

E2SHB 1194 - S COMM AMD

By Committee on Human Services, Reentry & Rehabilitation

ADOPTED 04/07/2021

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

3 **"Sec. 1.** RCW 13.34.065 and 2019 c 172 s 11 are each amended to
4 read as follows:

5 (1)(a) When a child is taken into custody, the court shall hold a
6 shelter care hearing within (~~seventy-two~~) 72 hours, excluding
7 Saturdays, Sundays, and holidays. The primary purpose of the shelter
8 care hearing is to determine whether the child can be immediately and
9 safely returned home while the adjudication of the dependency is
10 pending.

11 (b) Any parent, guardian, or legal custodian who for good cause
12 is unable to attend the shelter care hearing may request that a
13 subsequent shelter care hearing be scheduled. The request shall be
14 made to the clerk of the court where the petition is filed prior to
15 the initial shelter care hearing. Upon the request of the parent, the
16 court shall schedule the hearing within (~~seventy-two~~) 72 hours of
17 the request, excluding Saturdays, Sundays, and holidays. The clerk
18 shall notify all other parties of the hearing by any reasonable
19 means.

20 (2)(a) If it is likely that the child will remain in shelter care
21 longer than (~~seventy-two~~) 72 hours, the department shall submit a
22 recommendation to the court as to the further need for shelter care
23 in all cases in which the child will remain in shelter care longer
24 than the (~~seventy-two~~) 72 hour period. In all other cases, the
25 recommendation shall be submitted by the juvenile court probation
26 counselor.

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

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

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

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

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

7 (iii) If the parent, guardian, or custodian is not represented by
8 counsel, the right to be represented. If the parent, guardian, or
9 custodian is indigent, the court shall appoint counsel as provided in
10 RCW 13.34.090; and

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

21 (4) At the shelter care hearing the court shall examine the need
22 for shelter care and inquire into the status of the case. The
23 paramount consideration for the court shall be the health, welfare,
24 and safety of the child. At a minimum, the court shall inquire into
25 the following:

26 (a) Whether the notice required under RCW 13.34.062 was given to
27 all known parents, guardians, or legal custodians of the child. The
28 court shall make an express finding as to whether the notice required
29 under RCW 13.34.062 was given to the parent, guardian, or legal
30 custodian. If actual notice was not given to the parent, guardian, or
31 legal custodian and the whereabouts of such person is known or can be
32 ascertained, the court shall order the department to make reasonable
33 efforts to advise the parent, guardian, or legal custodian of the
34 status of the case, including the date and time of any subsequent
35 hearings, and their rights under RCW 13.34.090;

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

38 (c) What efforts have been made to place the child with a
39 relative. The court shall ask the parents whether the department
40 discussed with them the placement of the child with a relative or

1 other suitable person described in RCW 13.34.130(1)(b) and shall
2 determine what efforts have been made toward such a placement;

3 (d) What services were provided to the family to prevent or
4 eliminate the need for removal of the child from the child's home. If
5 the dependency petition or other information before the court alleges
6 that homelessness or the lack of suitable housing was a significant
7 factor contributing to the removal of the child, the court shall
8 inquire as to whether housing assistance was provided to the family
9 to prevent or eliminate the need for removal of the child or
10 children;

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

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

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

21 (h) Whether the child is or may be an Indian child as defined in
22 RCW 13.38.040, whether the provisions of the federal Indian child
23 welfare act or chapter 13.38 RCW apply, and whether there is
24 compliance with the federal Indian child welfare act and chapter
25 13.38 RCW, including notice to the child's tribe;

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

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

35 (k) The terms and conditions for parental, sibling, and family
36 visitation.

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

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

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

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

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

12 (b) If the court does not release the child to his or her parent,
13 guardian, or legal custodian, the court shall order placement with a
14 relative or other suitable person as described in RCW
15 13.34.130(1)(b), unless there is reasonable cause to believe the
16 health, safety, or welfare of the child would be jeopardized or that
17 the efforts to reunite the parent and child will be hindered. If such
18 relative or other suitable person appears otherwise suitable and
19 competent to provide care and treatment, the fingerprint-based
20 background check need not be completed before placement, but as soon
21 as possible after placement. The court must also determine whether
22 placement with the relative or other suitable person is in the
23 child's best interests. The relative or other suitable person must be
24 willing and available to:

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

27 (ii) Facilitate the child's visitation with siblings, if such
28 visitation is part of the department's plan or is ordered by the
29 court; and

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

32 (c) If the child was not initially placed with a relative or
33 other suitable person, and the court does not release the child to
34 his or her parent, guardian, or legal custodian, the department shall
35 make reasonable efforts to locate a relative or other suitable person
36 pursuant to RCW 13.34.060(1). In determining placement, the court
37 shall weigh the child's length of stay and attachment to the current
38 provider in determining what is in the best interest of the child.

