74.13.283 and 2008 c 267 s 7 are each amended to read  
2 as follows:

3       (1) For the purpose of assisting foster youth in obtaining a  
4 Washington state identicard, submission of the information and  
5 materials listed in this subsection from the department or supervising  
6 agency to the department of licensing is sufficient proof of identity  
7 and residency and shall serve as the necessary authorization for the  
8 youth to apply for and obtain a Washington state identicard:

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

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

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

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

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

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

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

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

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

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

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

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

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

35       (4) To the extent other identifying information is readily  
36 available, the department or supervising agency shall include the  
37 additional information with the submission of information required  
38 under subsection (1) of this section.

1       **Sec. 74.** RCW 74.13.285 and 2007 c 409 s 7 are each amended to read  
2 as follows:

3       (1) Within available resources, the department or supervising  
4 agency shall prepare a passport containing all known and available  
5 information concerning the mental, physical, health, and educational  
6 status of the child for any child who has been in a foster home for  
7 ninety consecutive days or more. The passport shall contain education  
8 records obtained pursuant to RCW 28A.150.510. The passport shall be  
9 provided to a foster parent at any placement of a child covered by this  
10 section. The department or supervising agency shall update the  
11 passport during the regularly scheduled court reviews required under  
12 chapter 13.34 RCW.

13       New placements (~~((after July 1, 1997,))~~) shall have first priority in  
14 the preparation of passports. (~~((Within available resources, the~~  
15 ~~department may prepare passports for any child in a foster home on July~~  
16 ~~1, 1997, provided that no time spent in a foster home before July 1,~~  
17 ~~1997, shall be included in the computation of the ninety days.))~~)

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

24       (3) The department shall hold harmless the provider including  
25 supervising agencies for any unauthorized disclosures caused by the  
26 department.

27       (4) Any foster parent who receives information about a child or a  
28 child's family pursuant to this section shall keep the information  
29 confidential and shall not further disclose or disseminate the  
30 information, except as authorized by law. Such individuals shall agree  
31 in writing to keep the information that they receive confidential and  
32 shall affirm that the information will not be further disclosed or  
33 disseminated, except as authorized by law.

34       **Sec. 75.** RCW 74.13.288 and 2004 c 40 s 2 are each amended to read  
35 as follows:

36       (~~((1))~~) The department of health shall develop recommendations  
37 concerning evidence-based practices for testing for blood-borne

1 pathogens of children under one year of age who have been placed in  
2 out-of-home care and shall identify the specific pathogens for which  
3 testing is recommended.

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

7 **Sec. 76.** RCW 74.13.289 and 2004 c 40 s 3 are each amended to read  
8 as follows:

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

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

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

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

23 **Sec. 77.** RCW 74.13.300 and 1990 c 284 s 12 are each amended to  
24 read as follows:

25 (1) Whenever a child has been placed in a foster family home by the  
26 department or ~~((a child placing))~~ supervising agency and the child has  
27 thereafter resided in the home for at least ninety consecutive days,  
28 the department or ~~((child placing))~~ supervising agency shall notify the  
29 foster family at least five days prior to moving the child to another  
30 placement, unless:

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

33 (b) The child is being returned home;

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

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

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

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

12 **Sec. 78.** RCW 74.13.310 and 1990 c 284 s 13 are each amended to  
13 read as follows:

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

27 **Sec. 79.** RCW 74.13.315 and 1997 c 272 s 6 are each amended to read  
28 as follows:

29 The department or supervising agency may provide child care for all  
30 foster parents who are required to attend department-sponsored or  
31 supervising agency-sponsored meetings or training sessions. If the  
32 department or supervising agency does not provide such child care, the  
33 department or supervising agency, where feasible, shall conduct the  
34 activities covered by this section in the foster parent's home or other  
35 location acceptable to the foster parent.

1       **Sec. 80.** RCW 74.13.320 and 1990 c 284 s 15 are each amended to  
2 read as follows:

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

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

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

20       ~~The agencies shall recruit foster care homes and adoptive homes for  
21 children classified as special needs children under chapter 74.08 RCW.  
22 The agencies shall utilize their own network of contacts and shall also  
23 develop programs similar to those used effectively in other states.  
24 The department shall expand the foster adopt program statewide to  
25 encourage stable placements for foster children for whom permanent out-  
26 of home placement is a likelihood. The department shall carefully  
27 consider existing programs to eliminate duplication of services.))~~

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

33       **Sec. 81.** RCW 74.13.325 and 1997 c 272 s 3 are each amended to read  
34 as follows:

35       Within available resources, the department and supervising agencies  
36 shall increase the number of adoptive and foster families available to  
37 accept children through an intensive recruitment and retention program.



