

HB 2582 - H AMD 733

By Representative Hargrove

ADOPTED 02/14/2014

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

3 "Sec. 1. RCW 13.34.138 and 2009 c 520 s 29 are each amended to
4 read as follows:

5 (1) The status of all children found to be dependent shall be
6 reviewed by the court at least every six months from the beginning
7 date of the placement episode or the date dependency is established,
8 whichever is first. The purpose of the hearing shall be to review the
9 progress of the parties and determine whether court supervision should
10 continue.

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

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

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

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

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

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

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

26 Caregivers may be required to engage in services under this
27 subsection solely for the purpose of ensuring the present and future
28 safety of a child who is a ward of the court. This subsection does
29 not grant party status to any individual not already a party to the
30 dependency proceeding, create an entitlement to services or a duty on
31 the part of the department or supervising agency to provide services,
32 or create judicial authority to order the provision of services to any
33 person other than for the express purposes of this section or RCW
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1 13.34.025 or if the services are unavailable or unsuitable or the
2 person is not eligible for such services.

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

5 (i) Whether the supervising agency or the department is making
6 reasonable efforts to provide services to the family and eliminate the
7 need for placement of the child. If additional services, including
8 housing assistance, are needed to facilitate the return of the child
9 to the child's parents, the court shall order that reasonable services
10 be offered specifying such services;

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

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

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

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

20 (vi) Whether a parent's homelessness or lack of suitable housing
21 is a significant factor delaying permanency for the child by
22 preventing the return of the child to the home of the child's parent
23 and whether housing assistance should be provided by the department or
24 supervising agency;

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

27 (viii) Whether preference has been given to placement with the
28 child's relatives if such placement is in the child's best interests;

29 (ix) Whether both in-state and, where appropriate, out-of-state
30 placements have been considered;

31 (x) Whether the parents have visited the child and any reasons why
32 visitation has not occurred or has been infrequent;

33 (xi) Whether terms of visitation need to be modified;

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1 (xii) Whether the court-approved long-term permanent plan for the
2 child remains the best plan for the child;

3 (xiii) Whether any additional court orders need to be made to move
4 the case toward permanency; and

5 (xiv) The projected date by which the child will be returned home
6 or other permanent plan of care will be implemented.

7 (d) The court at the review hearing may order that a petition
8 seeking termination of the parent and child relationship be filed. If
9 the court determines that the child has been in out-of-home care for
10 at least twelve consecutive months following the filing of a
11 dependency petition and the parents have been non-compliant with
12 court-ordered services and have made no progress towards correcting
13 parental deficiencies, the court shall order that a petition seeking
14 termination of parent and child relationship be filed unless the court
15 makes a good cause exception based on the factors described in RCW
16 13.34.145.

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

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

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

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

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

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

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

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

12 (4) The court's authority to order housing assistance under this
13 chapter is: (a) Limited to cases in which a parent's homelessness or
14 lack of suitable housing is a significant factor delaying permanency
15 for the child and housing assistance would aid the parent in providing
16 an appropriate home for the child; and (b) subject to the availability
17 of funds appropriated for this specific purpose. Nothing in this
18 chapter shall be construed to create an entitlement to housing
19 assistance nor to create judicial authority to order the provision of
20 such assistance to any person or family if the assistance or funding
21 are unavailable or the child or family are not eligible for such
22 assistance.

23 (5) The court shall consider the child's relationship with
24 siblings in accordance with RCW 13.34.130(~~(+3)~~)(6)."

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27 Correct the title.

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EFFECT: Requires the court to order the filing of a petition seeking termination of the parent and child relationship if a child has been in out-of-home care for at least 12 consecutive months and the parents have been non-compliant with court-ordered services, in lieu of requiring the court to order the filing of a petition seeking the termination of parental rights in any case where the court approves a sole permanency plan of adoption.

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