
SENATE BILL 6031

State of Washington

61st Legislature

2009 Regular Session

By Senators Stevens, Swecker, Morton, McCaslin, and Benton

Read first time 02/16/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the provision of family and children's services;
2 amending RCW 74.13.020, 74.15.010, 74.15.020, 74.15.050, 74.15.100,
3 26.44.020, 26.44.200, 13.34.030, 13.34.065, 13.34.067, 13.34.069,
4 13.34.094, 13.34.096, 13.34.125, 13.34.145, 13.34.155, 13.34.174,
5 13.34.176, 13.34.180, 13.34.210, 13.34.215, 13.34.230, 13.34.233,
6 13.34.245, 13.34.320, 13.34.330, 13.34.340, 13.34.350, 13.34.370,
7 13.34.380, 13.34.385, 13.34.390, 13.34.400, 41.06.142, 74.13.010,
8 74.13.031, 74.13.0311, 74.13.032, 74.13.036, 74.13.037, 74.13.042,
9 74.13.045, 74.13.055, 74.13.060, 74.13.065, 74.13.075, 74.13.077,
10 74.13.096, 74.13.103, 74.13.106, 74.13.109, 74.13.124, 74.13.136,
11 74.13.165, 74.13.170, 74.13.250, 74.13.283, 74.13.285, 74.13.288,
12 74.13.289, 74.13.300, 74.13.310, 74.13.315, 74.13.320, 74.13.325,
13 74.13.333, 74.13.334, 74.13.500, 74.13.515, 74.13.525, 74.13.530,
14 74.13.560, 74.13.590, 74.13.600, 74.13.650, 74.13.670, 43.17.010,
15 43.17.020, 26.44.020, 13.34.025, 13.34.050, 13.70.010, and 74.13.640;
16 reenacting and amending RCW 74.15.030, 13.34.130, 13.34.136, 13.34.138,
17 74.13.280, and 42.17.2401; adding new sections to chapter 74.13 RCW;
18 adding a new section to chapter 26.44 RCW; adding new sections to
19 chapter 43.215 RCW; adding a new section to chapter 41.06 RCW; adding
20 a new chapter to Title 74 RCW; adding a new chapter to Title 43 RCW;
21 creating new sections; recodifying RCW 74.13.085, 74.13.0902,

1 74.13.095, 74.15.031, 74.13.100, 74.13.103, 74.13.106, 74.13.109,
2 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121, 74.13.124,
3 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139, 74.13.145,
4 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155, 74.13.156,
5 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170; repealing
6 RCW 13.34.803, 13.34.805, 13.34.8051, 13.34.810, 26.44.230, 74.13.200,
7 74.13.210, 74.13.220, 74.13.230, 74.13.340, 74.13.630, and 74.13.800;
8 providing effective dates; providing expiration dates; and declaring an
9 emergency.

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

11 **PART 1 - PERFORMANCE-BASED CONTRACTS**
12 **FOR CHILD WELFARE SERVICES**

13 NEW SECTION. **Sec. 101.** A new section is added to chapter 74.13
14 RCW to read as follows:

15 The legislature declares that the safety and well-being of children
16 and families is essential to the social and economic health of
17 Washington. It is the duty of the state to provide children at risk of
18 out-of-home placement and their families with reasonable opportunities
19 to access supportive services that enhance their safety and well-being.
20 The legislature intends the new programmatic and administrative changes
21 required in this act to be accomplished in conformance with this
22 foregoing principle.

23 The legislature finds that research in the area of child safety and
24 well-being supports the conclusion that a restructuring of the
25 administration and delivery of child welfare services through the use
26 of performance-based contracts can enhance safety and well-being, when
27 done so in a careful, well-planned and collaborative manner.

28 The legislature intends that the execution of performance-based
29 contracts which transfer the delivery of child welfare services to
30 entities other than the department be done without restricting who may
31 seek to participate in the procurement process of the contracts. The
32 legislature intends that the department shall retain those positions
33 necessary to provide child protective and investigative services and to
34 administer performance-based contracts.

1 The legislature, in creating the committee in section 106 of this
2 act, is establishing the mechanism to design, in collaboration with the
3 department, the transition to performance-based contracts in the
4 delivery of out-of-home care and case management services.

5 **Sec. 102.** RCW 74.13.020 and 1999 c 267 s 7 are each amended to
6 read as follows:

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

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

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

15 ~~(3) Assisting children who are in conflict with their parents, and
16 assisting parents who are in conflict with their children with services
17 designed to resolve such conflicts;~~

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

20 ~~(5) Providing adequate care of children away from their homes in
21 foster family homes or day care or other child care agencies or
22 facilities.~~

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

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

28 For purposes of this chapter:

29 (1) "Case management services" means the provision of case
30 management services, including permanency services, to a child for whom
31 the department has legal custody, including caseworker-child visits,
32 family visits, the convening of family group conferences, the
33 development and revision of the case plan, the coordination and
34 monitoring of services needed by the child and family, and the
35 assumption of court-related duties, including preparing court reports,
36 attending judicial hearings and permanency hearings, and ensuring that

1 the child is progressing toward permanency within state and federal
2 mandates.

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

4 (3) "Child protective services" has the same meaning as in RCW
5 26.44.020.

6 (4) "Child welfare services" means social services including out-
7 of-home care, case management, and adoption services which strengthen,
8 supplement, or substitute for, parental care and supervision for the
9 purpose of:

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

13 (b) Protecting and caring for dependent or neglected children;

14 (c) Assisting children who are in conflict with their parents, and
15 assisting parents who are in conflict with their children, with
16 services designed to resolve such conflicts;

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

19 (e) Providing adequate care of children away from their homes in
20 foster family homes or day care or other child care agencies or
21 facilities.

22 "Child welfare services" does not include child protection
23 services.

24 (5) "Committee" means the child welfare transformation design
25 committee.

26 (6) "Department" means the department of family and children's
27 services.

28 (7) "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 (8) "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 may also include provisions that link the
3 performance of the contractor to the level and timing of reimbursement.

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

8 (10) "Supervising agency" means a private licensed agency that has
9 entered into a performance-based contract with the department to
10 provide child welfare services. "Supervising agency" also includes the
11 department under section 103(4) of this act.

12 NEW SECTION. Sec. 103. A new section is added to chapter 74.13
13 RCW to read as follows:

14 (1) On and after July 1, 2010, the department shall begin to
15 convert its current contracts with child-placing agencies into
16 performance-based contracts to provide child welfare services in this
17 state.

18 (2) On and after July 1, 2012:

19 (a) All child welfare services for children for whom the department
20 has legal custody shall be provided by supervising agencies with whom
21 the department has entered into performance-based contracts; and

22 (b) Except as provided in subsection (4) of this section, and
23 notwithstanding any law to the contrary, the department may not
24 directly provide child welfare services.

25 (3) On and after July 1, 2012, the department is responsible for
26 only the following:

27 (a) Monitoring the quality of services for which the department
28 contracts under this chapter; and

29 (b) Ensuring that the services are provided in accordance with
30 federal law and the laws of this state.

31 (4) On and after July 1, 2012, the department may provide child
32 welfare services only in an emergency or as a provider of last resort.
33 The department shall adopt rules describing the circumstances under
34 which the department may provide those services. For purposes of this
35 section, "provider of last resort" means the department is unable to
36 contract with a private agency to provide child welfare services in a

1 particular geographic area, or after entering into a contract with a
2 private agency, either the contractor or the department precipitously
3 terminates the contract.

4 (5) For purposes of this chapter, on and after July 1, 2010,
5 performance-based contracts shall be structured to hold the supervising
6 agencies accountable for achieving the following goals in order of
7 importance: Child safety, reunification of the child with the parents
8 and child permanency with a preference for reunification and child
9 well-being.

10 NEW SECTION. **Sec. 104.** The office of the attorney general shall
11 provide legal services to supervising agencies with whom the department
12 has entered into performance-based contracts to provide child welfare
13 services in dependency matters as soon as the contracts become
14 effective.

15 NEW SECTION. **Sec. 105.** A new section is added to chapter 74.13
16 RCW to read as follows:

17 As the number of persons employed as caseworkers in the children's
18 administration declines, the department shall increase its referrals to
19 supervising agencies on a pro rata or greater basis.

20 NEW SECTION. **Sec. 106.** A new section is added to chapter 74.13
21 RCW to read as follows:

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

24 (i) Four private agencies that, as of the effective date of this
25 section, provide child welfare services to children and families
26 referred to them by the department. Two agencies must be headquartered
27 in western Washington and two must be headquartered in eastern
28 Washington. Two agencies must have an annual budget of at least one
29 million state-contracted dollars and two must have an annual budget of
30 less than one million state-contracted dollars;

31 (ii) The director of the department;

32 (iii) Two regional administrators in the department selected by the
33 director of the department, one from one of the department's
34 administrative regions one or two, and one from one of the department's
35 administrative regions three, four, five, or six;

- 1 (iv) The administrator for the division of licensed resources in
2 the children's administration;
- 3 (v) Two nationally recognized experts in performance-based
4 contracts;
- 5 (vi) The attorney general or his or her designee;
- 6 (vii) A representative of the collective bargaining unit that
7 represents the largest number of employees in the children's
8 administration;
- 9 (viii) A representative from the office of the family and
10 children's ombudsman;
- 11 (ix) Two representatives from federally recognized Indian tribes,
12 one from western Washington and one from eastern Washington;
- 13 (x) Two present or former superior court judges with significant
14 experience in dependency matters, selected by the superior court
15 judge's association; and
- 16 (xi) Two representatives from partners for our children affiliated
17 with the University of Washington school of social work.
- 18 (b) The president of the senate and the speaker of the house of
19 representatives shall jointly appoint the members under (a)(i) and (v)
20 of this subsection.
- 21 (c) The representatives from partners for our children shall
22 convene the initial meeting of the committee.
- 23 (d) The chair or cochairs of the committee shall be selected from
24 among its membership by a majority vote of those present at the initial
25 meeting.
- 26 (2) The committee shall establish a transition plan containing
27 recommendations to the legislature consistent with this section for the
28 provision of child welfare services by child-placing agencies pursuant
29 to section 103 of this act.
- 30 (3) The plan shall include the following:
- 31 (a) A model or framework for performance-based contracts to be used
32 by the department that clearly defines:
- 33 (i) The target population;
- 34 (ii) The contract referral and exit criteria;
- 35 (iii) The child welfare services to be provided by the contractor;
- 36 (iv) The roles and responsibilities of public and private agency
37 workers in key case decisions;
- 38 (v) Contract performance and case outcome expectations;

- 1 (vi) How to measure whether each contractor has met the goals
2 listed in section 103(5) of this act; and
3 (vii) Incentives to meet program goals;
- 4 (b) A method by which the department will substantially reduce its
5 current number of contracts for child welfare services;
- 6 (c) A method or methods by which clients will access community-
7 based services, how private child-placing agencies will engage other
8 services or form local service networks, develop subcontracts, and
9 share information and supervision of children;
- 10 (d) Contract monitoring and evaluation procedures that will ensure
11 that children and families are receiving timely and quality services
12 and that contract terms are being implemented;
- 13 (e) A method or methods by which to ensure that the children's
14 administration has sufficiently trained and experienced staff to
15 monitor and manage performance-based contracts;
- 16 (f) A process by which to expand the capacity of private agencies
17 to meet the service needs of children and families in a performance-
18 based contractual arrangement;
- 19 (g) A method or methods by which supervising and other private
20 agencies can expand services in underserved areas of the state;
- 21 (h) The appropriate amounts and procedures for the reimbursement of
22 supervising agencies given the proposed services restructuring;
- 23 (i) A method by which to enhance existing data systems to include
24 contract performance information;
- 25 (j) A financing arrangement for the contracts that examines:
26 (i) The use of case rates or performance-based fee-for-service
27 contracts that include incentive payments or payment schedules that
28 link reimbursement to results; and
29 (ii) Ways to reduce a contractor's financial risk that could
30 jeopardize the solvency of the contractor, including the use of a risk-
31 reward corridor that limits risk of loss and potential profits or the
32 establishment of a statewide risk pool;
- 33 (k) A description of how the transition will impact the state's
34 ability to obtain federal funding and examine options to further
35 maximize federal funding opportunities and increased flexibility;
- 36 (l) A description of the costs of the transition, the initial
37 start-up costs and the mechanisms to periodically assess the overall
38 adequacy of funds and the fiscal impact of the changes; and

1 (m) Identification of any statutory and regulatory revisions
2 necessary to accomplish the transition.

3 (4) The committee shall also prepare as part of the plan a
4 recommendation as to how to implement the changes in this chapter
5 across the state in three stages so that the full implementation of
6 this chapter is achieved no later than July 1, 2012.

7 (5) The committee shall report quarterly on its progress, beginning
8 on June 30, 2009, to the legislative children's oversight committee
9 established in RCW 44.04.220. The committee shall report on its
10 progress in meeting its duties under subsections (2) and (3) of this
11 section and on any other matters the committee or the legislative
12 children's oversight committee deems appropriate. The portion of the
13 plan required in subsection (4) of this section shall be due to the
14 legislative children's oversight committee on or before December 15,
15 2009. The reports shall be in written form.

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

18 (7) All state executive branch agencies shall cooperate with the
19 committee and provide timely information as the chair or cochairs may
20 request.

21 (8) It is expected that the administrative costs for the committee
22 will be supported through private funds.

23 (9) Staff support for the committee shall be provided jointly by
24 partners for our children and legislative staff.

25 (10) The committee is subject to chapters 42.30 (open public
26 meetings act) and 42.52 (ethics in public service) RCW.

27 (11) This section expires June 30, 2012.

28 **Sec. 107.** RCW 74.15.010 and 1995 c 302 s 2 are each amended to
29 read 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;

35 (2) To strengthen and encourage family unity and to sustain
36 parental rights and responsibilities to the end that foster care is

1 provided only when a child's family, through the use of all available
2 resources, is unable to provide necessary care;

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

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

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

15 **Sec. 108.** RCW 74.15.020 and 2007 c 412 s 1 are each amended to
16 read as follows:

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

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

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

32 (b) "Community facility" means a group care facility operated for
33 the care of juveniles committed to the department under RCW 13.40.185.
34 A county detention facility that houses juveniles committed to the
35 department under RCW 13.40.185 pursuant to a contract with the
36 department is not a community facility;

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

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

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

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

26 (g) "HOPE center" means an agency licensed by the (~~secretary~~)
27 director to provide temporary residential placement and other services
28 to street youth. A street youth may remain in a HOPE center for thirty
29 days while services are arranged and permanent placement is
30 coordinated. No street youth may stay longer than thirty days unless
31 approved by the department and any additional days approved by the
32 department must be based on the unavailability of a long-term placement
33 option. A street youth whose parent wants him or her returned to home
34 may remain in a HOPE center until his or her parent arranges return of
35 the youth, not longer. All other street youth must have court approval
36 under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to
37 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~~) director that provides residential and transitional
7 living services to persons ages sixteen to eighteen who are dependent
8 under 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~~
7 ~~health~~) family and children's services.