1 The department shall (~~contract with a private agency to~~) enter into  
2 performance-based contracts with supervising agencies, under which the  
3 agencies will coordinate all foster care and adoptive home recruitment  
4 activities (~~for the department and private agencies~~).

5 **Sec. 82.** RCW 74.13.333 and 2004 c 181 s 1 are each amended to read  
6 as follows:

7 A foster parent who believes that a department or supervising  
8 agency employee has retaliated against the foster parent or in any  
9 other manner discriminated against the foster parent because:

10 (1) The foster parent made a complaint with the office of the  
11 family and children's ombudsman, the attorney general, law enforcement  
12 agencies, (~~or~~) the department, or the supervising agency, provided  
13 information, or otherwise cooperated with the investigation of such a  
14 complaint;

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

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

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

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

23 (6) The foster parent has discussed or consulted with anyone  
24 concerning the foster parent's rights under this chapter or chapter  
25 74.15 or 13.34 RCW,  
26 may file a complaint with the office of the family and children's  
27 ombudsman. The office of the family and children's ombudsman shall  
28 include its recommendations regarding complaints filed under this  
29 section in its annual report pursuant to RCW 43.06A.030. The office of  
30 the family and children's ombudsman shall identify trends which may  
31 indicate a need to improve relations between the department or  
32 supervising agency and foster parents.

33 **Sec. 83.** RCW 74.13.334 and 2004 c 181 s 2 are each amended to read  
34 as follows:

35 The department and supervising agency shall develop procedures for

1 responding to recommendations of the office of the family and  
2 children's ombudsman as a result of any and all complaints filed by  
3 foster parents under RCW 74.13.333.

4 **Sec. 84.** RCW 74.13.500 and 2005 c 274 s 351 are each amended to  
5 read as follows:

6 (1) Consistent with the provisions of chapter 42.56 RCW and  
7 applicable federal law, the secretary, or the secretary's designee,  
8 shall disclose information regarding the abuse or neglect of a child,  
9 the investigation of the abuse, neglect, or near fatality of a child,  
10 and any services related to the abuse or neglect of a child if any one  
11 of the following factors is present:

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

15 (b) The investigation of the abuse or neglect of the child by the  
16 department or the provision of services by the department or a  
17 supervising agency has been publicly disclosed in a report required to  
18 be disclosed in the course of their official duties, by a law  
19 enforcement agency or official, a prosecuting attorney, any other state  
20 or local investigative agency or official, or by a judge of the  
21 superior court;

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

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

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

34 (3) Except for cases in subsection (1)(d) of this section, requests  
35 for information under this section shall specifically identify the case  
36 about which information is sought and the facts that support a

1 determination that one of the factors specified in subsection (1) of  
2 this section is present.

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

7 **Sec. 85.** RCW 74.13.515 and 2005 c 274 s 352 are each amended to  
8 read as follows:

9 For purposes of RCW 74.13.500(1)(d), the secretary must make the  
10 fullest possible disclosure consistent with chapter 42.56 RCW and  
11 applicable federal law in cases of all fatalities of children who were  
12 in the care of, or receiving services from, the department or\_a  
13 supervising\_agency at the time of their death or within the twelve  
14 months previous to their death.

15 If the secretary specifically determines that disclosure of the  
16 name of the deceased child is contrary to the best interests of the  
17 child's siblings or other children in the household, the secretary may  
18 remove personally identifying information.

19 For the purposes of this section, "personally identifying  
20 information" means the name, street address, social security number,  
21 and day of birth of the child who died and of private persons who are  
22 relatives of the child named in child welfare records. "Personally  
23 identifying information" shall not include the month or year of birth  
24 of the child who has died. Once this personally identifying  
25 information is removed, the remainder of the records pertaining to a  
26 child who has died must be released regardless of whether the remaining  
27 facts in the records are embarrassing to the unidentifiable other  
28 private parties or to identifiable public workers who handled the case.

29 **Sec. 86.** RCW 74.13.525 and 2005 c 274 s 353 are each amended to  
30 read as follows:

31 The department or supervising agency, when acting in good faith, is  
32 immune from any criminal or civil liability, except as provided under  
33 RCW 42.56.550, for any action taken under RCW 74.13.500 through  
34 74.13.520.