39 (d) If a relative or other suitable person is not available, the
40 court shall order continued shelter care and shall set forth its

1 reasons for the order. If the court orders placement of the child
2 with a person not related to the child and not licensed to provide
3 foster care, the placement is subject to all terms and conditions of
4 this section that apply to relative placements.

5 (e) Any placement with a relative, or other suitable person
6 approved by the court pursuant to this section, shall be contingent
7 upon cooperation with the department's or agency's case plan and
8 compliance with court orders related to the care and supervision of
9 the child including, but not limited to, court orders regarding
10 parent-child contacts, sibling contacts, and any other conditions
11 imposed by the court. Noncompliance with the case plan or court order
12 is grounds for removal of the child from the home of the relative or
13 other suitable person, subject to review by the court.

14 (f) If the child is placed in a qualified residential treatment
15 program as defined in this chapter, the court shall, within (~~sixty~~)
16 60 days of placement, hold a hearing to:

17 (i) Consider the assessment required under RCW 13.34.420 and
18 submitted as part of the department's social study, and any related
19 documentation;

20 (ii) Determine whether placement in foster care can meet the
21 child's needs or if placement in another available placement setting
22 best meets the child's needs in the least restrictive environment;
23 and

24 (iii) Approve or disapprove the child's placement in the
25 qualified residential treatment program.

26 (g) Uncertainty by a parent, guardian, legal custodian, relative,
27 or other suitable person that the alleged abuser has in fact abused
28 the child shall not, alone, be the basis upon which a child is
29 removed from the care of a parent, guardian, or legal custodian under
30 (a) of this subsection, nor shall it be a basis, alone, to preclude
31 placement with a relative or other suitable person under (b) of this
32 subsection.

33 (6) (a) A shelter care order issued pursuant to this section shall
34 include the requirement for a case conference as provided in RCW
35 13.34.067. However, if the parent is not present at the shelter care
36 hearing, or does not agree to the case conference, the court shall
37 not include the requirement for the case conference in the shelter
38 care order.

39 (b) If the court orders a case conference, the shelter care order
40 shall include notice to all parties and establish the date, time, and

1 location of the case conference which shall be no later than
2 (~~thirty~~) 30 days before the fact-finding hearing.

3 (c) The court may order another conference, case staffing, or
4 hearing as an alternative to the case conference required under RCW
5 13.34.067 so long as the conference, case staffing, or hearing
6 ordered by the court meets all requirements under RCW 13.34.067,
7 including the requirement of a written agreement specifying the
8 services to be provided to the parent.

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

15 (ii) If the court previously ordered that visitation between a
16 parent and child be supervised or monitored, there shall be a
17 presumption that such supervision or monitoring will no longer be
18 necessary following a continued shelter care order under (a)(i) of
19 this subsection. To overcome this presumption, a party must provide a
20 report to the court including evidence establishing that removing
21 visit supervision or monitoring would create a risk to the child's
22 safety, and the court shall make a determination as to whether visit
23 supervision or monitoring must continue.

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

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

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

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

38 (9) (a) If a child is placed out of the home of a parent,
39 guardian, or legal custodian following a shelter care hearing, the
40 court shall order the petitioner to provide regular visitation with

1 the parent, guardian, or legal custodian, and siblings. Early,
2 consistent, and frequent visitation is crucial for maintaining
3 parent-child relationships and allowing family reunification. The
4 court shall order a visitation plan individualized to the needs of
5 the family with a goal of providing the maximum parent, child, and
6 sibling contact possible.

7 (b) Visitation under this subsection shall not be limited as a
8 sanction for a parent's failure to comply with recommended services
9 during shelter care.

10 (c) Visitation under this subsection may only be limited where
11 necessary to ensure the health, safety, or welfare of the child.

12 (d) The first visit must take place within 72 hours of the child
13 being delivered into the custody of the department, unless the court
14 finds that extraordinary circumstances require delay.

15 (e) If the first visit under (d) of this subsection occurs in an
16 in-person format, this first visit must be supervised unless the
17 department determines that visit supervision is not necessary.