8 (~~("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 "Director" means the director of the department of family and
15 children's services.

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

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

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

24 (~~("Secretary" means the secretary of social and health~~
25 ~~services.~~

26 (~~9~~) "Street youth" means a person under the age of eighteen who
27 lives outdoors or in another unsafe location not intended for occupancy
28 by the minor and who is not residing with his or her parent or at his
29 or her legally authorized residence.

30 (~~10~~) (9) "Supervising agency" means a private licensed or
31 certified agency that has entered into a performance-based contract
32 with the department to provide child welfare services.

33 (10) "Transitional living services" means at a minimum, to the
34 extent funds are available, the following:

35 (a) Educational services, including basic literacy and
36 computational skills training, either in local alternative or public
37 high schools or in a high school equivalency program that leads to
38 obtaining a high school equivalency degree;

1 (b) Assistance and counseling related to obtaining vocational
2 training or higher education, job readiness, job search assistance, and
3 placement programs;

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

7 (d) Individual and group counseling; and

8 (e) Establishing networks with federal agencies and state and local
9 organizations such as the United States department of labor, employment
10 and training administration programs including the job training
11 partnership act which administers private industry councils and the job
12 corps; vocational rehabilitation; and volunteer programs.

13 **Sec. 109.** RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are
14 each reenacted and amended to read as follows:

15 The ((~~secretary~~)) director shall have the power and it shall be the
16 ((~~secretary's~~)) director's duty:

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

26 (2) In consultation with the children's services advisory
27 committee, and with the advice and assistance of persons representative
28 of the various type agencies to be licensed, to adopt and publish
29 minimum requirements for licensing applicable to each of the various
30 categories of agencies to be licensed.

31 The minimum requirements shall be limited to:

32 (a) The size and suitability of a facility and the plan of
33 operation for carrying out the purpose for which an applicant seeks a
34 license;

35 (b) Obtaining background information and any out-of-state
36 equivalent, to determine whether the applicant or service provider is

1 disqualified and to determine the character, competence, and
2 suitability of an agency, the agency's employees, volunteers, and other
3 persons associated with an agency;

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

7 (d) Obtaining child protective services information or records
8 maintained in the department's ~~((case—management))~~ information
9 technology system. No unfounded allegation of child abuse or neglect
10 as defined in RCW 26.44.020 may be disclosed to a child-placing agency,
11 supervising agency, private adoption agency, or any other provider
12 licensed under this chapter;

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

16 (i) Supervising agencies and their staff, volunteers, students, and
17 interns when the agency is seeking license or relicense;

18 (ii) Foster care and adoption placements; and

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

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

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

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

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

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

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

1 (1) The financial ability of an agency to comply with minimum
2 requirements established pursuant to chapter 74.15 RCW and RCW
3 74.13.031; and

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

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

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

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

25 (6) To prescribe the procedures and the form and contents of
26 reports necessary for the administration of chapter 74.15 RCW and RCW
27 74.13.031 and to require regular reports from each licensee;

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

31 (8) To review requirements adopted hereunder at least every two
32 years and to adopt appropriate changes after consultation with affected
33 groups for child day-care requirements and with the children's services
34 advisory committee for requirements for other agencies; and

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

1 **Sec. 110.** RCW 74.15.050 and 1995 c 369 s 62 are each amended to
2 read as follows:

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

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

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

15 (3) To make a periodic review of requirements under RCW
16 74.15.030(7) and to adopt necessary changes after consultation as
17 required in subsection (1) of this section;

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

24 **Sec. 111.** RCW 74.15.100 and 2006 c 265 s 403 are each amended to
25 read as follows:

26 Each agency or supervising agency shall make application for a
27 license or renewal of license to the department (~~(of social and health~~
28 ~~services)~~) on forms prescribed by the department. A licensed agency
29 having foster-family homes under its supervision may make application
30 for a license on behalf of any such foster-family home. Such a foster
31 home license shall cease to be valid when the home is no longer under
32 the supervision of that agency. Upon receipt of such application, the
33 department shall either grant or deny a license within ninety days
34 unless the application is for licensure as a foster-family home, in
35 which case RCW 74.15.040 shall govern. A license shall be granted if
36 the agency meets the minimum requirements set forth in chapter 74.15
37 RCW and RCW 74.13.031 and the departmental requirements consistent

1 herewith, except that an initial license may be issued as provided in
2 RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW
3 74.13.031 shall be issued for a period of three years. The licensee,
4 however, shall advise the ((~~secretary~~)) director of any material change
5 in circumstances which might constitute grounds for reclassification of
6 license as to category. The license issued under this chapter is not
7 transferable and applies only to the licensee and the location stated
8 in the application. For licensed foster-family homes having an
9 acceptable history of child care, the license may remain in effect for
10 two weeks after a move, except that this will apply only if the family
11 remains intact.

12 **Sec. 112.** RCW 26.44.020 and 2007 c 220 s 1 are each amended to
13 read as follows:

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

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

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

25 (3) "Child protective services" means those services provided by
26 the department designed to protect children from child abuse and
27 neglect and safeguard such children from future abuse and neglect, and
28 conduct investigations of child abuse and neglect reports.
29 Investigations may be conducted regardless of the location of the
30 alleged abuse or neglect. Child protective services includes referral
31 to services to ameliorate conditions that endanger the welfare of
32 children, the coordination of necessary programs and services relevant
33 to the prevention, intervention, and treatment of child abuse and
34 neglect, and services to children to ensure that each child has a
35 permanent home. In determining whether protective services should be
36 provided, the department shall not decline to provide such services

1 solely because of the child's unwillingness or developmental inability
2 to describe the nature and severity of the abuse or neglect.

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

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

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

11 (7) "Department" means the ((state)) department of ((~~social and~~
12 ~~health~~)) family and children's services.

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

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

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

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

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

30 (13) "Negligent treatment or maltreatment" means an act or a
31 failure to act, or the cumulative effects of a pattern of conduct,
32 behavior, or inaction, that evidences a serious disregard of
33 consequences of such magnitude as to constitute a clear and present
34 danger to a child's health, welfare, or safety, including but not
35 limited to conduct prohibited under RCW 9A.42.100. When considering
36 whether a clear and present danger exists, evidence of a parent's
37 substance abuse as a contributing factor to negligent treatment or
38 maltreatment shall be given great weight. The fact that siblings share

1 a bedroom is not, in and of itself, negligent treatment or
2 maltreatment. Poverty, homelessness, or exposure to domestic violence
3 as defined in RCW 26.50.010 that is perpetrated against someone other
4 than the child does not constitute negligent treatment or maltreatment
5 in and of itself.

6 (14) "Pharmacist" means any registered pharmacist under chapter
7 18.64 RCW, whether acting in an individual capacity or as an employee
8 or agent of any public or private organization or institution.

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

18 (16) "Professional school personnel" include, but are not limited
19 to, teachers, counselors, administrators, child care facility
20 personnel, and school nurses.

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

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

29 (19) "Sexual exploitation" includes: (a) Allowing, permitting, or
30 encouraging a child to engage in prostitution by any person; or (b)
31 allowing, permitting, encouraging, or engaging in the obscene or
32 pornographic photographing, filming, or depicting of a child by any
33 person.

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

36 (21) "Social service counselor" means anyone engaged in a
37 professional capacity during the regular course of employment in
38 encouraging or promoting the health, welfare, support, or education of

1 children, or providing social services to adults or families, including
2 mental health, drug and alcohol treatment, and domestic violence
3 programs, whether in an individual capacity, or as an employee or agent
4 of any public or private organization or institution.

5 (22) "Supervising agency" means a private licensed or certified
6 agency that has entered into a performance-based contract with the
7 department to provide child welfare services.

8 (23) "Unfounded" means the determination following an investigation
9 by the department that available information indicates that, more
10 likely than not, child abuse or neglect did not occur, or that there is
11 insufficient evidence for the department to determine whether the
12 alleged child abuse did or did not occur.

13 **Sec. 113.** RCW 26.44.200 and 2002 c 134 s 4 are each amended to
14 read as follows:

15 A law enforcement agency in the course of investigating: (1) An
16 allegation under RCW 69.50.401(~~(a)~~) (1) and (2) (a) through (e)
17 relating to manufacture of methamphetamine; or (2) an allegation under
18 RCW 69.50.440 relating to possession of ephedrine or any of its salts
19 or isomers or salts of isomers, pseudoephedrine or any of its salts or
20 isomers or salts of isomers, pressurized ammonia gas, or pressurized
21 ammonia gas solution with intent to manufacture methamphetamine, that
22 discovers a child present at the site, shall contact the department
23 immediately.

24 NEW SECTION. **Sec. 114.** A new section is added to chapter 26.44
25 RCW to read as follows:

26 Within existing resources, the department shall develop a
27 curriculum designed to train child protective services staff in
28 forensic techniques used for investigating allegations of child abuse
29 or neglect.

30 **Sec. 115.** RCW 13.34.030 and 2003 c 227 s 2 are each amended to
31 read as follows:

32 For purposes of this chapter:

33 (1) "Abandoned" means when the child's parent, guardian, or other
34 custodian has expressed, either by statement or conduct, an intent to
35 forego, for an extended period, parental rights or responsibilities

1 despite an ability to exercise such rights and responsibilities. If
2 the court finds that the petitioner has exercised due diligence in
3 attempting to locate the parent, no contact between the child and the
4 child's parent, guardian, or other custodian for a period of three
5 months creates a rebuttable presumption of abandonment, even if there
6 is no expressed intent to abandon.

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

9 (3) "Current placement episode" means the period of time that
10 begins with the most recent date that the child was removed from the
11 home of the parent, guardian, or legal custodian for purposes of
12 placement in out-of-home care and continues until: (a) The child
13 returns home; (b) an adoption decree, a permanent custody order, or
14 guardianship order is entered; or (c) the dependency is dismissed,
15 whichever occurs first.

16 (4) "Department" means the department of family and children's
17 services.

18 (5) "Dependency guardian" means the person, nonprofit corporation,
19 or Indian tribe appointed by the court pursuant to this chapter for the
20 limited purpose of assisting the court in the supervision of the
21 dependency.

22 ((+5)) (6) "Dependent child" means any child who:

- 23 (a) Has been abandoned;
- 24 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
25 person legally responsible for the care of the child; or
- 26 (c) Has no parent, guardian, or custodian capable of adequately
27 caring for the child, such that the child is in circumstances which
28 constitute a danger of substantial damage to the child's psychological
29 or physical development.

30 ((+6)) (7) "Developmental disability" means a disability
31 attributable to mental retardation, cerebral palsy, epilepsy, autism,
32 or another neurological or other condition of an individual found by
33 the ((secretary)) director to be closely related to mental retardation
34 or to require treatment similar to that required for individuals with
35 mental retardation, which disability originates before the individual
36 attains age eighteen, which has continued or can be expected to
37 continue indefinitely, and which constitutes a substantial handicap to
38 the individual.

1 ~~((7))~~ (8) "Guardian" means the person or agency that: (a) Has
2 been appointed as the guardian of a child in a legal proceeding other
3 than a proceeding under this chapter; and (b) has the legal right to
4 custody of the child pursuant to such appointment. The term "guardian"
5 shall not include a "dependency guardian" appointed pursuant to a
6 proceeding under this chapter.

7 ~~((8))~~ (9) "Guardian ad litem" means a person, appointed by the
8 court to represent the best interests of a child in a proceeding under
9 this chapter, or in any matter which may be consolidated with a
10 proceeding under this chapter. A "court-appointed special advocate"
11 appointed by the court to be the guardian ad litem for the child, or to
12 perform substantially the same duties and functions as a guardian ad
13 litem, shall be deemed to be guardian ad litem for all purposes and
14 uses of this chapter.

15 ~~((9))~~ (10) "Guardian ad litem program" means a court-authorized
16 volunteer program, which is or may be established by the superior court
17 of the county in which such proceeding is filed, to manage all aspects
18 of volunteer guardian ad litem representation for children alleged or
19 found to be dependent. Such management shall include but is not
20 limited to: Recruitment, screening, training, supervision, assignment,
21 and discharge of volunteers.

22 ~~((10))~~ (11) "Indigent" means a person who, at any stage of a
23 court proceeding, is:

24 (a) Receiving one of the following types of public assistance:
25 Temporary assistance for needy families, general assistance, poverty-
26 related veterans' benefits, food stamps or food stamp benefits
27 transferred electronically, refugee resettlement benefits, medicaid, or
28 supplemental security income; or

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

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

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

35 ~~((11))~~ (12) "Out-of-home care" means placement in a foster family
36 home or group care facility licensed pursuant to chapter 74.15 RCW or
37 placement in a home, other than that of the child's parent, guardian,

1 or legal custodian, not required to be licensed pursuant to chapter
2 74.15 RCW.

3 ~~((12))~~ (13) "Preventive services" means preservation services, as
4 defined in chapter 74.14C RCW, and other reasonably available services,
5 including housing services, capable of preventing the need for out-of-
6 home placement while protecting the child. Housing services may
7 include, but are not limited to, referrals to federal, state, local, or
8 private agencies or organizations, assistance with forms and
9 applications, or financial subsidies for housing.

10 ~~((13))~~ (14) "Shelter care" means temporary physical care in a
11 facility licensed pursuant to RCW 74.15.030 or in a home not required
12 to be licensed pursuant to RCW 74.15.030.

13 ~~((14))~~ (15) "Sibling" means a child's birth brother, birth
14 sister, adoptive brother, adoptive sister, half-brother, or half-
15 sister, or as defined by the law or custom of the Indian child's tribe
16 for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

17 ~~((15))~~ (16) "Social study" means a written evaluation of matters
18 relevant to the disposition of the case and shall contain the following
19 information:

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

22 (b) A description of the specific services and activities, for both
23 the parents and child, that are needed in order to prevent serious harm
24 to the child; the reasons why such services and activities are likely
25 to be useful; the availability of any proposed services; and the
26 agency's overall plan for ensuring that the services will be delivered.
27 The description shall identify the services chosen and approved by the
28 parent;

29 (c) If removal is recommended, a full description of the reasons
30 why the child cannot be protected adequately in the home, including a
31 description of any previous efforts to work with the parents and the
32 child in the home; the in-home treatment programs that have been
33 considered and rejected; the preventive services that have been offered
34 or provided and have failed to prevent the need for out-of-home
35 placement, unless the health, safety, and welfare of the child cannot
36 be protected adequately in the home; and the parents' attitude toward
37 placement of the child;

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

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

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

10 (17) "Supervising agency" means a private licensed or certified
11 agency with whom the department has entered into a performance-based
12 contract to provide child welfare services as defined in RCW 74.13.020.
13 "Supervising agency" also includes the department under section 103(4)
14 of this act.

15 **Sec. 116.** RCW 13.34.065 and 2008 c 267 s 2 are each amended to
16 read as follows:

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

22 (b) Any parent, guardian, or legal custodian who for good cause is
23 unable to attend the shelter care hearing may request that a subsequent
24 shelter care hearing be scheduled. The request shall be made to the
25 clerk of the court where the petition is filed prior to the initial
26 shelter care hearing. Upon the request of the parent, the court shall
27 schedule the hearing within seventy-two hours of the request, excluding
28 Saturdays, Sundays, and holidays. The clerk shall notify all other
29 parties of the hearing by any reasonable means.