1       **Sec. 87.** RCW 74.13.530 and 2001 c 318 s 4 are each amended to read  
2 as follows:

3       (1) No child may be placed or remain in a specific out-of-home  
4 placement under this chapter or chapter 13.34 RCW when there is a  
5 conflict of interest on the part of any adult residing in the home in  
6 which the child is to be or has been placed. A conflict of interest  
7 exists when:

8       (a) There is an adult in the home who, as a result of: (i) His or  
9 her employment; and (ii) an allegation of abuse or neglect of the  
10 child, conducts or has conducted an investigation of the allegation; or

11       (b) The child has been, is, or is likely to be a witness in any  
12 pending cause of action against any adult in the home when the cause  
13 includes: (i) An allegation of abuse or neglect against the child or  
14 any sibling of the child; or (ii) a claim of damages resulting from  
15 wrongful interference with the parent-child relationship of the child  
16 and his or her biological or adoptive parent.

17       (2) For purposes of this section, "investigation" means the  
18 exercise of professional judgment in the review of allegations of abuse  
19 or neglect by: (a) Law enforcement personnel; (b) persons employed by,  
20 or under contract with, the state; (c) persons licensed to practice law  
21 and their employees; and (d) mental health professionals as defined in  
22 chapter 71.05 RCW.

23       (3) The prohibition set forth in subsection (1) of this section may  
24 not be waived or deferred by the department or a supervising agency  
25 under any circumstance or at the request of any person, regardless of  
26 who has made the request or the length of time of the requested  
27 placement.

28       **Sec. 88.** RCW 74.13.560 and 2003 c 112 s 3 are each amended to read  
29 as follows:

30       The administrative regions of the department and the supervising  
31 agencies shall develop protocols with the respective school districts  
32 in their regions specifying specific strategies for communication,  
33 coordination, and collaboration regarding the status and progress of  
34 foster children placed in the region, in order to maximize the  
35 educational continuity and achievement for foster children. The  
36 protocols shall include methods to assure effective sharing of  
37 information consistent with RCW 28A.225.330.

1       **Sec. 89.** RCW 74.13.590 and 2003 c 112 s 6 are each amended to read  
2 as follows:

3       The department and supervising agencies shall perform the tasks  
4 provided in RCW 74.13.550 through 74.13.580 based on available  
5 resources.

6       **Sec. 90.** RCW 74.13.600 and 2003 c 284 s 1 are each amended to read  
7 as follows:

8       (1) For the purposes of this section, "kin" means persons eighteen  
9 years of age or older to whom the child is related by blood, adoption,  
10 or marriage, including marriages that have been dissolved, and means:  
11 (a) Any person denoted by the prefix "grand" or "great"; (b) sibling,  
12 whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or  
13 (e) first cousin.

14       (2) The department and supervising agencies shall plan, design, and  
15 implement strategies to prioritize the placement of children with  
16 willing and able kin when out-of-home placement is required.

17       These strategies must include at least the following:

18       (a) Development of standardized, statewide procedures to be used by  
19 supervising agencies when searching for kin of children prior to out-  
20 of-home placement. The procedures must include a requirement that  
21 documentation be maintained in the child's case record that identifies  
22 kin, and documentation that identifies the assessment criteria and  
23 procedures that were followed during all kin searches. The procedures  
24 must be used when a child is placed in out-of-home care under authority  
25 of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or  
26 when a child is placed under a voluntary placement agreement. To  
27 assist with implementation of the procedures, the department or  
28 supervising agencies shall request that the juvenile court require  
29 parents to disclose to the ((department)) agencies all contact  
30 information for available and appropriate kin within two weeks of an  
31 entered order. For placements under signed voluntary agreements, the  
32 department and supervising agencies shall encourage the parents to  
33 disclose to the department and agencies all contact information for  
34 available and appropriate kin within two weeks of the date the parent  
35 signs the voluntary placement agreement.

