

**E2SHB 3205** - S COMM AMD  
By Committee on Ways & Means

ADOPTED AND ENGROSSED 03/06/08

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that meeting the  
4 needs of vulnerable children who enter the child welfare system  
5 includes protecting the child's right to a safe, stable, and permanent  
6 home where the child receives basic nurturing. The legislature also  
7 finds that according to measures of timely dependency case processing,  
8 many children's cases are not meeting the federal and state standards  
9 intended to promote child-centered decision making in dependency cases.  
10 The legislature intends to encourage a greater focus on children's  
11 developmental needs and to promote closer adherence to timeliness  
12 standards in the resolution of dependency cases.

13 **Sec. 2.** RCW 13.34.136 and 2007 c 413 s 7 are each amended to read  
14 as follows:

15 (1) A permanency plan shall be developed no later than sixty days  
16 from the time the supervising agency assumes responsibility for  
17 providing services, including placing the child, or at the time of a  
18 hearing under RCW 13.34.130, whichever occurs first. The permanency  
19 planning process continues until a permanency planning goal is achieved  
20 or dependency is dismissed. The planning process shall include  
21 reasonable efforts to return the child to the parent's home.

22 (2) The agency supervising the dependency shall submit a written  
23 permanency plan to all parties and the court not less than fourteen  
24 days prior to the scheduled hearing. Responsive reports of parties not  
25 in agreement with the supervising agency's proposed permanency plan  
26 must be provided to the supervising agency, all other parties, and the  
27 court at least seven days prior to the hearing.

28 The permanency plan shall include:

1 (a) A permanency plan of care that shall identify one of the  
2 following outcomes as a primary goal and may identify additional  
3 outcomes as alternative goals: Return of the child to the home of the  
4 child's parent, guardian, or legal custodian; adoption; guardianship;  
5 permanent legal custody; long-term relative or foster care, until the  
6 child is age eighteen, with a written agreement between the parties and  
7 the care provider; successful completion of a responsible living skills  
8 program; or independent living, if appropriate and if the child is age  
9 sixteen or older. The department shall not discharge a child to an  
10 independent living situation before the child is eighteen years of age  
11 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

12 (b) Unless the court has ordered, pursuant to RCW 13.34.130(~~(+4)~~)  
13 (5), that a termination petition be filed, a specific plan as to where  
14 the child will be placed, what steps will be taken to return the child  
15 home, what steps the agency will take to promote existing appropriate  
16 sibling relationships and/or facilitate placement together or contact  
17 in accordance with the best interests of each child, and what actions  
18 the agency will take to maintain parent-child ties. All aspects of the  
19 plan shall include the goal of achieving permanence for the child.

20 (i) The agency plan shall specify what services the parents will be  
21 offered to enable them to resume custody, what requirements the parents  
22 must meet to resume custody, and a time limit for each service plan and  
23 parental requirement.

24 (ii) Visitation is the right of the family, including the child and  
25 the parent, in cases in which visitation is in the best interest of the  
26 child. Early, consistent, and frequent visitation is crucial for  
27 maintaining parent-child relationships and making it possible for  
28 parents and children to safely reunify. The agency shall encourage the  
29 maximum parent and child and sibling contact possible, when it is in  
30 the best interest of the child, including regular visitation and  
31 participation by the parents in the care of the child while the child  
32 is in placement. Visitation shall not be limited as a sanction for a  
33 parent's failure to comply with court orders or services where the  
34 health, safety, or welfare of the child is not at risk as a result of  
35 the visitation. Visitation may be limited or denied only if the court  
36 determines that such limitation or denial is necessary to protect the  
37 child's health, safety, or welfare. The court and the agency should  
38 rely upon community resources, relatives, foster parents, and other

1 appropriate persons to provide transportation and supervision for  
2 visitation to the extent that such resources are available, and  
3 appropriate, and the child's safety would not be compromised.

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

8 (iv) The plan shall state whether both in-state and, where  
9 appropriate, out-of-state placement options have been considered by the  
10 department.