18 **Sec. 2.** RCW 13.34.136 and 2020 c 312 s 117 are each amended to
19 read as follows:

20 (1) Whenever a child is ordered to be removed from the home, a
21 permanency plan shall be developed no later than (~~sixty~~) 60 days
22 from the time the department assumes responsibility for providing
23 services, including placing the child, or at the time of a hearing
24 under RCW 13.34.130, whichever occurs first. The permanency planning
25 process continues until a permanency planning goal is achieved or
26 dependency is dismissed. The planning process shall include
27 reasonable efforts to return the child to the parent's home.

28 (2) The department shall submit a written permanency plan to all
29 parties and the court not less than (~~fourteen~~) 14 days prior to the
30 scheduled hearing. Responsive reports of parties not in agreement
31 with the department's proposed permanency plan must be provided to
32 the department, all other parties, and the court at least seven days
33 prior to the hearing.

34 The permanency plan shall include:

35 (a) A permanency plan of care that shall identify one of the
36 following outcomes as a primary goal and may identify additional
37 outcomes as alternative goals: Return of the child to the home of the
38 child's parent, guardian, or legal custodian; adoption, including a
39 tribal customary adoption as defined in RCW 13.38.040; guardianship

1 pursuant to chapter 13.36 RCW; guardianship of a minor pursuant to
2 RCW 11.130.215; long-term relative or foster care, if the child is
3 between ages (~~sixteen~~) 16 and (~~eighteen~~) 18, with a written
4 agreement between the parties and the care provider; successful
5 completion of a responsible living skills program; or independent
6 living, if appropriate and if the child is age (~~sixteen~~) 16 or
7 older. Although a permanency plan of care may only identify long-term
8 relative or foster care for children between ages (~~sixteen~~) 16 and
9 (~~eighteen~~) 18, children under (~~sixteen~~) 16 may remain placed with
10 relatives or in foster care. The department shall not discharge a
11 child to an independent living situation before the child is
12 (~~eighteen~~) 18 years of age unless the child becomes emancipated
13 pursuant to chapter 13.64 RCW;

14 (b) Unless the court has ordered, pursuant to RCW 13.34.130(8),
15 that a termination petition be filed, a specific plan as to where the
16 child will be placed, what steps will be taken to return the child
17 home, what steps the department will take to promote existing
18 appropriate sibling relationships and/or facilitate placement
19 together or contact in accordance with the best interests of each
20 child, and what actions the department will take to maintain parent-
21 child ties. All aspects of the plan shall include the goal of
22 achieving permanence for the child.

23 (i) The department's plan shall specify what services the parents
24 will be offered to enable them to resume custody, what requirements
25 the parents must meet to resume custody, and a time limit for each
26 service plan and parental requirement.

27 (A) If the parent is incarcerated, the plan must address how the
28 parent will participate in the case conference and permanency
29 planning meetings and, where possible, must include treatment that
30 reflects the resources available at the facility where the parent is
31 confined. The plan must provide for visitation opportunities, unless
32 visitation is not in the best interests of the child.

33 (B) If a parent has a developmental disability according to the
34 definition provided in RCW 71A.10.020, and that individual is
35 eligible for services provided by the department of social and health
36 services developmental disabilities administration, the department
37 shall make reasonable efforts to consult with the department of
38 social and health services developmental disabilities administration
39 to create an appropriate plan for services. For individuals who meet
40 the definition of developmental disability provided in RCW 71A.10.020

1 and who are eligible for services through the developmental
2 disabilities administration, the plan for services must be tailored
3 to correct the parental deficiency taking into consideration the
4 parent's disability and the department shall also determine an
5 appropriate method to offer those services based on the parent's
6 disability.

7 (ii)(A) Visitation is the right of the family, including the
8 child and the parent, in cases in which visitation is in the best
9 interest of the child. Early, consistent, and frequent visitation is
10 crucial for maintaining parent-child relationships and making it
11 possible for parents and children to safely reunify. The department
12 shall encourage the maximum parent and child and sibling contact
13 possible, when it is in the best interest of the child, including
14 regular visitation and participation by the parents in the care of
15 the child while the child is in placement.

16 (B) Visitation shall not be limited as a sanction for a parent's
17 failure to comply with court orders or services where the health,
18 safety, or welfare of the child is not at risk as a result of the
19 visitation.