30 (2)(a) If it is likely that the child will remain in shelter care
31 longer than seventy-two hours, the supervising agency shall assume case
32 management responsibilities of the case. The ~~((department of social~~
33 ~~and health services)) supervising agency shall submit a recommendation
34 to the court as to the further need for shelter care in all cases in
35 which ~~((it is the petitioner)) the child will remain in shelter care~~
36 longer than the seventy-two hour period. In all other cases, the~~

1 recommendation shall be submitted by the juvenile court probation
2 counselor.

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

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

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

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

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

14 (iii) If the parent, guardian, or custodian is not represented by
15 counsel, the right to be represented. If the parent, guardian, or
16 custodian is indigent, the court shall appoint counsel as provided in
17 RCW 13.34.090; and

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

28 (4) At the shelter care hearing the court shall examine the need
29 for shelter care and inquire into the status of the case. The
30 paramount consideration for the court shall be the health, welfare, and
31 safety of the child. At a minimum, the court shall inquire into the
32 following:

33 (a) Whether the notice required under RCW 13.34.062 was given to
34 all known parents, guardians, or legal custodians of the child. The
35 court shall make an express finding as to whether the notice required
36 under RCW 13.34.062 was given to the parent, guardian, or legal
37 custodian. If actual notice was not given to the parent, guardian, or
38 legal custodian and the whereabouts of such person is known or can be

1 ascertained, the court shall order (~~the supervising agency or~~) the
2 department (~~of social and health services~~) to make reasonable efforts
3 to advise the parent, guardian, or legal custodian of the status of the
4 case, including the date and time of any subsequent hearings, and their
5 rights under RCW 13.34.090;

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

8 (c) What efforts have been made to place the child with a relative;

9 (d) What services were provided to the family to prevent or
10 eliminate the need for removal of the child from the child's home;

11 (e) Is the placement proposed by the department or supervising
12 agency the least disruptive and most family-like setting that meets the
13 needs of the 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 child
16 was in prior to placement and what efforts have been made to maintain
17 the child in the school, program, or child care if it would be in the
18 best interest of the child to remain in the same school, program, or
19 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 25
22 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare
23 act apply, and whether there is compliance with the Indian child
24 welfare act, including notice to the child's tribe;

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

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

33 (k) The terms and conditions for parental, sibling, and family
34 visitation.

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

1 (i) After consideration of the specific services that have been
2 provided, reasonable efforts have been made to prevent or eliminate the
3 need for removal of the child from the child's home and to make it
4 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, unless there is reasonable cause to believe the health,
15 safety, or welfare of the child would be jeopardized or that the
16 efforts to reunite the parent and child will be hindered. The relative
17 must be willing and available to:

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

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

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

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

29 (d) If a relative is not available, the court shall order continued
30 shelter care or order placement with another suitable person, and the
31 court shall set forth its reasons for the order. If the court orders
32 placement of the child with a person not related to the child and not
33 licensed to provide foster care, the placement is subject to all terms
34 and conditions of this section that apply to relative placements.

35 (e) Any placement with a relative, or other person approved by the
36 court pursuant to this section, shall be contingent upon cooperation
37 with the supervising agency's case plan and compliance with court
38 orders related to the care and supervision of the child including, but

1 not limited to, court orders regarding parent-child contacts, sibling
2 contacts, and any other conditions imposed by the court. Noncompliance
3 with the case plan or court order is grounds for removal of the child
4 from the home of the relative or other person, subject to review by the
5 court.

6 (f) Uncertainty by a parent, guardian, legal custodian, relative,
7 or other suitable person that the alleged abuser has in fact abused the
8 child shall not, alone, be the basis upon which a child is removed from
9 the care of a parent, guardian, or legal custodian under (a) of this
10 subsection, nor shall it be a basis, alone, to preclude placement with
11 a relative under (b) of this subsection or with another suitable person
12 under (d) of this subsection.

13 (6)(a) A shelter care order issued pursuant to this section shall
14 include the requirement for a case conference as provided in RCW
15 13.34.067. However, if the parent is not present at the shelter care
16 hearing, or does not agree to the case conference, the court shall not
17 include the requirement for the case conference in the shelter care
18 order.

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

23 (c) The court may order another conference, case staffing, or
24 hearing as an alternative to the case conference required under RCW
25 13.34.067 so long as the conference, case staffing, or hearing ordered
26 by the court meets all requirements under RCW 13.34.067, including the
27 requirement of a written agreement specifying the services to be
28 provided to the parent.

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

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

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

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

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

11 **Sec. 117.** RCW 13.34.067 and 2004 c 147 s 1 are each amended to
12 read as follows:

13 (1)(a) Following shelter care and no later than thirty days prior
14 to fact-finding, the ((department)) supervising agency shall convene a
15 case conference as required in the shelter care order to develop and
16 specify in a written service agreement the expectations of both the
17 ((department)) supervising agency and the parent regarding voluntary
18 services for the parent.

19 (b) The case conference shall include the parent, counsel for the
20 parent, caseworker, counsel for the state, guardian ad litem, counsel
21 for the child, and any other person agreed upon by the parties. Once
22 the shelter care order is entered, the ((department)) supervising
23 agency is not required to provide additional notice of the case
24 conference to any participants in the case conference.

25 (c) The written service agreement expectations must correlate with
26 the court's findings at the shelter care hearing. The written service
27 agreement must set forth specific services to be provided to the
28 parent.

29 (d) The case conference agreement must be agreed to and signed by
30 the parties. The court shall not consider the content of the
31 discussions at the case conference at the time of the fact-finding
32 hearing for the purposes of establishing that the child is a dependent
33 child, and the court shall not consider any documents or written
34 materials presented at the case conference but not incorporated into
35 the case conference agreement, unless the documents or written
36 materials were prepared for purposes other than or as a result of the

1 case conference and are otherwise admissible under the rules of
2 evidence.

3 (2) At any other stage in a dependency proceeding, the
4 (~~department~~) supervising agency, upon the parent's request, shall
5 convene a case conference.

6 **Sec. 118.** RCW 13.34.069 and 2007 c 409 s 2 are each amended to
7 read as follows:

8 If a child is placed in the custody of the (~~department of social~~
9 ~~and health services or other~~) supervising agency, immediately
10 following the shelter care hearing, an order and authorization
11 regarding health care and education records for the child shall be
12 entered. The order shall:

13 (1) Provide the (~~department or other~~) supervising agency with the
14 right to inspect and copy all health, medical, mental health, and
15 education records of the child;

16 (2) Authorize and direct any agency, hospital, doctor, nurse,
17 dentist, orthodontist, or other health care provider, therapist, drug
18 or alcohol treatment provider, psychologist, psychiatrist, or mental
19 health clinic, or health or medical records custodian or document
20 management company, or school or school organization to permit the
21 department or other supervising agency to inspect and to obtain copies
22 of any records relating to the child involved in the case, without the
23 further consent of the parent or guardian of the child; and

24 (3) Grant the department or other supervising agency or its
25 designee the authority and responsibility, where applicable, to:

26 (a) Notify the child's school that the child is in out-of-home
27 placement;

28 (b) Enroll the child in school;

29 (c) Request the school transfer records;

30 (d) Request and authorize evaluation of special needs;

31 (e) Attend parent or teacher conferences;

32 (f) Excuse absences;

33 (g) Grant permission for extracurricular activities;

34 (h) Authorize medications which need to be administered during
35 school hours and sign for medical needs that arise during school hours;
36 and

37 (i) Complete or update school emergency records.

1 Access to records under this section is subject to the child's
2 consent where required by other state and federal laws.

3 **Sec. 119.** RCW 13.34.094 and 2004 c 147 s 3 are each amended to
4 read as follows:

5 The department, or supervising agency after the shelter care
6 hearing, shall, within existing resources, provide to parents
7 requesting or participating in a multidisciplinary team, family group
8 conference, case conference, or prognostic staffing information that
9 describes these processes prior to the processes being undertaken.

10 **Sec. 120.** RCW 13.34.096 and 2007 c 409 s 1 are each amended to
11 read as follows:

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

22 **Sec. 121.** RCW 13.34.125 and 1999 c 173 s 2 are each amended to
23 read as follows:

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

1 parent's, or parent's preferences regarding the proposed adoptive
2 placement of the child shall be given consideration.

3 **Sec. 122.** RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are
4 each reenacted and amended to read as follows:

5 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
6 been proven by a preponderance of the evidence that the child is
7 dependent within the meaning of RCW 13.34.030 after consideration of
8 the social study prepared pursuant to RCW 13.34.110 and after a
9 disposition hearing has been held pursuant to RCW 13.34.110, the court
10 shall enter an order of disposition pursuant to this section.

11 (1) The court shall order one of the following dispositions of the
12 case:

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

20 (b) Order the child to be removed from his or her home and into the
21 custody, control, and care of a relative (~~((or the department))~~) or a
22 (~~((licensed child placing))~~) supervising agency for supervision of the
23 child's placement. The (~~((department or))~~) supervising agency
24 (~~((supervising the child's placement))~~) has the authority to place the
25 child, subject to review and approval by the court (i) with a relative
26 as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or
27 group care facility licensed pursuant to chapter 74.15 RCW, or (iii) in
28 the home of another suitable person if the child or family has a
29 preexisting relationship with that person, and the person has completed
30 all required criminal history background checks and otherwise appears
31 to the department or supervising agency to be suitable and competent to
32 provide care for the child. Absent good cause, the department or
33 supervising agency shall follow the wishes of the natural parent
34 regarding the placement of the child in accordance with RCW 13.34.260.
35 The department or supervising agency may only place a child with a
36 person not related to the child as defined in RCW 74.15.020(2)(a) when
37 the court finds that such placement is in the best interest of the

1 child. Unless there is reasonable cause to believe that the health,
2 safety, or welfare of the child would be jeopardized or that efforts to
3 reunite the parent and child will be hindered, such child shall be
4 placed with a person who is: (A) Related to the child as defined in
5 RCW 74.15.020(2)(a) with whom the child has a relationship and is
6 comfortable; and (B) willing and available to care for the child.

7 (2) Placement of the child with a relative under this subsection
8 shall be given preference by the court. An order for out-of-home
9 placement may be made only if the court finds that reasonable efforts
10 have been made to prevent or eliminate the need for removal of the
11 child from the child's home and to make it possible for the child to
12 return home, specifying the services that have been provided to the
13 child and the child's parent, guardian, or legal custodian, and that
14 preventive services have been offered or provided and have failed to
15 prevent the need for out-of-home placement, unless the health, safety,
16 and welfare of the child cannot be protected adequately in the home,
17 and that:

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

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

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

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

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

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

36 (ii) There is no reasonable cause to believe that the health,
37 safety, or welfare of any child subject to the order of placement,
38 contact, or visitation would be jeopardized or that efforts to reunite

1 the parent and child would be hindered by such placement, contact, or
2 visitation. In no event shall parental visitation time be reduced in
3 order to provide sibling visitation.

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

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

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

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

36 **Sec. 123.** RCW 13.34.136 and 2008 c 267 s 3 and 2008 c 152 s 2 are
37 each reenacted and amended to read as follows:

1 (1) Whenever a child is ordered removed from the home, a permanency
2 plan shall be developed no later than sixty days from the time the
3 supervising agency assumes responsibility for providing services,
4 including placing the child, or at the time of a hearing under RCW
5 13.34.130, whichever occurs first. The permanency planning process
6 continues until a permanency planning goal is achieved or dependency is
7 dismissed. The planning process shall include reasonable efforts to
8 return the child to the parent's home.

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

16 The permanency plan shall include:

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

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

1 (i) The supervising agency's plan shall specify what services the
2 parents will be offered to enable them to resume custody, what
3 requirements the parents must meet to resume custody, and a time limit
4 for each service plan and parental requirement.

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

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

28 (iv) The plan shall state whether both in-state and, where
29 appropriate, out-of-state placement options have been considered by the
30 (~~department~~) supervising agency.

31 (v) Unless it is not in the best interests of the child, whenever
32 practical, the plan should ensure the child remains enrolled in the
33 school the child was attending at the time the child entered foster
34 care.

35 (vi) The supervising agency (~~(charged with supervising a child in~~
36 ~~placement)~~) shall provide all reasonable services that are available
37 within the supervising agency, or within the community, or those

1 services which the department has existing contracts to purchase. It
2 shall report to the court if it is unable to provide such services; and

3 (c) If the court has ordered, pursuant to RCW 13.34.130(5), that a
4 termination petition be filed, a specific plan as to where the child
5 will be placed, what steps will be taken to achieve permanency for the
6 child, services to be offered or provided to the child, and, if
7 visitation would be in the best interests of the child, a
8 recommendation to the court regarding visitation between parent and
9 child pending a fact-finding hearing on the termination petition. The
10 supervising agency shall not be required to develop a plan of services
11 for the parents or provide services to the parents if the court orders
12 a termination petition be filed. However, reasonable efforts to ensure
13 visitation and contact between siblings shall be made unless there is
14 reasonable cause to believe the best interests of the child or siblings
15 would be jeopardized.

16 (3) Permanency planning goals should be achieved at the earliest
17 possible date. If the child has been in out-of-home care for fifteen
18 of the most recent twenty-two months, the court shall require the
19 (~~department~~) supervising agency to file a petition seeking
20 termination of parental rights in accordance with RCW
21 13.34.145(3)(b)(vi). In cases where parental rights have been
22 terminated, the child is legally free for adoption, and adoption has
23 been identified as the primary permanency planning goal, it shall be a
24 goal to complete the adoption within six months following entry of the
25 termination order.

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

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

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

36 (7) For purposes related to permanency planning:

37 (a) "Guardianship" means a dependency guardianship or a legal

1 guardianship pursuant to chapter 11.88 RCW or equivalent laws of
2 another state or a federally recognized Indian tribe.

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

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

8 **Sec. 124.** RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are
9 each reenacted and amended to read as follows:

10 (1) Except for children whose cases are reviewed by a citizen
11 review board under chapter 13.70 RCW, the status of all children found
12 to be dependent shall be reviewed by the court at least every six
13 months from the beginning date of the placement episode or the date
14 dependency is established, whichever is first. The purpose of the
15 hearing shall be to review the progress of the parties and determine
16 whether court supervision should continue.

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

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

26 (2)(a) A child shall not be returned home at the review hearing
27 unless the court finds that a reason for removal as set forth in RCW
28 13.34.130 no longer exists. The parents, guardian, or legal custodian
29 shall report to the court the efforts they have made to correct the
30 conditions which led to removal. If a child is returned, casework
31 supervision by the supervising agency shall continue for a period of
32 six months, at which time there shall be a hearing on the need for
33 continued intervention.