11 (v) Unless it is not in the best interests of the child, whenever  
12 practical, the plan should ensure the child remains enrolled in the  
13 school the child was attending at the time the child entered foster  
14 care.

15 (vi) The agency charged with supervising a child in placement shall  
16 provide all reasonable services that are available within the agency,  
17 or within the community, or those services which the department has  
18 existing contracts to purchase. It shall report to the court if it is  
19 unable to provide such services; and

20 (c) If the court has ordered, pursuant to RCW 13.34.130(~~(+4)~~) (5),  
21 that a termination petition be filed, a specific plan as to where the  
22 child will be placed, what steps will be taken to achieve permanency  
23 for the child, services to be offered or provided to the child, and, if  
24 visitation would be in the best interests of the child, a  
25 recommendation to the court regarding visitation between parent and  
26 child pending a fact-finding hearing on the termination petition. The  
27 agency shall not be required to develop a plan of services for the  
28 parents or provide services to the parents if the court orders a  
29 termination petition be filed. However, reasonable efforts to ensure  
30 visitation and contact between siblings shall be made unless there is  
31 reasonable cause to believe the best interests of the child or siblings  
32 would be jeopardized.

33 (3) Permanency planning goals should be achieved at the earliest  
34 possible date, (~~(preferably before)~~). If the child has been in out-of-  
35 home care for fifteen of the most recent twenty-two months, the court  
36 shall require the department to file a petition seeking termination of  
37 parental rights in accordance with RCW 13.34.145(3)(b)(vi). In cases  
38 where parental rights have been terminated, the child is legally free

1 for adoption, and adoption has been identified as the primary  
2 permanency planning goal, it shall be a goal to complete the adoption  
3 within six months following entry of the termination order.

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

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

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

14 (7) For purposes related to permanency planning:

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

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

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

23 **Sec. 3.** RCW 13.34.145 and 2007 c 413 s 9 are each amended to read  
24 as follows:

25 (1) The purpose of a permanency planning hearing is to review the  
26 permanency plan for the child, inquire into the welfare of the child  
27 and progress of the case, and reach decisions regarding the permanent  
28 placement of the child.

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

35 (b) Whenever a child is removed from the home of a dependency  
36 guardian or long-term relative or foster care provider, and the child  
37 is not returned to the home of the parent, guardian, or legal custodian

1 but is placed in out-of-home care, a permanency planning hearing shall  
2 take place no later than twelve months, as provided in this section,  
3 following the date of removal unless, prior to the hearing, the child  
4 returns to the home of the dependency guardian or long-term care  
5 provider, the child is placed in the home of the parent, guardian, or  
6 legal custodian, an adoption decree, guardianship order, or a permanent  
7 custody order is entered, or the dependency is dismissed.

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

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

19 (3) At the permanency planning hearing, the court shall conduct the  
20 following inquiry:

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

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

31 (i) The continuing necessity for, and the safety and  
32 appropriateness of, the placement;

33 (ii) The extent of compliance with the permanency plan by the  
34 agency and any other service providers, the child's parents, the child,  
35 and the child's guardian, if any;

36 (iii) The extent of any efforts to involve appropriate service  
37 providers in addition to agency staff in planning to meet the special  
38 needs of the child and the child's parents;

1 (iv) The progress toward eliminating the causes for the child's  
2 placement outside of his or her home and toward returning the child  
3 safely to his or her home or obtaining a permanent placement for the  
4 child;

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

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

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

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

19 (C) Being placed for adoption;

20 (D) Being placed with a guardian;

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

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

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

1 (c)(i) If the permanency plan identifies independent living as a  
2 goal, the court shall make a finding that the provision of services to  
3 assist the child in making a transition from foster care to independent  
4 living will allow the child to manage his or her financial, personal,  
5 social, educational, and nonfinancial affairs prior to approving  
6 independent living as a permanency plan of care.

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

10 (iii) The department shall not discharge a child to an independent  
11 living situation before the child is eighteen years of age unless the  
12 child becomes emancipated pursuant to chapter 13.64 RCW.