20 (C) Visitation may be limited or denied only if the court
21 determines that such limitation or denial is necessary to protect the
22 child's health, safety, or welfare. Visitation must occur in the
23 least restrictive setting and be unsupervised unless the presence of
24 threats or danger to the child requires the constant presence of an
25 adult to ensure the safety of the child. When a parent or sibling has
26 been identified as a suspect in an active criminal investigation for
27 a violent crime that, if the allegations are true, would impact the
28 safety of the child, the department shall make a concerted effort to
29 consult with the assigned law enforcement officer in the criminal
30 case before recommending any changes in parent/child or child/sibling
31 contact. In the event that the law enforcement officer has
32 information pertaining to the criminal case that may have serious
33 implications for child safety or well-being, the law enforcement
34 officer shall provide this information to the department during the
35 consultation. The department may only use the information provided by
36 law enforcement during the consultation to inform family visitation
37 plans and may not share or otherwise distribute the information to
38 any person or entity. Any information provided to the department by
39 law enforcement during the consultation is considered investigative
40 information and is exempt from public inspection pursuant to RCW

1 42.56.240. The results of the consultation shall be communicated to
2 the court.

3 (D) The court and the department should rely upon community
4 resources, relatives, foster parents, and other appropriate persons
5 to provide transportation and supervision for visitation to the
6 extent that such resources are available, and appropriate, and the
7 child's safety would not be compromised.

8 (E) If the court previously ordered that visitation between a
9 parent and child be supervised or monitored, there shall be a
10 presumption that such supervision or monitoring will no longer be
11 necessary when the permanency plan is entered. To overcome this
12 presumption, a party must provide a report to the court including
13 evidence establishing that removing visit supervision or monitoring
14 would create a risk to the child's safety, and the court shall make a
15 determination as to whether visit supervision or monitoring must
16 continue.

17 (F) The court shall advise the petitioner that the failure to
18 provide court-ordered visitation may result in a finding that the
19 petitioner failed to make reasonable efforts to finalize the
20 permanency plan. The lack of sufficient contracted visitation
21 providers will not excuse the failure to provide court-ordered
22 visitation.

23 (iii)(A) The department, court, or caregiver in the out-of-home
24 placement may not limit visitation or contact between a child and
25 sibling as a sanction for a child's behavior or as an incentive to
26 the child to change his or her behavior.

27 (B) Any exceptions, limitation, or denial of contacts or
28 visitation must be approved by the supervisor of the department
29 caseworker and documented. The child, parent, department, guardian ad
30 litem, or court-appointed special advocate may challenge the denial
31 of visits in court.

32 (iv) A child shall be placed as close to the child's home as
33 possible, preferably in the child's own neighborhood, unless the
34 court finds that placement at a greater distance is necessary to
35 promote the child's or parents' well-being.

36 (v) The plan shall state whether both in-state and, where
37 appropriate, out-of-state placement options have been considered by
38 the department.

39 (vi) Unless it is not in the best interests of the child,
40 whenever practical, the plan should ensure the child remains enrolled

1 in the school the child was attending at the time the child entered
2 foster care.

3 (vii) The department shall provide all reasonable services that
4 are available within the department, or within the community, or
5 those services which the department has existing contracts to
6 purchase. It shall report to the court if it is unable to provide
7 such services; and

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

21 (3) Permanency planning goals should be achieved at the earliest
22 possible date. If the child has been in out-of-home care for
23 (~~(fifteen)~~) 15 of the most recent (~~(twenty-two)~~) 22 months, and the
24 court has not made a good cause exception, the court shall require
25 the department to file a petition seeking termination of parental
26 rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where
27 parental rights have been terminated, the child is legally free for
28 adoption, and adoption has been identified as the primary permanency
29 planning goal, it shall be a goal to complete the adoption within six
30 months following entry of the termination order.

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

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

1 (6) The court shall consider the child's relationships with the
2 child's siblings in accordance with RCW 13.34.130(7). Whenever the
3 permanency plan for a child is adoption, the court shall encourage
4 the prospective adoptive parents, birth parents, foster parents,
5 kinship caregivers, and the department or other agency to seriously
6 consider the long-term benefits to the child adoptee and his or her
7 siblings of providing for and facilitating continuing postadoption
8 contact between the siblings. To the extent that it is feasible, and
9 when it is in the best interests of the child adoptee and his or her
10 siblings, contact between the siblings should be frequent and of a
11 similar nature as that which existed prior to the adoption. If the
12 child adoptee or his or her siblings are represented by an attorney
13 or guardian ad litem in a proceeding under this chapter or in any
14 other child custody proceeding, the court shall inquire of each
15 attorney and guardian ad litem regarding the potential benefits of
16 continuing contact between the siblings and the potential detriments
17 of severing contact. This section does not require the department or
18 other agency to agree to any specific provisions in an open adoption
19 agreement and does not create a new obligation for the department to
20 provide supervision or transportation for visits between siblings
21 separated by adoption from foster care.