36       (b) Development of procedures for conducting active outreach

1 efforts to identify and locate kin during all searches. The procedures  
2 must include at least the following elements:

3 (i) Reasonable efforts to interview known kin, friends, teachers,  
4 and other identified community members who may have knowledge of the  
5 child's kin, within sixty days of the child entering out-of-home care;

6 (ii) Increased use of those procedures determined by research to be  
7 the most effective methods of promoting reunification efforts,  
8 permanency planning, and placement decisions;

9 (iii) Contacts with kin identified through outreach efforts and  
10 interviews under this subsection as part of permanency planning  
11 activities and change of placement discussions;

12 (iv) Establishment of a process for ongoing contact with kin who  
13 express interest in being considered as a placement resource for the  
14 child; and

15 (v) A requirement that when the decision is made to not place the  
16 child with any kin, the department or supervising agency provides  
17 documentation as part of the child's individual service and safety plan  
18 that clearly identifies the rationale for the decision and corrective  
19 action or actions the kin must take to be considered as a viable  
20 placement option.

21 (3) Nothing in this section shall be construed to create an  
22 entitlement to services or to create judicial authority to order the  
23 provision of services to any person or family if the services are  
24 unavailable or unsuitable or the child or family is not eligible for  
25 such services.

26 **Sec. 91.** RCW 74.13.640 and 2008 c 211 s 1 are each amended to read  
27 as follows:

28 (1) The department (~~(of social and health services)~~) shall conduct  
29 a child fatality review in the event of an unexpected death of a minor  
30 in the state who is in the care of or receiving services described in  
31 chapter 74.13 RCW from the department or a supervising agency or who  
32 has been in the care of or received services described in chapter 74.13  
33 RCW from the department or a supervising agency within one year  
34 preceding the minor's death.

35 (2) Upon conclusion of a child fatality review required pursuant to  
36 subsection (1) of this section, the department shall within one hundred  
37 eighty days following the fatality issue a report on the results of the

1 review, unless an extension has been granted by the governor. Reports  
2 shall be distributed to the appropriate committees of the legislature,  
3 and the department shall create a public web site where all child  
4 fatality review reports required under this section shall be posted and  
5 maintained.

6 (3) The department shall develop and implement procedures to carry  
7 out the requirements of subsections (1) and (2) of this section.

8 (4) In the event a child fatality is the result of apparent abuse  
9 or neglect by the child's parent or caregiver, the department shall  
10 ensure that the fatality review team is comprised of individuals who  
11 had no previous involvement in the case and whose professional  
12 expertise is pertinent to the dynamics of the case.

13 (5) In the event of a near-fatality of a child who is in the care  
14 of or receiving services described in this chapter from the department  
15 or who has been in the care of or received services described in this  
16 chapter from the department within one year preceding the  
17 near-fatality, the department shall promptly notify the office of the  
18 family and children's ombudsman.

19 **Sec. 92.** RCW 74.13.650 and 2007 c 220 s 7 are each amended to read  
20 as follows:

21 A foster parent critical support and retention program is  
22 established to retain foster parents who care for sexually reactive  
23 children, physically assaultive children, or children with other high-  
24 risk behaviors, as defined in RCW 74.13.280. Services shall consist of  
25 short-term therapeutic and educational interventions to support the  
26 stability of the placement. The (~~foster parent critical support and  
27 retention program is to be implemented under the division of children  
28 and family services' contract and supervision. A contractor must  
29 demonstrate experience providing in-home case management, as well as  
30 experience working with caregivers of children with significant  
31 behavioral issues that pose a threat to others or themselves or the  
32 stability of the placement~~) department shall enter into performance-  
33 based contracts with supervising agencies to provide this program.

34 **Sec. 93.** RCW 74.13.670 and 2007 c 220 s 5 are each amended to read  
35 as follows:

36 (1) A care provider may not be found to have abused or neglected a

1 child under chapter 26.44 RCW or be denied a license pursuant to  
2 chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to  
3 supervise (~~wherein~~) in which:

4 (a) The allegations arise from the child's conduct that is  
5 substantially similar to prior behavior of the child, and:

6 (i) The child is a sexually reactive youth, exhibits high-risk  
7 behaviors, or is physically assaultive or physically aggressive as  
8 defined in RCW 74.13.280, and this information and the child's prior  
9 behavior was not disclosed to the care provider as required by RCW  
10 74.13.280; and

11 (ii) The care provider did not know or have reason to know that the  
12 child needed supervision as a sexually reactive or physically  
13 assaultive or physically aggressive youth, or because of a documented  
14 history of high-risk behaviors, as a result of the care provider's  
15 involvement with or independent knowledge of the child or training and  
16 experience; or

17 (b) The child was not within the reasonable control of the care  
18 provider at the time of the incident that is the subject of the  
19 allegation, and the care provider was acting in good faith and did not  
20 know or have reason to know that reasonable control or supervision of  
21 the child was necessary to prevent harm or risk of harm to the child or  
22 other persons.