13 (d) If the child has resided in the home of a foster parent or  
14 relative for more than six months prior to the permanency planning  
15 hearing, the court shall also enter a finding regarding whether the  
16 foster parent or relative was informed of the hearing as required in  
17 RCW 74.13.280 (~~and 13.34.138~~), 13.34.215(5), and 13.34.096.

18 (4) In all cases, at the permanency planning hearing, the court  
19 shall:

20 (a)(i) Order the permanency plan prepared by the agency to be  
21 implemented; or

22 (ii) Modify the permanency plan, and order implementation of the  
23 modified plan; and

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

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

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

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

37 (7) If the court orders the child returned home, casework

1 supervision shall continue for at least six months, at which time a  
2 review hearing shall be held pursuant to RCW 13.34.138, and the court  
3 shall determine the need for continued intervention.

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

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

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

29 (11) The approval of a permanency plan that does not contemplate  
30 return of the child to the parent does not relieve the supervising  
31 agency of its obligation to provide reasonable services, under this  
32 chapter, intended to effectuate the return of the child to the parent,  
33 including but not limited to, visitation rights. The court shall  
34 consider the child's relationships with siblings in accordance with RCW  
35 13.34.130.

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



1 (~~Washington council for the prevention of child abuse and neglect~~)  
2 council for children and families subject to the jurisdiction of the  
3 governor.

4 (2) The council shall be composed of the chairperson and fourteen  
5 other members as follows:

6 (a) The chairperson and six other members shall be appointed by the  
7 governor and shall be selected for their interest and expertise in the  
8 prevention of child abuse. A minimum of four designees by the governor  
9 shall not be affiliated with governmental agencies. The appointments  
10 shall be made on a geographic basis to assure statewide representation.  
11 Members appointed by the governor shall serve for three-year terms.  
12 Vacancies shall be filled for any unexpired term by appointment in the  
13 same manner as the original appointments were made.

14 (b) The secretary of social and health services or the secretary's  
15 designee, the superintendent of public instruction or the  
16 superintendent's designee, the director of the department of early  
17 learning or the director's designee, and the secretary of the  
18 department of health or the secretary's designee shall serve as voting  
19 members of the council.

20 (c) In addition to the members of the council, four members of the  
21 legislature shall serve as nonvoting, ex officio members of the  
22 council, one from each political caucus of the house of representatives  
23 to be appointed by the speaker of the house of representatives and one  
24 from each political caucus of the senate to be appointed by the  
25 president of the senate.

26 **Sec. 8.** RCW 43.121.015 and 1988 c 278 s 4 are each amended to read  
27 as follows:

28 As used in this chapter, the following terms have the meanings  
29 indicated unless the context clearly requires otherwise.

30 (1) "Child" means an unmarried person who is under eighteen years  
31 of age.

32 (2) "Council" means the (~~Washington council for the prevention of~~  
33 ~~child abuse and neglect~~) council for children and families.

34 (3) "Primary prevention" of child abuse and neglect means any  
35 effort designed to inhibit or preclude the initial occurrence of child  
36 abuse and neglect, both by the promotion of positive parenting and

1 family interaction, and the remediation of factors linked to causes of  
2 child maltreatment.

3 (4) "Secondary prevention" means services and programs that  
4 identify and assist families under such stress that abuse or neglect is  
5 likely or families display symptoms associated with child abuse or  
6 neglect.

7 **Sec. 9.** RCW 43.15.020 and 2006 c 317 s 4 are each amended to read  
8 as follows:

9 The lieutenant governor serves as president of the senate and is  
10 responsible for making appointments to, and serving on, the committees  
11 and boards as set forth in this section.

