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HOUSE BILL 1800

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Hargrove, Kagi, and Walsh

Read first time 01/29/15. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to filing a petition seeking termination of  
2 parental rights; and reenacting and amending RCW 13.34.138.

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

4 **Sec. 1.** RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009  
5 c 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read  
6 as follows:

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

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

19 (b) The initial review hearing may be a permanency planning  
20 hearing when necessary to meet the time frames set forth in RCW  
21 13.34.145(1)(a) or 13.34.134.

1 (2)(a) A child shall not be returned home at the review hearing  
2 unless the court finds that a reason for removal as set forth in RCW  
3 13.34.130 no longer exists. The parents, guardian, or legal custodian  
4 shall report to the court the efforts they have made to correct the  
5 conditions which led to removal. If a child is returned, casework  
6 supervision by the supervising agency or department shall continue  
7 for a period of six months, at which time there shall be a hearing on  
8 the need for continued intervention.

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

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

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

25 (iii) Notify the parent with whom the child is being placed that  
26 he or she has an ongoing duty to notify the department or supervising  
27 agency of all persons who reside in the home or who may act as a  
28 caregiver for the child both prior to the placement of the child in  
29 the home and subsequent to the placement of the child in the home as  
30 long as the court retains jurisdiction of the dependency proceeding  
31 or the department is providing or monitoring either remedial services  
32 to the parent or services to ensure the safety of the child to any  
33 caregivers.

34 Caregivers may be required to engage in services under this  
35 subsection solely for the purpose of ensuring the present and future  
36 safety of a child who is a ward of the court. This subsection does  
37 not grant party status to any individual not already a party to the  
38 dependency proceeding, create an entitlement to services or a duty on  
39 the part of the department or supervising agency to provide services,  
40 or create judicial authority to order the provision of services to

1 any person other than for the express purposes of this section or RCW  
2 13.34.025 or if the services are unavailable or unsuitable or the  
3 person is not eligible for such services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (ii) The continued participation of the parents, if applicable,  
18 in available substance abuse or mental health treatment if substance  
19 abuse or mental illness was a contributing factor to the removal of  
20 the child.

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

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

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

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

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

1           (4) The court's authority to order housing assistance under this  
2 chapter is: (a) Limited to cases in which a parent's homelessness or  
3 lack of suitable housing is a significant factor delaying permanency  
4 for the child and housing assistance would aid the parent in  
5 providing an appropriate home for the child; and (b) subject to the  
6 availability of funds appropriated for this specific purpose. Nothing  
7 in this chapter shall be construed to create an entitlement to  
8 housing assistance nor to create judicial authority to order the  
9 provision of such assistance to any person or family if the  
10 assistance or funding are unavailable or the child or family are not  
11 eligible for such assistance.

12           (5) The court shall consider the child's relationship with  
13 siblings in accordance with RCW 13.34.130(~~(3)~~) (6).

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