23 (2) Allegations of child abuse or neglect that meet the provisions  
24 of this section shall be designated as "unfounded" as defined in RCW  
25 26.44.020.

26 NEW SECTION. **Sec. 94.** RCW 74.13.085, 74.13.0902, 74.13.095, and  
27 74.15.031 are each recodified as new sections in chapter 43.215 RCW.

28 NEW SECTION. **Sec. 95.** RCW 74.13.100, 74.13.103, 74.13.106,  
29 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121,  
30 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139,  
31 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155,  
32 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170  
33 are each recodified as a new chapter in Title 74 RCW.

34 NEW SECTION. **Sec. 96.** Section 63 of this act expires June 30,  
35 2014.



1        NEW SECTION.    **Sec. 97.**    The following acts or parts of acts are  
2 each repealed:

3        (1) RCW 13.34.803 (Drug-affected and alcohol-affected infants--  
4 Comprehensive plan--Report) and 1998 c 314 s 40;

5        (2) RCW 13.34.805 (Drug-affected infants--Study) and 1998 c 314 s  
6 31;

7        (3) RCW 13.34.8051 (Drug-affected infants--Study--Alcohol-affected  
8 infants to be included) and 1998 c 314 s 32;

9        (4) RCW 13.34.810 (Implementation of chapter 314, Laws of 1998) and  
10 1998 c 314 s 48;

11        (5) RCW 26.44.230 (Abuse of adolescents--Reviews and reports) and  
12 2005 c 345 s 2;

13        (6) RCW 74.13.200 (Demonstration project for protection, care, and  
14 treatment of children at-risk of abuse or neglect) and 1979 ex.s. c 248  
15 s 1;

16        (7) RCW 74.13.210 (Project day care center--Definition) and 1979  
17 ex.s. c 248 s 2;

18        (8) RCW 74.13.220 (Project services) and 1979 ex.s. c 248 s 3;

19        (9) RCW 74.13.230 (Project shall utilize community services) and  
20 1979 ex.s. c 248 s 4;

21        (10) RCW 74.13.340 (Foster parent liaison) and 1997 c 272 s 2;

22        (11) RCW 74.13.630 (Family decision meetings) and 2004 c 182 s 2;  
23 and

24        (12) RCW 74.13.800 (Intensive resource home pilot) and 2008 c 281  
25 s 2.

26        NEW SECTION.    **Sec. 98.**    Section 8 of this act is necessary for the  
27 immediate preservation of the public peace, health, or safety, or  
28 support of the state government and its existing public institutions,  
29 and takes effect immediately.

      Passed by the House April 21, 2009.

      Passed by the Senate April 16, 2009.

      Approved by the Governor May 18, 2009, with the exception of  
      certain items that were vetoed.

      Filed in Office of Secretary of State May 20, 2009.

      Note: Governor's explanation of partial veto is as follows:

"I have approved, except for Sections 1, 14 and 19, Second Substitute  
House Bill 2106 entitled:

"AN ACT Relating to improving child welfare outcomes through the  
phased implementation of strategic and proven reforms."

Section 1 of the bill is an intent section and includes a sentence  
that says "It is the duty of the state to provide children at risk of

out-of-home placement and their families with reasonable opportunities to access supportive services that enhance their safety and well-being." The bill does not define the term "children at risk of out-of-home placement," but does define "child welfare services" broadly. This section may be interpreted as creating a broad new entitlement that I do not believe was intended.

Section 14 amends RCW 74.15.030 to specify that unfounded allegations of child abuse or neglect shall be disclosed to supervising agencies. This language is in direct conflict with existing statutory language in RCW 26.44.031(4) which specifies that an unfounded, screened-out, or inconclusive report may not be disclosed to any licensed provider.

Section 19 directs the Department of Social and Health Services (Department) to, "within existing resources...develop a curriculum to train child protective services staff in forensic techniques used for investigating allegations of child abuse and neglect." The Department cannot absorb costs associated with unfunded new activities at this time. I agree with the goal of ensuring the quality of our investigations and the local investigation protocols involving the Department, law enforcement and prosecutors are an existing mechanism that can be used to further this goal.

For these reasons, I have vetoed Sections 1, 14 and 19 of Second Substitute House Bill 2106.

With the exception of sections 1, 14 and 19, Second Substitute House Bill 2106 is approved."