34 (b) Prior to the child returning home, the ((department))
35 supervising agency must complete the following:

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

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

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

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

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

33 (i) Whether the supervising agency is making reasonable efforts to
34 provide services to the family and eliminate the need for placement of
35 the child. If additional services, including housing assistance, are
36 needed to facilitate the return of the child to the child's parents,
37 the court shall order that reasonable services be offered specifying
38 such services;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (i) Noncompliance by the parents with the supervising agency's case
2 plan or court order;

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

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

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

18 (4) The court's ability to order housing assistance under RCW
19 13.34.130 and this section is: (a) Limited to cases in which
20 homelessness or the lack of adequate and safe housing is the primary
21 reason for an out-of-home placement; and (b) subject to the
22 availability of funds appropriated for this specific purpose.

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

25 **Sec. 125.** RCW 13.34.145 and 2008 c 152 s 3 are each amended to
26 read as follows:

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

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

1 (b) Whenever a child is removed from the home of a dependency
2 guardian or long-term relative or foster care provider, and the child
3 is not returned to the home of the parent, guardian, or legal custodian
4 but is placed in out-of-home care, a permanency planning hearing shall
5 take place no later than twelve months, as provided in this section,
6 following the date of removal unless, prior to the hearing, the child
7 returns to the home of the dependency guardian or long-term care
8 provider, the child is placed in the home of the parent, guardian, or
9 legal custodian, an adoption decree, guardianship order, or a permanent
10 custody order is entered, or the dependency is dismissed.

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

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

22 (3) At the permanency planning hearing, the court shall conduct the
23 following inquiry:

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

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

34 (i) The continuing necessity for, and the safety and
35 appropriateness of, the placement;

36 (ii) The extent of compliance with the permanency plan by the
37 supervising agency and any other service providers, the child's
38 parents, the child, and the child's guardian, if any;

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

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

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

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

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

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

22 (C) Being placed for adoption;

23 (D) Being placed with a guardian;

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

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

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

1 necessary for the child's safe return home; or the department has
2 documented in the case plan a compelling reason for determining that
3 filing a petition to terminate parental rights would not be in the
4 child's best interests.

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

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

14 (iii) The (~~department~~) supervising agency shall not discharge a
15 child to an independent living situation before the child is eighteen
16 years of age unless the child becomes emancipated pursuant to chapter
17 13.64 RCW.

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

23 (4) In all cases, at the permanency planning hearing, the court
24 shall:

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

27 (ii) Modify the permanency plan, and order implementation of the
28 modified plan; and

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

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

34 (5) Following the first permanency planning hearing, the court
35 shall hold a further permanency planning hearing in accordance with
36 this section at least once every twelve months until a permanency
37 planning goal is achieved or the dependency is dismissed, whichever
38 occurs first.

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

4 (7) If the court orders the child returned home, casework
5 supervision by the supervising agency shall continue for at least six
6 months, at which time a review hearing shall be held pursuant to RCW
7 13.34.138, and the court shall determine the need for continued
8 intervention.

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

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

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

34 (11) The approval of a permanency plan that does not contemplate
35 return of the child to the parent does not relieve the supervising
36 agency of its obligation to provide reasonable services, under this
37 chapter, intended to effectuate the return of the child to the parent,

1 including but not limited to, visitation rights. The court shall
2 consider the child's relationships with siblings in accordance with RCW
3 13.34.130.

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

7 **Sec. 126.** RCW 13.34.155 and 2000 c 135 s 1 are each amended to
8 read as follows:

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

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

29 (3) Any order entered in the dependency court establishing or
30 modifying a permanent legal custody order under chapter 26.10 RCW shall
31 also be filed in the chapter 26.10 RCW action by the prevailing party.
32 Once filed, any order establishing or modifying permanent legal custody
33 shall survive dismissal of the dependency proceeding.

34 **Sec. 127.** RCW 13.34.174 and 2000 c 122 s 23 are each amended to
35 read as follows:

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

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

- 9 (a) Type of treatment;
- 10 (b) Nature of treatment;
- 11 (c) Length of treatment;
- 12 (d) A treatment time schedule; and
- 13 (e) Approximate cost of the treatment.

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

26 Each report shall also be filed with the court and a copy given to
27 the person evaluated and the person's counsel. A copy of the treatment
28 plan shall also be given to the department's or supervising agency's
29 caseworker and to the guardian ad litem. Any program for chemical
30 dependency shall meet the program requirements contained in chapter
31 70.96A RCW.

32 (3) If the court has ordered treatment pursuant to a dependency
33 proceeding it shall also require the treatment program to provide, in
34 the reports required by subsection (2) of this section, status reports
35 to the court, the department, the supervising (~~(child-placing)~~) agency
36 (~~(if any)~~), and the person or person's counsel regarding the person's
37 cooperation with the treatment plan proposed and the person's progress
38 in treatment.

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

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

12 **Sec. 128.** RCW 13.34.176 and 2000 c 122 s 24 are each amended to
13 read as follows:

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

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

28 **Sec. 129.** RCW 13.34.180 and 2001 c 332 s 4 are each amended to
29 read as follows:

30 (1) A petition seeking termination of a parent and child
31 relationship may be filed in juvenile court by any party, including the
32 supervising agency, to the dependency proceedings concerning that
33 child. Such petition shall conform to the requirements of RCW
34 13.34.040, shall be served upon the parties as provided in RCW
35 13.34.070(8), and shall allege all of the following unless subsection
36 (2) or (3) of this section applies:

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

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

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

7 (d) That the services ordered under RCW 13.34.136 have been
8 expressly and understandably offered or provided and all necessary
9 services, reasonably available, capable of correcting the parental
10 deficiencies within the foreseeable future have been expressly and
11 understandably offered or provided;

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

24 (i) Use of intoxicating or controlled substances so as to render
25 the parent incapable of providing proper care for the child for
26 extended periods of time or for periods of time that present a risk of
27 imminent harm to the child, and documented unwillingness of the parent
28 to receive and complete treatment or documented multiple failed
29 treatment attempts; or

30 (ii) Psychological incapacity or mental deficiency of the parent
31 that is so severe and chronic as to render the parent incapable of
32 providing proper care for the child for extended periods of time or for
33 periods of time that present a risk of imminent harm to the child, and
34 documented unwillingness of the parent to receive and complete
35 treatment or documentation that there is no treatment that can render
36 the parent capable of providing proper care for the child in the near
37 future; and

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

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

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

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

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

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

20 (d) Assault in the first or second degree, as defined in chapter
21 9A.36 RCW, against the surviving child or another child of the parent.

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

25 "NOTICE

26 A petition for termination of parental rights has been filed
27 against you. You have important legal rights and you must take
28 steps to protect your interests. This petition could result in
29 permanent loss of your parental rights.

30 1. You have the right to a fact-finding hearing before
31 a judge.

32 2. You have the right to have a lawyer represent you at
33 the hearing. A lawyer can look at the files in your case, talk
34 to the (~~department of social and health services~~) supervising
35 agency and other agencies, tell you about the law, help you
36 understand your rights, and help you at hearings. If you

1 cannot afford a lawyer, the court will appoint one to represent
2 you. To get a court-appointed lawyer you must contact:
3 (explain local procedure).

4 3. At the hearing, you have the right to speak on your
5 own behalf, to introduce evidence, to examine witnesses, and to
6 receive a decision based solely on the evidence presented to
7 the judge.

8 You should be present at this hearing.

9 You may call (insert agency) for more information
10 about your child. The agency's name and telephone number are
11 (insert name and telephone number)."

12 **Sec. 130.** RCW 13.34.210 and 2003 c 227 s 8 are each amended to
13 read as follows:

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

27 If a child has not been adopted within six months after the date of
28 the order and a guardianship of the child under RCW 13.34.231 or
29 chapter 11.88 RCW, or a permanent custody order under chapter 26.10
30 RCW, has not been entered by the court, the court shall review the case
31 every six months until a decree of adoption is entered except for those
32 cases which are reviewed by a citizen review board under chapter 13.70
33 RCW. The supervising agency shall take reasonable steps to ensure that
34 the child maintains relationships with siblings as provided in RCW
35 13.34.130(3) and shall report to the court the status and extent of
36 such relationships.

1 **Sec. 131.** RCW 13.34.215 and 2008 c 267 s 1 are each amended to
2 read as follows:

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

6 (a) The child was previously found to be a dependent child under
7 this chapter;

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

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

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

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

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

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

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

33 (6) The juvenile court shall conditionally grant the petition if it
34 finds by clear and convincing evidence that the child has not achieved
35 his or her permanency plan and is not likely to imminently achieve his
36 or her permanency plan and that reinstatement of parental rights is in
37 the child's best interest. In determining whether reinstatement is in

1 the child's best interest the court shall consider, but is not limited
2 to, the following:

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

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

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

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

12 (7) In determining whether the child has or has not achieved his or
13 her permanency plan or whether the child is likely to achieve his or
14 her permanency plan, the department or supervising agency shall provide
15 the court, and the court shall review, information related to any
16 efforts to achieve the permanency plan including efforts to achieve
17 adoption or a permanent guardianship.

18 (8)(a) If the court conditionally grants the petition under
19 subsection (6) of this section, the case will be continued for six
20 months and a temporary order of reinstatement entered. During this
21 period, the child shall be placed in the custody of the parent. The
22 department or supervising agency shall develop a permanency plan for
23 the child reflecting the plan to be reunification and shall provide
24 transition services to the family as appropriate.

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

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

33 (9) After the child has been placed with the parent for six months,
34 the court shall hold a hearing. If the placement with the parent has
35 been successful, the court shall enter a final order of reinstatement
36 of parental rights, which shall restore all rights, powers, privileges,
37 immunities, duties, and obligations of the parent as to the child,
38 including those relating to custody, control, and support of the child.

1 The court shall dismiss the dependency and direct the clerk's office to
2 provide a certified copy of the final order of reinstatement of
3 parental rights to the parent at no cost.

4 (10) The granting of the petition under this section does not
5 vacate or otherwise affect the validity of the original termination
6 order.

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

12 (12) A proceeding to reinstate parental rights is a separate action
13 from the termination of parental rights proceeding and does not vacate
14 the original termination of parental rights. An order granted under
15 this section reinstates the parental rights to the child. This
16 reinstatement is a recognition that the situation of the parent and
17 child have changed since the time of the termination of parental rights
18 and reunification is now appropriate.

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

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

30 **Sec. 132.** RCW 13.34.230 and 1981 c 195 s 1 are each amended to
31 read as follows:

32 Any party to a dependency proceeding, including the supervising
33 agency, may file a petition in juvenile court requesting that
34 guardianship be created as to a dependent child. The department (~~of~~
35 ~~social and health services~~) or supervising agency shall receive notice
36 of any guardianship proceedings and have the right to intervene in the
37 proceedings.

1 **Sec. 133.** RCW 13.34.233 and 2000 c 122 s 30 are each amended to
2 read as follows:

3 (1) Any party may request the court under RCW 13.34.150 to modify
4 or terminate a dependency guardianship order. Notice of any motion to
5 modify or terminate the guardianship shall be served on all other
6 parties, including any agency that was responsible for supervising the
7 child's placement at the time the guardianship petition was filed.
8 Notice in all cases shall be served upon the department. If the
9 department or supervising agency was not previously a party to the
10 guardianship proceeding, the department or supervising agency shall
11 nevertheless have the right to: (a) Initiate a proceeding to modify or
12 terminate a guardianship; and (b) intervene at any stage of such a
13 proceeding.

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

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

28 (4) Upon entry of an order terminating the guardianship, the child
29 shall remain dependent and the court shall either return the child to
30 the child's parent or order the child into the custody, control, and
31 care of (~~(the department or)~~) a (~~(licensed child placing)~~) supervising
32 agency for placement in a foster home or group care facility licensed
33 pursuant to chapter 74.15 RCW or in a home not required to be licensed
34 pursuant to such chapter. The court shall not place a child in the
35 custody of the child's parent unless the court finds that reasons for
36 removal as set forth in RCW 13.34.130 no longer exist and that such
37 placement is in the child's best interest. The court shall thereafter

1 conduct reviews as provided in RCW 13.34.138 and, where applicable,
2 shall hold a permanency planning hearing in accordance with RCW
3 13.34.145.

4 **Sec. 134.** RCW 13.34.245 and 1997 c 386 s 18 are each amended to
5 read as follows:

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

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

35 (3) Upon filing of the petition for validation, the clerk of the
36 court shall schedule the petition for a hearing on the court validation
37 of the voluntary consent no later than forty-eight hours after the

1 petition has been filed, excluding Saturdays, Sundays, and holidays.
2 Notification of time, date, location, and purpose of the validation
3 hearing shall be provided as soon as possible to the consenting parent
4 or Indian custodian, the ((~~department or other child placing~~))
5 supervising agency which is to assume responsibility for the child's
6 placement and care pursuant to the consent to foster care placement,
7 and the Indian tribe in which the child is enrolled or eligible for
8 enrollment as a member. If the identity and location of any
9 nonconsenting parent or Indian custodian is known, reasonable attempts
10 shall be made to notify the parent or Indian custodian of the consent
11 to placement and the validation hearing. Notification under this
12 subsection may be given by the most expedient means, including, but not
13 limited to, mail, personal service, telephone, and telegraph.

14 (4) Any parent or Indian custodian may withdraw consent to a
15 voluntary foster care placement, made under this section, at any time.
16 Unless the Indian child has been taken in custody pursuant to RCW
17 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW
18 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the
19 Indian child shall be returned to the parent or Indian custodian upon
20 withdrawal of consent to foster care placement of the child.

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

30 **Sec. 135.** RCW 13.34.320 and 1999 c 188 s 2 are each amended to
31 read as follows:

32 The ((~~department~~)) supervising agency shall obtain the prior
33 consent of a child's parent, legal guardian, or legal custodian before
34 a dependent child is admitted into an inpatient mental health treatment
35 facility. If the child's parent, legal guardian, or legal custodian is
36 unavailable or does not agree with the proposed admission, the
37 ((~~department~~)) supervising agency shall request a hearing and provide

1 notice to all interested parties to seek prior approval of the juvenile
2 court before such admission. In the event that an emergent situation
3 creating a risk of substantial harm to the health and welfare of a
4 child in the custody of the ((department)) supervising agency does not
5 allow time for the ((department)) supervising agency to obtain prior
6 approval or to request a court hearing before consenting to the
7 admission of the child into an inpatient mental health hospital, the
8 ((department)) supervising agency shall seek court approval by
9 requesting that a hearing be set on the first available court date.

10 **Sec. 136.** RCW 13.34.330 and 1999 c 188 s 3 are each amended to
11 read as follows:

12 A dependent child who is admitted to an inpatient mental health
13 facility shall be placed in a facility, with available treatment space,
14 that is closest to the family home, unless the ((department))
15 supervising agency, in consultation with the admitting authority finds
16 that admission in the facility closest to the child's home would
17 jeopardize the health or safety of the child.

18 **Sec. 137.** RCW 13.34.340 and 2000 c 122 s 35 are each amended to
19 read as follows:

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

1 except that, for medical purposes only, a treating physician may
2 disclose the ((department)) supervising agency records to another
3 treating physician.