22 (7) For purposes related to permanency planning, "guardianship"
23 means a guardianship pursuant to chapter 13.36 RCW or a guardianship
24 of a minor pursuant to RCW 11.130.215, or equivalent laws of another
25 state or a federally recognized Indian tribe.

26 **Sec. 3.** RCW 13.34.138 and 2019 c 172 s 13 are each amended to
27 read as follows:

28 (1) The status of all children found to be dependent shall be
29 reviewed by the court at least every six months from the beginning
30 date of the placement episode or the date dependency is established,
31 whichever is first. The purpose of the hearing shall be to review the
32 progress of the parties and determine whether court supervision
33 should continue.

34 (a) The initial review hearing shall be an in-court review and
35 shall be set six months from the beginning date of the placement
36 episode or no more than (~~ninety~~) 90 days from the entry of the
37 disposition order, whichever comes first. The requirements for the
38 initial review hearing, including the in-court review requirement,
39 shall be accomplished within existing resources.

1 (b) The initial review hearing may be a permanency planning
2 hearing when necessary to meet the time frames set forth in RCW
3 13.34.145(1)(a) or 13.34.134.

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

12 (b) Prior to the child returning home, the department must
13 complete the following:

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

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

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

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

1 the part of the department to provide services, or create judicial
2 authority to order the provision of services to any person other than
3 for the express purposes of this section or RCW 13.34.025 or if the
4 services are unavailable or unsuitable or the person is not eligible
5 for such services.

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

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

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

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

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

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

23 (vi) Within (~~sixty~~) 60 days of the placement of a child in a
24 qualified residential treatment program as defined in this chapter,
25 and at each review hearing thereafter if the child remains in such a
26 program, the following:

27 (A) Whether ongoing assessment of the child's strengths and needs
28 continues to support the determination that the child's needs cannot
29 be met through placement in a foster family home;

30 (B) Whether the child's placement provides the most effective and
31 appropriate level of care in the least restrictive environment;

32 (C) Whether the placement is consistent with the child's
33 permanency plan;

34 (D) What specific treatment or service needs will be met in the
35 placement, and how long the child is expected to need the treatment
36 or services; and

37 (E) What efforts the department has made to prepare the child to
38 return home or be placed with a fit and willing relative as defined
39 in RCW 13.34.030, a Title 13 RCW legal guardian, an adoptive parent,
40 or in a foster family home.

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

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

7 (ix) Whether preference has been given to placement with the
8 child's relatives if such placement is in the child's best interests;

9 (x) Whether both in-state and, where appropriate, out-of-state
10 placements have been considered;

11 (xi) Whether the parents have visited the child and any reasons
12 why visitation has not occurred or has been infrequent;

13 (xii) Whether terms of visitation need to be modified. If the
14 court previously ordered that visitation between a parent and child
15 must be supervised or monitored, there shall be a presumption that
16 such supervision or monitoring will no longer be necessary after the
17 review hearing. To overcome this presumption, a party must provide a
18 report to the court including evidence establishing that removing
19 visit supervision or monitoring would create a risk to the child's
20 safety, and the court shall make a determination as to whether visit
21 supervision or monitoring must continue;

22 (xiii) Whether the court-approved long-term permanent plan for
23 the child remains the best plan for the child;

24 (xiv) Whether any additional court orders need to be made to move
25 the case toward permanency; and

26 (xv) The projected date by which the child will be returned home
27 or other permanent plan of care will be implemented.

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

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

33 (i) The compliance of the parents with court orders related to
34 the care and supervision of the child, including compliance with the
35 department's case plan; and

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

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

3 (i) Noncompliance by the parents with the department's case plan
4 or court order;

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

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

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

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

31 (5) The court shall consider the child's relationship with
32 siblings in accordance with RCW 13.34.130(~~(+6)~~) (7).

33 (6) The court shall advise the petitioner that the failure to
34 provide court-ordered visitation may result in a finding that the
35 petitioner failed to make reasonable efforts to finalize the
36 permanency plan. The lack of sufficient contracted visitation
37 providers will not excuse the failure to provide court-ordered
38 visitation.

1 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2021, in the omnibus appropriations act, this
4 act is null and void."

E2SHB 1194 - S COMM AMD

By Committee on Human Services, Reentry & Rehabilitation

ADOPTED 04/07/2021

5 On page 1, line 2 of the title, after "proceedings;" strike the
6 remainder of the title and insert "amending RCW 13.34.065, 13.34.136,
7 and 13.34.138; and creating a new section."

EFFECT: Clarifies that the first visit must take place within 72 hours of the child being delivered into DCYF custody (vs. removal of the child). A technical correction is made.

--- END ---