12 (1) The lieutenant governor serves on the following boards and  
13 committees:

14 (a) Capitol furnishings preservation committee, RCW 27.48.040;

15 (b) Washington higher education facilities authority, RCW  
16 28B.07.030;

17 (c) Productivity board, also known as the employee involvement and  
18 recognition board, RCW 41.60.015;

19 (d) State finance committee, RCW 43.33.010;

20 (e) State capitol committee, RCW 43.34.010;

21 (f) Washington health care facilities authority, RCW 70.37.030;

22 (g) State medal of merit nominating committee, RCW 1.40.020;

23 (h) Medal of valor committee, RCW 1.60.020; and

24 (i) Association of Washington generals, RCW 43.15.030.

25 (2) The lieutenant governor, and when serving as president of the  
26 senate, appoints members to the following boards and committees:

27 (a) Organized crime advisory board, RCW 43.43.858;

28 (b) Civil legal aid oversight committee, RCW 2.53.010;

29 (c) Office of public defense advisory committee, RCW 2.70.030;

30 (d) Washington state gambling commission, RCW 9.46.040;

31 (e) Sentencing guidelines commission, RCW 9.94A.860;

32 (f) State building code council, RCW 19.27.070;

33 (g) Women's history consortium board of advisors, RCW 27.34.365;

34 (h) Financial literacy public-private partnership, RCW 28A.300.450;

35 (i) Joint administrative rules review committee, RCW 34.05.610;

36 (j) Capital projects advisory review board, RCW ((~~39.10.800~~))

37 39.10.220;

1 (k) Select committee on pension policy, RCW 41.04.276;  
2 (l) Legislative ethics board, RCW 42.52.310;  
3 (m) Washington citizens' commission on salaries, RCW 43.03.305;  
4 (n) Oral history advisory committee, RCW 43.07.230;  
5 (o) State council on aging, RCW 43.20A.685;  
6 (p) State investment board, RCW 43.33A.020;  
7 (q) Capitol campus design advisory committee, RCW 43.34.080;  
8 (r) Washington state arts commission, RCW 43.46.015;  
9 (s) Information services board, RCW 43.105.032;  
10 (t) K-20 educational network board, RCW 43.105.800;  
11 (u) Municipal research council, RCW 43.110.010;  
12 (v) (~~Washington council for the prevention of child abuse and~~  
13 ~~neglect~~) Council for children and families, RCW 43.121.020;  
14 (w) PNWER-Net working subgroup under chapter 43.147 RCW;  
15 (x) Community economic revitalization board, RCW 43.160.030;  
16 (y) Washington economic development finance authority, RCW  
17 43.163.020;  
18 (z) Tourism development advisory committee, RCW 43.330.095;  
19 (aa) Life sciences discovery fund authority, RCW 43.350.020;  
20 (bb) Legislative children's oversight committee, RCW 44.04.220;  
21 (cc) Joint legislative audit and review committee, RCW 44.28.010;  
22 (dd) Joint committee on energy supply and energy conservation, RCW  
23 44.39.015;  
24 (ee) Legislative evaluation and accountability program committee,  
25 RCW 44.48.010;  
26 (ff) Agency council on coordinated transportation, RCW 47.06B.020;  
27 (gg) Manufactured housing task force, RCW 59.22.090;  
28 (hh) Washington horse racing commission, RCW 67.16.014;  
29 (ii) Correctional industries board of directors, RCW 72.09.080;  
30 (jj) Joint committee on veterans' and military affairs, RCW  
31 73.04.150;  
32 (kk) Washington state parks centennial advisory committee, RCW  
33 79A.75.010;  
34 (ll) Puget Sound council, RCW 90.71.030;  
35 (mm) Joint legislative committee on water supply during drought,  
36 RCW 90.86.020;  
37 (nn) Statute law committee, RCW 1.08.001; and

1 (oo) Joint legislative oversight committee on trade policy, RCW  
2 44.55.020."

**E2SHB 3205** - S COMM AMD  
By Committee on Ways & Means

**ADOPTED AND ENGROSSED 03/06/08**

3 On page 1, line 1 of the title, after "children;" strike the  
4 remainder of the title and insert "amending RCW 13.34.136, 13.34.145,  
5 43.121.185, 43.121.180, 43.121.020, 43.121.015, and 43.15.020; and  
6 creating new sections."

**--- END ---**