4 **Sec. 138.** RCW 13.34.350 and 2001 c 52 s 2 are each amended to read
5 as follows:

6 In order to facilitate communication of information needed to serve
7 the best interest of any child who is the subject of a dependency case
8 filed under this chapter, the department ((of social and health
9 services)) shall, consistent with state and federal law governing the
10 release of confidential information, establish guidelines, and shall
11 use those guidelines for the facilitation of communication of relevant
12 information among divisions, providers, the courts, the family,
13 caregivers, caseworkers, and others.

14 **Sec. 139.** RCW 13.34.370 and 2004 c 146 s 2 are each amended to
15 read as follows:

16 The court may order expert evaluations of parties to obtain
17 information regarding visitation issues or other issues in a case.
18 These evaluations shall be performed by appointed evaluators who are
19 mutually agreed upon by the court, the ((state)) supervising agency,
20 and the parents' counsel, and, if the child is to be evaluated, by the
21 representative for the child. If no agreement can be reached, the
22 court shall select the expert evaluator.

23 **Sec. 140.** RCW 13.34.380 and 2004 c 146 s 3 are each amended to
24 read as follows:

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

1 The policies and protocols shall be consistent with the provisions
2 of this chapter and implementation of the policies and protocols shall
3 be consistent with relevant orders of the court.

4 **Sec. 141.** RCW 13.34.385 and 2008 c 259 s 1 are each amended to
5 read as follows:

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

8 (a) The child has been found to be a dependent child under this
9 chapter;

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

12 (c) The child is in the custody of the department or another public
13 (~~or private~~) agency or supervising agency; and

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

17 (2) The court shall give prior notice for any proceeding under this
18 section, or cause prior notice to be given, to the department or public
19 (~~or private~~) agency or supervising agency having custody of the
20 child, the child's attorney or guardian ad litem if applicable, and the
21 child. The court shall also order the custodial agency to give prior
22 notice of any hearing to the child's current foster parent, relative
23 caregiver, guardian or custodian, and the child's tribe, if applicable.

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

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

33 (b) The length and quality of the prior relationship between the
34 child and the relative;

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

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

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

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

6 (4) The visitation order may be modified at any time upon a showing
7 that the visitation poses a risk to the child's safety or well-being.
8 The visitation order shall state that visitation will automatically
9 terminate upon the child's placement in a preadoptive home, if the
10 child is adopted, or if there is a subsequent founded abuse or neglect
11 allegation against the relative.

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

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

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

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

25 **Sec. 142.** RCW 13.34.390 and 2005 c 504 s 303 are each amended to
26 read as follows:

27 The department (~~(of social and health services)~~) and the department
28 of health shall develop and expand comprehensive services for drug-
29 affected and alcohol-affected mothers and infants. Subject to funds
30 appropriated for this purpose, the expansion shall be in evidence-
31 based, research-based, or consensus-based practices, (~~(as those terms~~
32 ~~are defined in section 603 of this act,~~) and shall expand capacity in
33 underserved regions of the state.

34 **Sec. 143.** RCW 13.34.400 and 2007 c 411 s 2 are each amended to
35 read as follows:

36 In any proceeding under this chapter, if the (~~department~~)

1 supervising agency submits a report to the court in which the
2 department is recommending a new placement or a change in placement,
3 the ((department)) supervising agency shall include the documents
4 relevant to persons in the home in which a child will be placed and
5 listed in subsections (1) through (5) of this section to the report.
6 The ((department)) supervising agency shall include only these relevant
7 documents and shall not attach the entire history of the subject of the
8 report.

9 (1) If the report contains a recommendation, opinion, or assertion
10 by the ((department)) supervising agency relating to substance abuse
11 treatment, mental health treatment, anger management classes, or
12 domestic violence classes, the ((department)) supervising agency shall
13 attach the document upon which the recommendation, opinion, or
14 assertion was based. The documentation may include the progress report
15 or evaluation submitted by the provider, but may not include the entire
16 history with the provider.

17 (2) If the report contains a recommendation, opinion, or assertion
18 by the ((department)) supervising agency relating to visitation with a
19 child, the ((department)) supervising agency shall attach the document
20 upon which the recommendation, opinion, or assertion was based. The
21 documentation may include the most recent visitation report, a
22 visitation report referencing a specific incident alleged in the
23 report, or summary of the visitation prepared by the person who
24 supervised the visitation. The documentation attached to the report
25 shall not include the entire visitation history.

26 (3) If the report contains a recommendation, opinion, or assertion
27 by the ((department)) supervising agency relating to the psychological
28 status of a person, the ((department)) supervising agency shall attach
29 the document upon which the recommendation, opinion, or assertion was
30 based. The documentation may include the progress report, evaluation,
31 or summary submitted by the provider, but shall not include the entire
32 history of the person.

33 (4) If the report contains a recommendation, opinion, or assertion
34 by the ((department)) supervising agency relating to injuries to a
35 child, the ((department)) supervising agency shall attach a summary of
36 the physician's report, prepared by the physician or the physician's
37 designee, relating to the recommendation, opinion, or assertion by the
38 department.

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

6 **Sec. 144.** RCW 41.06.142 and 2008 c 267 s 9 are each amended to
7 read as follows:

8 (1) Any department, agency, or institution of higher education may
9 purchase services, including services that have been customarily and
10 historically provided by employees in the classified service under this
11 chapter, by contracting with individuals, nonprofit organizations,
12 businesses, employee business units, or other entities if the following
13 criteria are met:

14 (a) The invitation for bid or request for proposal contains
15 measurable standards for the performance of the contract;

16 (b) Employees in the classified service whose positions or work
17 would be displaced by the contract are provided an opportunity to offer
18 alternatives to purchasing services by contract and, if these
19 alternatives are not accepted, compete for the contract under
20 competitive contracting procedures in subsection (4) of this section;

21 (c) The contract with an entity other than an employee business
22 unit includes a provision requiring the entity to consider employment
23 of state employees who may be displaced by the contract;

24 (d) The department, agency, or institution of higher education has
25 established a contract monitoring process to measure contract
26 performance, costs, service delivery quality, and other contract
27 standards, and to cancel contracts that do not meet those standards;
28 and

29 (e) The department, agency, or institution of higher education has
30 determined that the contract results in savings or efficiency
31 improvements. The contracting agency must consider the consequences
32 and potential mitigation of improper or failed performance by the
33 contractor.

34 (2) Any provision contrary to or in conflict with this section in
35 any collective bargaining agreement in effect on July 1, 2005, is not
36 effective beyond the expiration date of the agreement.

1 (3) Contracting for services that is expressly mandated by the
2 legislature or was authorized by law prior to July 1, 2005, including
3 contracts and agreements between public entities, shall not be subject
4 to the processes set forth in subsections (1), (4), and (5) of this
5 section.

6 (4) Competitive contracting shall be implemented as follows:

7 (a) At least ninety days prior to the date the contracting agency
8 requests bids from private entities for a contract for services
9 provided by classified employees, the contracting agency shall notify
10 the classified employees whose positions or work would be displaced by
11 the contract. The employees shall have sixty days from the date of
12 notification to offer alternatives to purchasing services by contract,
13 and the agency shall consider the alternatives before requesting bids.

14 (b) If the employees decide to compete for the contract, they shall
15 notify the contracting agency of their decision. Employees must form
16 one or more employee business units for the purpose of submitting a bid
17 or bids to perform the services.

18 (c) The director of personnel, with the advice and assistance of
19 the department of general administration, shall develop and make
20 available to employee business units training in the bidding process
21 and general bid preparation.

22 (d) The director of general administration, with the advice and
23 assistance of the department of personnel, shall, by rule, establish
24 procedures to ensure that bids are submitted and evaluated in a fair
25 and objective manner and that there exists a competitive market for the
26 service. Such rules shall include, but not be limited to: (i)
27 Prohibitions against participation in the bid evaluation process by
28 employees who prepared the business unit's bid or who perform any of
29 the services to be contracted; (ii) provisions to ensure no bidder
30 receives an advantage over other bidders and that bid requirements are
31 applied equitably to all parties; and (iii) procedures that require the
32 contracting agency to receive complaints regarding the bidding process
33 and to consider them before awarding the contract. Appeal of an
34 agency's actions under this subsection is an adjudicative proceeding
35 and subject to the applicable provisions of chapter 34.05 RCW, the
36 administrative procedure act, with the final decision to be rendered by
37 an administrative law judge assigned under chapter 34.12 RCW.

1 (e) An employee business unit's bid must include the fully
2 allocated costs of the service, including the cost of the employees'
3 salaries and benefits, space, equipment, materials, and other costs
4 necessary to perform the function. An employee business unit's cost
5 shall not include the state's indirect overhead costs unless those
6 costs can be attributed directly to the function in question and would
7 not exist if that function were not performed in state service.

8 (f) A department, agency, or institution of higher education may
9 contract with the department of general administration to conduct the
10 bidding process.

11 (5) As used in this section:

12 (a) "Employee business unit" means a group of employees who perform
13 services to be contracted under this section and who submit a bid for
14 the performance of those services under subsection (4) of this section.

15 (b) "Indirect overhead costs" means the pro rata share of existing
16 agency administrative salaries and benefits, and rent, equipment costs,
17 utilities, and materials associated with those administrative
18 functions.

19 (c) "Competitive contracting" means the process by which classified
20 employees of a department, agency, or institution of higher education
21 compete with businesses, individuals, nonprofit organizations, or other
22 entities for contracts authorized by subsection (1) of this section.

23 (6) The requirements of this section do not apply to RCW
24 74.13.031(5) or section 103 of this act.

25 **Sec. 145.** RCW 74.13.010 and 1965 c 30 s 2 are each amended to read
26 as follows:

27 The purpose of this chapter is to safeguard, protect, and
28 contribute to the welfare of the children of the state, through a
29 comprehensive and coordinated program of (~~public~~) child welfare
30 services provided by both the department and supervising agencies
31 providing for: Social services and facilities for children who require
32 guidance, care, control, protection, treatment, or rehabilitation;
33 setting of standards for social services and facilities for children;
34 cooperation with public and voluntary agencies, organizations, and
35 citizen groups in the development and coordination of programs and
36 activities in behalf of children; and promotion of community conditions

1 and resources that help parents to discharge their responsibilities for
2 the care, development, and well-being of their children.

3 NEW SECTION. **Sec. 146.** A new section is added to chapter 74.13
4 RCW to read as follows:

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

9 **Sec. 147.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to
10 read as follows:

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

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

17 (2) Within available resources, the department and supervising
18 agencies shall recruit an adequate number of prospective adoptive and
19 foster homes, both regular and specialized, i.e. homes for children of
20 ethnic minority, including Indian homes for Indian children, sibling
21 groups, handicapped and emotionally disturbed, teens, pregnant and
22 parenting teens, and the department shall annually report to the
23 governor and the legislature concerning the department's and
24 supervising agency's success in: (a) Meeting the need for adoptive and
25 foster home placements; (b) reducing the foster parent turnover rate;
26 (c) completing home studies for legally free children; and (d)
27 implementing and operating the passport program required by RCW
28 74.13.285. The report shall include a section entitled "Foster Home
29 Turn-Over, Causes and Recommendations."

30 (3) The department shall investigate complaints of any recent act
31 or failure to act on the part of a parent or caretaker that results in
32 death, serious physical or emotional harm, or sexual abuse or
33 exploitation, or that presents an imminent risk of serious harm, and on
34 the basis of the findings of such investigation, offer child welfare
35 services in relation to the problem to such parents, legal custodians,
36 or persons serving in loco parentis, and/or bring the situation to the

1 attention of an appropriate court, or another community agency. An
2 investigation is not required of nonaccidental injuries which are
3 clearly not the result of a lack of care or supervision by the child's
4 parents, legal custodians, or persons serving in loco parentis. If the
5 investigation reveals that a crime against a child may have been
6 committed, the department shall notify the appropriate law enforcement
7 agency.

8 (4) Supervising agencies shall offer, on a voluntary basis, family
9 reconciliation services to families who are in conflict.

10 (5) Supervising agencies shall monitor placements of children in
11 out-of-home care and in-home dependencies to assure the safety, well-
12 being, and quality of care being provided is within the scope of the
13 intent of the legislature as defined in RCW 74.13.010 and 74.15.010.
14 (~~The policy for monitoring placements~~) Under this section (~~shall~~
15 ~~require that~~) children in out-of-home care and in-home dependencies
16 and their caregivers shall receive a private and individual face-to-
17 face visit each month.

18 (~~(a)~~) The (~~department~~) supervising agencies shall conduct the
19 monthly visits with children and caregivers (~~required under this~~
20 ~~section unless the child's placement is being supervised under a~~
21 ~~contract between the department and a private agency accredited by a~~
22 ~~national child welfare accrediting entity, in which case the private~~
23 ~~agency shall, within existing resources, conduct the monthly visits~~
24 ~~with the child and with the child's caregiver according to the~~
25 ~~standards described in this subsection and shall provide the department~~
26 ~~with a written report of the visits within fifteen days of completing~~
27 ~~the visits.~~

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

32 (6) Supervising agencies shall have authority to accept custody of
33 children from parents and to accept custody of children from juvenile
34 courts, where authorized to do so under law, to provide child welfare
35 services including placement for adoption, to provide for the routine
36 and necessary medical, dental, and mental health care, or necessary
37 emergency care of the children, and to provide for the physical care of
38 such children and make payment of maintenance costs if needed. Except

1 where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private
2 adoption agency which receives children for adoption from the
3 department shall discriminate on the basis of race, creed, or color
4 when considering applications in their placement for adoption.

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

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

14 (9) The department shall establish a children's services advisory
15 committee with sufficient members representing supervising agencies
16 which shall assist the ((~~secretary~~)) director in the development of a
17 partnership plan for utilizing resources of the public and private
18 sectors, and advise on all matters pertaining to child welfare,
19 licensing of child care agencies, adoption, and services related
20 thereto. At least one member shall represent the adoption community.

21 (10)(a) The supervising agencies shall have authority to provide
22 continued foster care or group care as needed to participate in or
23 complete a high school or vocational school program.

24 (b)(i) Beginning in 2006, the department has the authority to allow
25 up to fifty youth reaching age eighteen to continue in foster care or
26 group care as needed to participate in or complete a posthigh school
27 academic or vocational program, and to receive necessary support and
28 transition services.

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

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

1 (11) The department shall refer cases to the division of child
2 support whenever state or federal funds are expended for the care and
3 maintenance of a child, including a child with a developmental
4 disability who is placed as a result of an action under chapter 13.34
5 RCW, unless the department finds that there is good cause not to pursue
6 collection of child support against the parent or parents of the child.
7 Cases involving individuals age eighteen through twenty shall not be
8 referred to the division of child support unless required by federal
9 law.

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

18 Notwithstanding any other provision of RCW 13.32A.170 through
19 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
20 services to be provided by the department (~~(of social and health~~
21 ~~services)) under subsections (4), (6), and (7) of this section, subject
22 to the limitations of these subsections, may be provided by any program
23 offering such services funded pursuant to Titles II and III of the
24 federal juvenile justice and delinquency prevention act of 1974.~~

25 (13) Within amounts appropriated for this specific purpose, the
26 supervising agency or department shall provide preventive services to
27 families with children that prevent or shorten the duration of an out-
28 of-home placement.

29 (14) Supervising agencies shall have authority to provide
30 independent living services to youths, including individuals who have
31 attained eighteen years of age, and have not attained twenty-one years
32 of age who are or have been in foster care.

33 (15) The department and supervising agencies shall consult at least
34 quarterly with foster parents, including members of the foster parent
35 association of Washington state, for the purpose of receiving
36 information and comment regarding how the department (~~(is))~~ and
37 supervising agencies are performing the duties and meeting the
38 obligations specified in this section and RCW 74.13.250 and 74.13.320

1 regarding the recruitment of foster homes, reducing foster parent
2 turnover rates, providing effective training for foster parents, and
3 administering a coordinated and comprehensive plan that strengthens
4 services for the protection of children. Consultation shall occur at
5 the regional and statewide levels.

6 **Sec. 148.** RCW 74.13.0311 and 2002 c 219 s 13 are each amended to
7 read as follows:

8 The department or (~~its contractors~~) supervising agencies may
9 provide child welfare services pursuant to a deferred prosecution plan
10 ordered under chapter 10.05 RCW. Child welfare services provided under
11 this chapter pursuant to a deferred prosecution order may not be
12 construed to prohibit the department or supervising agencies from
13 providing services or undertaking proceedings pursuant to chapter 13.34
14 or 26.44 RCW.

15 **Sec. 149.** RCW 74.13.032 and 1998 c 296 s 4 are each amended to
16 read as follows:

17 (1) The department shall establish, (~~by~~) through performance-
18 based contracts with (~~private or~~) supervising agencies or public
19 vendors, regional crisis residential centers with semi-secure
20 facilities. These facilities shall be structured group care facilities
21 licensed under rules adopted by the department and shall have an
22 average of at least four adult staff members and in no event less than
23 three adult staff members to every eight children.

24 (2) Within available funds appropriated for this purpose, the
25 department shall establish, (~~by~~) through performance-based contracts
26 with (~~private or public vendors~~) supervising agencies, regional
27 crisis residential centers with secure facilities. These facilities
28 shall be facilities licensed under rules adopted by the department.
29 These centers may also include semi-secure facilities and to such
30 extent shall be subject to subsection (1) of this section.

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

35 (4) The staff at the facilities established under this section
36 shall be trained so that they may effectively counsel juveniles

1 admitted to the centers, provide treatment, supervision, and structure
2 to the juveniles that recognize the need for support and the varying
3 circumstances that cause children to leave their families, and carry
4 out the responsibilities stated in RCW 13.32A.090. ((The
5 responsibilities stated in RCW 13.32A.090 may, in any of the centers,
6 be carried out by the department.))

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

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

16 **Sec. 150.** RCW 74.13.036 and 2003 c 207 s 2 are each amended to
17 read as follows:

18 (1) The department ((of social and health services)) shall oversee
19 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
20 oversight shall be comprised of working with affected parts of the
21 criminal justice and child care systems as well as with local
22 government, legislative, and executive authorities to effectively carry
23 out these chapters. The department shall work with all such entities
24 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
25 uniform manner throughout the state.

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

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

33 (b) Procedures for designating ((department)) supervising agency
34 staff responsible for family reconciliation services;

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

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

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

9 (3) In addition to its other oversight duties, the department
10 shall:

11 (a) Identify and evaluate resource needs in each region of the
12 state;

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

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

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

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

23 ~~((4) The department shall provide an annual report to the
24 legislature not later than December 1 of each year only when it has
25 declined to accept custody of a child from a law enforcement agency or
26 it has received a report of a child being released without placement.
27 The report shall indicate the number of times it has declined to accept
28 custody of a child from a law enforcement agency under chapter 13.32A
29 RCW and the number of times it has received a report of a child being
30 released without placement under RCW 13.32A.060(1)(c). The report
31 shall include the dates, places, and reasons the department declined to
32 accept custody and the dates and places children are released without
33 placement.))~~

34 **Sec. 151.** RCW 74.13.037 and 1997 c 146 s 9 are each amended to
35 read as follows:

36 Within available funds appropriated for this purpose, the
37 department shall establish, ~~((by))~~ through performance-based contracts

1 with private vendors, transitional living programs for youth who are
2 being assisted by the department in being emancipated as part of their
3 permanency plan under chapter 13.34 RCW. These programs shall be
4 licensed under rules adopted by the department.

5 **Sec. 152.** RCW 74.13.042 and 1995 c 311 s 14 are each amended to
6 read as follows:

7 If the department or supervising agency is denied lawful access to
8 records or information, or requested records or information is not
9 provided in a timely manner, the department or supervising agency may
10 petition the court for an order compelling disclosure.

11 (1) The petition shall be filed in the juvenile court for the
12 county in which the record or information is located or the county in
13 which the person who is the subject of the record or information
14 resides. If the person who is the subject of the record or information
15 is a party to or the subject of a pending proceeding under chapter
16 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

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

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

29 **Sec. 153.** RCW 74.13.045 and 1998 c 245 s 146 are each amended to
30 read as follows:

31 The department shall develop and implement an informal,
32 nonadversarial complaint resolution process to be used by clients of
33 the department or supervising agency, foster parents, and other
34 affected individuals who have complaints regarding a department policy
35 or procedure, ~~((or))~~ the application of such a policy or procedure, or
36 the performance of an entity that has entered into a performance-based

1 contract with the department, related to programs administered under
2 this chapter. The process shall not apply in circumstances where the
3 complainant has the right under Title 13, 26, or 74 RCW to seek
4 resolution of the complaint through judicial review or through an
5 adjudicative proceeding.

6 Nothing in this section shall be construed to create substantive or
7 procedural rights in any person. Participation in the complaint
8 resolution process shall not entitle any person to an adjudicative
9 proceeding under chapter 34.05 RCW or to superior court review.
10 Participation in the process shall not affect the right of any person
11 to seek other statutorily or constitutionally permitted remedies.

12 The department shall develop procedures to assure that clients and
13 foster parents are informed of the availability of the complaint
14 resolution process and how to access it. The department shall
15 incorporate information regarding the complaint resolution process into
16 the training for foster parents and department and supervising agency
17 caseworkers.

18 The department shall compile complaint resolution data including
19 the nature of the complaint and the outcome of the process.

20 **Sec. 154.** RCW 74.13.055 and 1998 c 245 s 147 are each amended to
21 read as follows:

22 The department shall adopt rules pursuant to chapter 34.05 RCW
23 which establish goals as to the maximum number of children who will
24 remain in foster care for a period of longer than twenty-four months.
25 The department shall also work cooperatively with (~~the major private~~
26 ~~child care providers~~) supervising agencies to assure that a
27 partnership plan for utilizing the resources of the public and private
28 sector in all matters pertaining to child welfare is developed and
29 implemented.

30 **Sec. 155.** RCW 74.13.060 and 1971 ex.s. c 169 s 7 are each amended
31 to read as follows:

32 (1) The (~~secretary~~) director or his or her designees or
33 delegates shall be the custodian without compensation of such moneys
34 and other funds of any person which may come into the possession of the
35 (~~secretary~~) director during the period such person is placed with the
36 department (~~of social and health services~~) or an entity with which it

1 has entered into a performance-based contract pursuant to chapter 74.13
2 RCW. As such custodian, the ~~((secretary))~~ director shall have
3 authority to disburse moneys from the person's funds for the following
4 purposes only and subject to the following limitations:

5 ~~((1) The secretary may disburse any of the funds belonging to such
6 person))~~ (a) For such personal needs of such person as the
7 ~~((secretary))~~ director may deem proper and necessary.

8 ~~((2) The secretary may apply such funds))~~ (b) Against the amount
9 of public assistance otherwise payable to such person. This includes
10 applying, as reimbursement, any benefits, payments, funds, or accrual
11 paid to or on behalf of said person from any source against the amount
12 of public assistance expended on behalf of said person during the
13 period for which the benefits, payments, funds or accruals were paid.

14 ~~((3))~~ (2) All funds held by the ~~((secretary))~~ director as
15 custodian may be deposited in a single fund, the receipts and
16 expenditures therefrom to be accurately accounted for by him or her on
17 an individual basis. Whenever, the funds belonging to any one person
18 exceed the sum of five hundred dollars, the ~~((secretary))~~ director may
19 deposit said funds in a savings and loan association account on behalf
20 of that particular person.

21 ~~((4))~~ (3) When the conditions of placement no longer exist and
22 public assistance is no longer being provided for such person, upon a
23 showing of legal competency and proper authority, the ~~((secretary))~~
24 director shall deliver to such person, or the parent, person, or agency
25 legally responsible for such person, all funds belonging to the person
26 remaining in his or her possession as custodian, together with a full
27 and final accounting of all receipts and expenditures made therefrom.

28 ~~((5))~~ (4) The appointment of a guardian for the estate of such
29 person shall terminate the ~~((secretary's))~~ director's authority as
30 custodian of said funds upon receipt by the ~~((secretary))~~ director of
31 a certified copy of letters of guardianship. Upon the guardian's
32 request, the ~~((secretary))~~ director shall immediately forward to such
33 guardian any funds of such person remaining in the ~~((secretary's))~~
34 director's possession together with full and final accounting of all
35 receipts and expenditures made therefrom.

36 **Sec. 156.** RCW 74.13.065 and 2002 c 52 s 8 are each amended to read
37 as follows:

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

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

10 (a) The physical and emotional strengths and needs of the child;

11 (b) Emotional bonds with siblings and the need to maintain regular
12 sibling contacts;

13 (c) The proximity of the child's placement to the child's family to
14 aid reunification;

15 (d) The possibility of placement with the child's relatives or
16 extended family;

17 (e) The racial, ethnic, cultural, and religious background of the
18 child;

19 (f) The least-restrictive, most family-like placement reasonably
20 available and capable of meeting the child's needs; and

21 (g) Compliance with RCW 13.34.260 regarding parental preferences
22 for placement of their children.

23 **Sec. 157.** RCW 74.13.075 and 1994 c 169 s 1 are each amended to
24 read as follows:

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

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

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

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

35 (b) Cannot be detained under the juvenile justice system due to
36 being under age twelve and incompetent to stand trial for acts that

1 could be prosecuted as sex offenses as defined by RCW 9.94A.030 if the
2 juvenile was over twelve years of age, or competent to stand trial if
3 under twelve years of age.

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

8 (a) The age of the juvenile;

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

11 (c) The juvenile's past conduct;

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

13 (e) The cost of the treatment; and

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

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

22 **Sec. 158.** RCW 74.13.077 and 1993 c 402 s 4 are each amended to
23 read as follows:

24 The (~~(secretary of the department of social and health services))~~
25 director is authorized to transfer surplus, unused treatment funds from
26 the civil commitment center operated under chapter 71.09 RCW to the
27 division of children and family services to provide treatment services
28 for sexually aggressive youth.

29 **Sec. 159.** RCW 74.13.096 and 2007 c 465 s 2 are each amended to
30 read as follows:

31 (1) The (~~(secretary of the department of social and health~~
32 ~~services))~~ director shall convene an advisory committee to analyze and
33 make recommendations on the disproportionate representation of children
34 of color in Washington's child welfare system. The department shall
35 collaborate with the Washington institute for public policy and private
36 sector entities to develop a methodology for the advisory committee to

1 follow in conducting a baseline analysis of data from the child welfare
2 system to determine whether racial disproportionality and racial
3 disparity exist in this system. The Washington institute for public
4 policy shall serve as technical staff for the advisory committee. In
5 determining whether racial disproportionality or racial disparity
6 exists, the committee shall utilize existing research and evaluations
7 conducted within Washington state, nationally, and in other states and
8 localities that have similarly analyzed the prevalence of racial
9 disproportionality and disparity in child welfare.

10 (2) At a minimum, the advisory committee shall examine and analyze:

11 (a) The level of involvement of children of color at each stage in the
12 state's child welfare system, including the points of entry and exit,
13 and each point at which a treatment decision is made; (b) the number of
14 children of color in low-income or single-parent families involved in
15 the state's child welfare system; (c) the family structures of families
16 involved in the state's child welfare system; and (d) the outcomes for
17 children in the existing child welfare system. This analysis shall be
18 disaggregated by racial and ethnic group, and by geographic region.

19 (3) The committee of not more than fifteen individuals shall
20 consist of experts in social work, law, child welfare, psychology, or
21 related fields, at least two tribal representatives, a representative
22 of the governor's juvenile justice advisory committee, a representative
23 of a community-based organization involved with child welfare issues,
24 a representative of the department (~~(of social and health services)~~),
25 a current or former foster care youth, a current or former foster care
26 parent, and a parent previously involved with Washington's child
27 welfare system. Committee members shall be selected as follows: (a)
28 Five members selected by the senate majority leader; (b) five members
29 selected by the speaker of the house of representatives; and (c) five
30 members selected by the (~~(secretary)~~) director of the department (~~(of~~
31 ~~social and health services)~~). The (~~(secretary)~~) director, the senate
32 majority leader, and the speaker of the house of representatives shall
33 coordinate appointments to ensure the representation specified in this
34 subsection is achieved. After the advisory committee appointments are
35 finalized, the committee shall select two individuals to serve as
36 cochairs of the committee, one of whom shall be a representative from
37 a nongovernmental entity.

1 (4) The ((~~secretary~~)) director shall make reasonable efforts to
2 seek public and private funding for the advisory committee.

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

24 (6) Not later than December 1, 2008, the ((~~secretary~~)) director
25 shall report the results of the analysis conducted under subsection (2)
26 of this section and shall describe the remediation plan required under
27 subsection (5) of this section to the appropriate committees of the
28 legislature with jurisdiction over policy and fiscal matters relating
29 to children, families, and human services. Beginning January 1, 2010,
30 the ((~~secretary~~)) director shall report annually to the appropriate
31 committees of the legislature on the implementation of the remediation
32 plan, including any measurable progress made in reducing and
33 eliminating racial disproportionality and disparity in the state's
34 child welfare system.

35 **Sec. 160.** RCW 74.13.103 and 1971 ex.s. c 63 s 2 are each amended
36 to read as follows:

37 When a child proposed for adoption is placed with a prospective

1 adoptive parent the department may charge such parent a fee in payment
2 or part payment of such adoptive parent's part of the cost of the
3 adoption services rendered and to be rendered by the department.

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

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

8 Such fee scale shall be annually fixed by the ((secretary))
9 director after considering the recommendations of the committee
10 designated by the ((secretary)) director to advise him or her on child
11 welfare and pursuant to the regulations to be issued by the
12 ((secretary)) director in accordance with the provisions of Title 34
13 RCW.

14 The ((secretary)) director may waive, defer, or provide for payment
15 in installments without interest of, any such fee whenever in his or
16 her judgment payment or immediate payment would cause economic hardship
17 to such adoptive parent or parents.

18 Nothing in this section shall require the payment of a fee to the
19 state of Washington in a case in which an adoption results from
20 independent placement or placement by a ((~~licensed child placing~~))
21 supervising agency.

22 **Sec. 161.** RCW 74.13.106 and 1985 c 7 s 134 are each amended to
23 read as follows:

24 All fees paid for adoption services pursuant to RCW 26.33.320 and
25 74.13.100 through 74.13.145 (as recodified by this act) shall be
26 credited to the general fund. Expenses incurred in connection with
27 supporting the adoption of hard to place children shall be paid by
28 warrants drawn against such appropriations as may be available. The
29 ((secretary)) director may for such purposes, contract with any public
30 agency or ((~~licensed child placing~~)) supervising agency and/or adoptive
31 parent and is authorized to accept funds from other sources including
32 federal, private, and other public funding sources to carry out such
33 purposes.

34 The ((secretary)) director shall actively seek, where consistent
35 with the policies and programs of the department, and shall make
36 maximum use of, such federal funds as are or may be made available to
37 the department for the purpose of supporting the adoption of hard to

1 place children. The ((secretary)) director may, if permitted by
2 federal law, deposit federal funds for adoption support, aid to
3 adoptions, or subsidized adoption in the general fund and may use such
4 funds, subject to such limitations as may be imposed by federal or
5 state law, to carry out the program of adoption support authorized by
6 RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this
7 act).

8 **Sec. 162.** RCW 74.13.109 and 1990 c 285 s 7 are each amended to
9 read as follows:

10 The ((secretary)) director shall issue rules and regulations to
11 assist in the administration of the program of adoption support
12 authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 (as
13 recodified by this act).

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

24 Such agreements shall meet the following criteria:

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

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

32 (3) Such agreement shall provide that adoption support shall not
33 continue beyond the time that the adopted child reaches eighteen years
34 of age, becomes emancipated, dies, or otherwise ceases to need
35 support(~~(, provided that)~~). If the ((secretary shall)) director finds
36 that continuing dependency of such child after such child reaches
37 eighteen years of age warrants the continuation of support pursuant to

1 RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this
2 act) the ((~~secretary~~)) director may do so, subject to all the
3 provisions of RCW 26.33.320 and 74.13.100 through 74.13.145 (as
4 recodified by this act), including annual review of the amount of such
5 support.

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

10 **Sec. 163.** RCW 74.13.124 and 1985 c 7 s 140 are each amended to
11 read as follows:

12 An agreement for adoption support made ((~~pursuant to RCW~~
13 ~~26.32.115~~)) before January 1, 1985, or pursuant to RCW 26.33.320 and
14 74.13.100 through 74.13.145 (as recodified by this act), although
15 subject to review and adjustment as provided for herein, shall, as to
16 the standard used by the ((~~secretary~~)) director in making such review
17 or reviews and any such adjustment, constitutes a contract within the
18 meaning of section 10, Article I of the United States Constitution and
19 section 23, Article I of the state Constitution. For that reason once
20 such an agreement has been made any review of and adjustment under such
21 agreement shall as to the standards used by the ((~~secretary~~)) director,
22 be made only subject to the provisions of RCW 26.33.320 and 74.13.100
23 through 74.13.145 (as recodified by this act) and such rules and
24 regulations relating thereto as they exist on the date of the initial
25 determination in connection with such agreement or such more generous
26 standard or parts of such standard as may hereafter be provided for by
27 law or regulation. Once made such an agreement shall constitute a
28 solemn undertaking by the state of Washington with such adoptive parent
29 or parents. The termination of the effective period of RCW 26.33.320
30 and 74.13.100 through 74.13.145 (as recodified by this act) or a
31 decision by the state or federal government to discontinue or reduce
32 general appropriations made available for the purposes to be served by
33 RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this
34 act), shall not affect the state's specific continuing obligations to
35 support such adoptions, subject to such annual review and adjustment
36 for all such agreements as have theretofore been entered into by the
37 state.

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

6 This section expires June 30, 2011.

7 **Sec. 166.** RCW 74.13.170 and 1991 c 326 s 2 are each amended to
8 read as follows:

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

15 **Sec. 167.** RCW 74.13.250 and 1990 c 284 s 2 are each amended to
16 read as follows:

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

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

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

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

11 **Sec. 168.** RCW 74.13.280 and 2007 c 409 s 6 and 2007 c 220 s 4 are
12 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

12 (6) As used in this section:

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

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

19 (i) Suicide attempts or suicidal behavior or ideation;

20 (ii) Self-mutilation or similar self-destructive behavior;

21 (iii) Fire-setting or a developmentally inappropriate fascination
22 with fire;

23 (iv) Animal torture;

24 (v) Property destruction; or

25 (vi) Substance or alcohol abuse.

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

29 (i) Observed assaultive behavior;

30 (ii) Reported and documented history of the child willfully
31 assaulting or inflicting bodily harm; or

32 (iii) Attempting to assault or inflict bodily harm on other
33 children or adults under circumstances where the child has the apparent
34 ability or capability to carry out the attempted assaults including
35 threats to use a weapon.

36 **Sec. 169.** RCW 74.13.283 and 2008 c 267 s 7 are each amended to
37 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 170.** RCW 74.13.285 and 2007 c 409 s 7 are each amended to
2 read as follows:

3 (1) Within available resources, the ~~((department))~~ 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))~~ 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 the
14 preparation of passports. ~~((Within available resources, the department
15 may prepare passports for any child in a foster home on July 1, 1997,
16 provided that no time spent in a foster home before July 1, 1997, shall
17 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))~~ 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. 171.** 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. 172.** 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))~~ 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))~~ 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. 173.** 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. 174.** 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. 175.** RCW 74.13.315 and 1997 c 272 s 6 are each amended to
28 read 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. 176.** 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. 177.** RCW 74.13.325 and 1997 c 272 s 3 are each amended to
34 read 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. 178.** RCW 74.13.333 and 2004 c 181 s 1 are each amended to
6 read 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. 179.** RCW 74.13.334 and 2004 c 181 s 2 are each amended to
34 read 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. 180.** 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)) director, or the
8 ((secretary's)) director's designee, shall disclose information
9 regarding the abuse or neglect of a child, the investigation of the
10 abuse, neglect, or near fatality of a child, and any services related
11 to the abuse or neglect of a child if any one of the following factors
12 is present:

13 (a) The subject of the report has been charged in an accusatory
14 instrument with committing a crime related to a report maintained by
15 the department in its case and management information system;

16 (b) The investigation of the abuse or neglect of the child by the
17 department or the provision of services by the department or a
18 supervising agency has been publicly disclosed in a report required to
19 be disclosed in the course of their official duties, by a law
20 enforcement agency or official, a prosecuting attorney, any other state
21 or local investigative agency or official, or by a judge of the
22 superior court;

23 (c) There has been a prior knowing, voluntary public disclosure by
24 an individual concerning a report of child abuse or neglect in which
25 such individual is named as the subject of the report; or

26 (d) The child named in the report has died and the child's death
27 resulted from abuse or neglect or the child was in the care of, or
28 receiving services from the department or a supervising agency at the
29 time of death or within twelve months before death.

30 (2) The ((secretary)) director is not required to disclose
31 information if the factors in subsection (1) of this section are
32 present if he or she specifically determines the disclosure is contrary
33 to the best interests of the child, the child's siblings, or other
34 children in the household.

35 (3) Except for cases in subsection (1)(d) of this section, requests
36 for information under this section shall specifically identify the case

1 about which information is sought and the facts that support a
2 determination that one of the factors specified in subsection (1) of
3 this section is present.

4 (4) For the purposes of this section, "near fatality" means an act
5 that, as certified by a physician, places the child in serious or
6 critical condition. The ((secretary)) director is under no obligation
7 to have an act certified by a physician in order to comply with this
8 section.

9 **Sec. 181.** RCW 74.13.515 and 2005 c 274 s 352 are each amended to
10 read as follows:

11 For purposes of RCW 74.13.500(1)(d), the ((secretary)) director
12 must make the fullest possible disclosure consistent with chapter 42.56
13 RCW and applicable federal law in cases of all fatalities of children
14 who were in the care of, or receiving services from, the department or
15 a supervising agency at the time of their death or within the twelve
16 months previous to their death.

17 If the ((secretary)) director specifically determines that
18 disclosure of the name of the deceased child is contrary to the best
19 interests of the child's siblings or other children in the household,
20 the ((secretary)) director may remove personally identifying
21 information.

22 For the purposes of this section, "personally identifying
23 information" means the name, street address, social security number,
24 and day of birth of the child who died and of private persons who are
25 relatives of the child named in child welfare records. "Personally
26 identifying information" shall not include the month or year of birth
27 of the child who has died. Once this personally identifying
28 information is removed, the remainder of the records pertaining to a
29 child who has died must be released regardless of whether the remaining
30 facts in the records are embarrassing to the unidentifiable other
31 private parties or to identifiable public workers who handled the case.

32 **Sec. 182.** RCW 74.13.525 and 2005 c 274 s 353 are each amended to
33 read as follows:

34 The department or supervising agency, when acting in good faith, is
35 immune from any criminal or civil liability, except as provided under

1 RCW 42.56.550, for any action taken under RCW 74.13.500 through
2 74.13.520.

3 **Sec. 183.** RCW 74.13.530 and 2001 c 318 s 4 are each amended to
4 read as follows:

5 (1) No child may be placed or remain in a specific out-of-home
6 placement under this chapter or chapter 13.34 RCW when there is a
7 conflict of interest on the part of any adult residing in the home in
8 which the child is to be or has been placed. A conflict of interest
9 exists when:

10 (a) There is an adult in the home who, as a result of: (i) His or
11 her employment; and (ii) an allegation of abuse or neglect of the
12 child, conducts or has conducted an investigation of the allegation; or

13 (b) The child has been, is, or is likely to be a witness in any
14 pending cause of action against any adult in the home when the cause
15 includes: (i) An allegation of abuse or neglect against the child or
16 any sibling of the child; or (ii) a claim of damages resulting from
17 wrongful interference with the parent-child relationship of the child
18 and his or her biological or adoptive parent.

19 (2) For purposes of this section, "investigation" means the
20 exercise of professional judgment in the review of allegations of abuse
21 or neglect by: (a) Law enforcement personnel; (b) persons employed by,
22 or under contract with, the state; (c) persons licensed to practice law
23 and their employees; and (d) mental health professionals as defined in
24 chapter 71.05 RCW.

25 (3) The prohibition set forth in subsection (1) of this section may
26 not be waived or deferred by the department or a supervising agency
27 under any circumstance or at the request of any person, regardless of
28 who has made the request or the length of time of the requested
29 placement.

30 **Sec. 184.** RCW 74.13.560 and 2003 c 112 s 3 are each amended to
31 read as follows:

32 The administrative regions of the department and the supervising
33 agencies shall develop protocols with the respective school districts
34 in their regions specifying specific strategies for communication,
35 coordination, and collaboration regarding the status and progress of
36 foster children placed in the region, in order to maximize the

1 educational continuity and achievement for foster children. The
2 protocols shall include methods to assure effective sharing of
3 information consistent with RCW 28A.225.330.

4 **Sec. 185.** RCW 74.13.590 and 2003 c 112 s 6 are each amended to
5 read as follows:

6 The department and supervising agencies shall perform the tasks
7 provided in RCW 74.13.550 through 74.13.580 based on available
8 resources.

9 **Sec. 186.** RCW 74.13.600 and 2003 c 284 s 1 are each amended to
10 read as follows:

11 (1) For the purposes of this section, "kin" means persons eighteen
12 years of age or older to whom the child is related by blood, adoption,
13 or marriage, including marriages that have been dissolved, and means:
14 (a) Any person denoted by the prefix "grand" or "great"; (b) sibling,
15 whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or
16 (e) first cousin.

17 (2) The department and supervising agencies shall plan, design, and
18 implement strategies to prioritize the placement of children with
19 willing and able kin when out-of-home placement is required.

20 These strategies must include at least the following:

21 (a) Development of standardized, statewide procedures to be used by
22 supervising agencies when searching for kin of children prior to out-
23 of-home placement. The procedures must include a requirement that
24 documentation be maintained in the child's case record that identifies
25 kin, and documentation that identifies the assessment criteria and
26 procedures that were followed during all kin searches. The procedures
27 must be used when a child is placed in out-of-home care under authority
28 of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or
29 when a child is placed under a voluntary placement agreement. To
30 assist with implementation of the procedures, the ((department))
31 supervising agencies shall request that the juvenile court require
32 parents to disclose to the ((department)) agencies all contact
33 information for available and appropriate kin within two weeks of an
34 entered order. For placements under signed voluntary agreements, the
35 department and supervising agencies shall encourage the parents to

1 disclose to the department and agencies all contact information for
2 available and appropriate kin within two weeks of the date the parent
3 signs the voluntary placement agreement.

4 (b) Development of procedures for conducting active outreach
5 efforts to identify and locate kin during all searches. The procedures
6 must include at least the following elements:

7 (i) Reasonable efforts to interview known kin, friends, teachers,
8 and other identified community members who may have knowledge of the
9 child's kin, within sixty days of the child entering out-of-home care;

10 (ii) Increased use of those procedures determined by research to be
11 the most effective methods of promoting reunification efforts,
12 permanency planning, and placement decisions;

13 (iii) Contacts with kin identified through outreach efforts and
14 interviews under this subsection as part of permanency planning
15 activities and change of placement discussions;

16 (iv) Establishment of a process for ongoing contact with kin who
17 express interest in being considered as a placement resource for the
18 child; and

19 (v) A requirement that when the decision is made to not place the
20 child with any kin, the department or supervising agency provides
21 documentation as part of the child's individual service and safety plan
22 that clearly identifies the rationale for the decision and corrective
23 action or actions the kin must take to be considered as a viable
24 placement option.

25 (3) Nothing in this section shall be construed to create an
26 entitlement to services or to create judicial authority to order the
27 provision of services to any person or family if the services are
28 unavailable or unsuitable or the child or family is not eligible for
29 such services.

30 **Sec. 187.** RCW 74.13.650 and 2007 c 220 s 7 are each amended to
31 read as follows:

32 A foster parent critical support and retention program is
33 established to retain foster parents who care for sexually reactive
34 children, physically assaultive children, or children with other high-
35 risk behaviors, as defined in RCW 74.13.280. Services shall consist of
36 short-term therapeutic and educational interventions to support the
37 stability of the placement. The (~~foster parent critical support and~~

1 ~~retention program is to be implemented under the division of children~~
2 ~~and family services' contract and supervision. A contractor must~~
3 ~~demonstrate experience providing in-home case management, as well as~~
4 ~~experience working with caregivers of children with significant~~
5 ~~behavioral issues that pose a threat to others or themselves or the~~
6 ~~stability of the placement)) department shall enter into performance-
7 based contracts with supervising agencies to provide this program.~~

8 **Sec. 188.** RCW 74.13.670 and 2007 c 220 s 5 are each amended to
9 read as follows:

10 (1) A care provider may not be found to have abused or neglected a
11 child under chapter 26.44 RCW or be denied a license pursuant to
12 chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to
13 supervise (~~wherein~~) in which:

14 (a) The allegations arise from the child's conduct that is
15 substantially similar to prior behavior of the child, and:

16 (i) The child is a sexually reactive youth, exhibits high-risk
17 behaviors, or is physically assaultive or physically aggressive as
18 defined in RCW 74.13.280, and this information and the child's prior
19 behavior was not disclosed to the care provider as required by RCW
20 74.13.280; and

21 (ii) The care provider did not know or have reason to know that the
22 child needed supervision as a sexually reactive or physically
23 assaultive or physically aggressive youth, or because of a documented
24 history of high-risk behaviors, as a result of the care provider's
25 involvement with or independent knowledge of the child or training and
26 experience; or

27 (b) The child was not within the reasonable control of the care
28 provider at the time of the incident that is the subject of the
29 allegation, and the care provider was acting in good faith and did not
30 know or have reason to know that reasonable control or supervision of
31 the child was necessary to prevent harm or risk of harm to the child or
32 other persons.

33 (2) Allegations of child abuse or neglect that meet the provisions
34 of this section shall be designated as "unfounded" as defined in RCW
35 26.44.020.

1 NEW SECTION. **Sec. 189.** RCW 74.13.085, 74.13.0902, 74.13.095, and
2 74.15.031 are each recodified as new sections in chapter 43.215 RCW.

3 NEW SECTION. **Sec. 190.** RCW 74.13.100, 74.13.103, 74.13.106,
4 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121,
5 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139,
6 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155,
7 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170
8 are each recodified as a new chapter in Title 74 RCW.

9 NEW SECTION. **Sec. 191.** Section 159 of this act expires June 30,
10 2014.

11 NEW SECTION. **Sec. 192.** The following acts or parts of acts are
12 each repealed:

13 (1) RCW 13.34.803 (Drug-affected and alcohol-affected infants--
14 Comprehensive plan--Report) and 1998 c 314 s 40;

15 (2) RCW 13.34.805 (Drug-affected infants--Study) and 1998 c 314 s
16 31;

17 (3) RCW 13.34.8051 (Drug-affected infants--Study--Alcohol-affected
18 infants to be included) and 1998 c 314 s 32;

19 (4) RCW 13.34.810 (Implementation of chapter 314, Laws of 1998) and
20 1998 c 314 s 48;

21 (5) RCW 26.44.230 (Abuse of adolescents--Reviews and reports) and
22 2005 c 345 s 2;

23 (6) RCW 74.13.200 (Demonstration project for protection, care, and
24 treatment of children at-risk of abuse or neglect) and 1979 ex.s. c 248
25 s 1;

26 (7) RCW 74.13.210 (Project day care center--Definition) and 1979
27 ex.s. c 248 s 2;

28 (8) RCW 74.13.220 (Project services) and 1979 ex.s. c 248 s 3;

29 (9) RCW 74.13.230 (Project shall utilize community services) and
30 1979 ex.s. c 248 s 4;

31 (10) RCW 74.13.340 (Foster parent liaison) and 1997 c 272 s 2;

32 (11) RCW 74.13.630 (Family decision meetings) and 2004 c 182 s 2;
33 and

34 (12) RCW 74.13.800 (Intensive resource home pilot) and 2008 c 281
35 s 2.

1 **PART 2 - DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES**

2 NEW SECTION. **Sec. 201.** The legislature finds it is necessary to
3 realign Washington's child welfare system over time. The legislature
4 finds that although it is the stated mission of the children's
5 administration in the department of social and health services to
6 protect children, help families care for and parent their children, and
7 find safe homes for children, the mission may be compromised by the
8 goals, objectives, size, and complexity of the larger agency of which
9 it is a part.

10 The legislature intends for there to be accountability for the
11 safety and protection of children in the system. The legislature
12 believes that the children's administration is unable to implement its
13 own policies because it is distracted from its goals by its location in
14 the department of social and health services, a large umbrella agency.
15 The legislature believes that an independent agency will be more
16 efficient and more effective than under the current umbrella agency and
17 that a small operational and administrative structure will improve
18 employee morale.

19 The legislature intends that it be the mission of the new
20 department of family and children's services to first protect abused
21 and neglected children, support the efforts of families to care for and
22 parent their own children safely, and provide quality care and
23 permanent families for children, in partnership with tribes, foster
24 parents, and communities. The legislature intends that the new
25 department of family and children's services will be responsible to and
26 accountable for the stable placement of children, the obtaining of
27 mental health services for families and their children, the improvement
28 of foster parent training and support, identifying and correcting
29 unsafe and inappropriate placements, ensuring that siblings are not
30 separated from each other when placed in out-of-home care, increasing
31 the quality and frequency of contact and visitation between siblings in
32 out-of-home placement, and ensuring services to adolescents.

33 The legislature intends that the separate agency focus on timely
34 recruitment and retention of high quality permanent families for
35 children and the provision of adequate support for foster parents. A
36 single state agency can develop a true partnership with tribes, foster
37 parents, and communities around the need for permanent homes for

1 children in a more effective way than as part of a large umbrella
2 agency.

3 The legislature also expects the new department to collaborate with
4 and when possible to work with tribes, foster parents, and communities
5 to anticipate problems and prevent child abuse and neglect, and to
6 provide effective services to protect children and strengthen families
7 when child abuse and neglect have occurred. The legislature finds that
8 to learn how to prevent abuse and neglect of children, and to gain a
9 greater understanding of the prevalence and location of this abuse,
10 valid research data and program statistics must be shared. The
11 legislature finds that high quality services will be provided when
12 accountability is expected and there is motivation for higher quality
13 strategies for protecting children.

14 The legislature finds that the public does not have confidence in
15 the department of social and health services' ability to fulfill the
16 mission of protecting children, helping their parents, and finding
17 families for children, in a cost-effective manner. The legislature
18 finds that confidence in government is critical to achieving the goals
19 of the mission. The legislature finds that this confidence is built by
20 the willingness to take responsibility. The current children's
21 administration does not adequately take responsibility and the umbrella
22 agency does not hold it accountable for meeting its goals and
23 objectives.

24 The legislature intends that there will be more accountability for
25 the safety, well-being, and permanence for children in a separate
26 department of family and children's services.

27 The legislature intends that adequate attention paid to families
28 and children with regard to preventing and reducing the incidences of
29 abuse and neglect will help reduce delinquency and juvenile crime.

30 The legislature intends that families will be better supported in
31 their efforts to care for and parent their own children if the services
32 are located in a single accountable agency. The current children's
33 administration has many methods set in guidelines but does not produce
34 the results needed to ensure the mission is accomplished. The
35 legislature intends that the separate state agency leadership be held
36 accountable to produce results.

1 NEW SECTION. **Sec. 202.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires otherwise.

3 (1) "Agency" means any person, firm, partnership, association,
4 corporation, or facility that receives children, expectant mothers, or
5 persons with developmental disabilities for control, care, or
6 maintenance outside their own homes, or that places, arranges the
7 placement of, or assists in the placement of children, expectant
8 mothers, or persons with developmental disabilities for foster care or
9 placement of children for adoption, and includes the following
10 irrespective of whether there is compensation to the agency or to the
11 children, expectant mothers, or persons with developmental disabilities
12 for services rendered:

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

15 (b) "Community facility" means a group care facility operated for
16 the care of juveniles committed to the department under RCW 13.40.185.
17 A county detention facility that houses juveniles committed to the
18 department under RCW 13.40.185 pursuant to a contract with the
19 department is not a community facility;

20 (c) "Crisis residential center" means an agency that is a temporary
21 protective residential facility operated to perform the duties
22 specified in chapter 13.32A RCW, in the manner provided in RCW
23 74.13.032 through 74.13.036;

24 (d) "Emergency respite center" is an agency that may be commonly
25 known as a crisis nursery, that provides emergency and crisis care for
26 up to seventy-two hours to children who have been admitted by their
27 parents or guardians to prevent abuse or neglect. Emergency respite
28 centers may operate for up to twenty-four hours a day, and for up to
29 seven days a week. Emergency respite centers may provide care for
30 children ages birth through seventeen, and for persons eighteen through
31 twenty with developmental disabilities who are admitted with a sibling
32 or siblings through age seventeen. Emergency respite centers may not
33 substitute for crisis residential centers or HOPE centers, or any other
34 services defined under this section, and may not substitute for
35 services that are required under chapter 13.32A or 13.34 RCW;

36 (e) "Foster family home" means an agency that regularly provides
37 care on a twenty-four hour basis to one or more children, expectant
38 mothers, or persons with developmental disabilities in the family abode

1 of the person or persons under whose direct care and supervision the
2 child, expectant mother, or person with a developmental disability is
3 placed;

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

7 (g) "HOPE center" means an agency licensed by the director to
8 provide temporary residential placement and other services to street
9 youth. A street youth may remain in a HOPE center for thirty days
10 while services are arranged and permanent placement is coordinated. No
11 street youth may stay longer than thirty days unless approved by the
12 department and any additional days approved by the department must be
13 based on the unavailability of a long-term placement option. A street
14 youth whose parent wants him or her returned to home may remain in a
15 HOPE center until his or her parent arranges return of the youth, not
16 longer. All other street youth must have court approval under chapter
17 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

18 (h) "Maternity service" means an agency that provides or arranges
19 for care or services to expectant mothers, before or during
20 confinement, or that provides care as needed to mothers and their
21 infants after confinement;

22 (i) "Responsible living skills program" means an agency licensed by
23 the department that provides residential and transitional living
24 services to persons ages sixteen to eighteen who are dependent under
25 chapter 13.34 RCW and who have been unable to live in his or her
26 legally authorized residence and, as a result, the minor lived outdoors
27 or in another unsafe location not intended for occupancy by the minor.
28 Dependent minors ages fourteen and fifteen may be eligible if no other
29 placement alternative is available and the department approves the
30 placement;

31 (j) "Service provider" means the entity that operates a community
32 facility.

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

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

36 (i) Any blood relative, including those of half-blood, and
37 including first cousins, nephews, or nieces, and persons of preceding
38 generations as denoted by prefixes of grand, great, or great-great;

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

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

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

8 (v) Extended family members, as defined by the law or custom of the
9 Indian child's tribe or, in the absence of such law or custom, a person
10 who has reached the age of eighteen and who is the Indian child's
11 grandparent, aunt or uncle, brother or sister, brother-in-law or
12 sister-in-law, niece or nephew, first or second cousin, or stepparent
13 who provides care in the family abode on a twenty-four hour basis to an
14 Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

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

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

25 (e) A person, partnership, corporation, or other entity that
26 provides placement or similar services to international children who
27 have entered the country by obtaining visas that meet the criteria for
28 medical care as established by the United States immigration and
29 naturalization service, or persons who have the care of such an
30 international child in their home;

31 (f) Schools, including boarding schools, that are engaged primarily
32 in education, operate on a definite school year schedule, follow a
33 stated academic curriculum, accept only school-age children, and do not
34 accept custody of children;

35 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
36 performing functions defined in chapter 70.41 RCW, nursing homes
37 licensed under chapter 18.51 RCW, and boarding homes licensed under
38 chapter 18.20 RCW;

1 (h) Licensed physicians or lawyers;

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

3 (j) Any agency having been in operation in this state ten years
4 before June 8, 1967, and not seeking or accepting moneys or assistance
5 from any state or federal agency, and is supported in part by an
6 endowment or trust fund;

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

12 (l) An agency operated by any unit of local, state, or federal
13 government or an agency licensed by an Indian tribe pursuant to RCW
14 74.15.190;

15 (m) A maximum or medium security program for juvenile offenders
16 operated by or under contract with the juvenile rehabilitation
17 administration;

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

21 (3) "Department" means the department of family and children's
22 services.

23 (4) "Director" means the director of the department.

24 NEW SECTION. **Sec. 203.** The director shall have the power and it
25 shall be the director's duty to:

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

35 (2) In consultation with the children's services advisory
36 committee, and with the advice and assistance of persons representative
37 of the various type agencies to be licensed, adopt and publish minimum

1 requirements for licensing applicable to each of the various categories
2 of agencies to be licensed. The minimum requirements shall be limited
3 to:

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

7 (b) The character, suitability, and competence of an agency and
8 other persons associated with an agency directly responsible for the
9 care and treatment of children, expectant mothers, or persons with
10 developmental disabilities. In consultation with law enforcement
11 personnel, the director shall investigate the conviction record or
12 pending charges and dependency record information under chapter 43.43
13 RCW of each agency and its staff seeking licensure or relicensure. No
14 unfounded allegation of child abuse or neglect as defined in RCW
15 26.44.020 may be disclosed to a child-placing agency, private adoption
16 agency, or any other provider licensed under this chapter. In order to
17 determine the suitability of applicants for an agency license,
18 licensees, their employees, and other persons who have unsupervised
19 access to children in care, and who have not resided in the state of
20 Washington during the three-year period before being authorized to care
21 for children shall be fingerprinted. The fingerprints shall be
22 forwarded to the Washington state patrol and federal bureau of
23 investigation for a criminal history record investigation. The
24 fingerprint criminal history record information shall be at the expense
25 of the licensee except that in the case of a foster family home, if
26 this expense would work a hardship on the licensee, the department
27 shall pay the expense. The licensee may not pass this cost on to the
28 employee or prospective employee, unless the employee is determined to
29 be unsuitable due to his or her criminal history record. The director
30 shall use the information solely for the purpose of determining
31 eligibility for a license and for determining the character,
32 suitability, and competence of those persons or agencies, excluding
33 parents, not required to be licensed who are authorized to care for
34 children, expectant mothers, and persons with developmental
35 disabilities. Criminal justice agencies shall provide the director
36 such information as they may have and that the director may require for
37 such purpose;

1 (c) The number of qualified persons required to render the type of
2 care and treatment for which an agency seeks a license;

3 (d) The safety, cleanliness, and general adequacy of the premises
4 to provide for the comfort, care, and well-being of children, expectant
5 mothers, or persons with developmental disabilities;

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

10 (f) The financial ability of an agency to comply with minimum
11 requirements established under chapter 74.15 RCW and RCW 74.13.031; and

12 (g) The maintenance of records pertaining to the admission,
13 progress, health, and discharge of persons served;

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

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

30 (5) Issue, revoke, or deny licenses to agencies under chapter 74.15
31 RCW and RCW 74.13.031. Licenses shall specify the category of care
32 that an agency is authorized to render and the ages, sex, and number of
33 persons to be served;

34 (6) Prescribe the procedures and the form and contents of reports
35 necessary for the administration of chapter 74.15 RCW and RCW 74.13.031
36 and to require regular reports from each licensee;

37 (7) Inspect agencies periodically to determine whether or not there

1 is compliance with chapter 74.15 RCW and RCW 74.13.031 and the
2 requirements adopted under this chapter;

3 (8) Review requirements adopted under this chapter at least every
4 two years and adopt appropriate changes after consultation with the
5 children's services advisory committee for requirements for other
6 agencies;

7 (9) Engage in negotiated rule making under RCW 34.05.310(2)(a) with
8 the exclusive representative of the family child care licensees
9 selected in accordance with RCW 43.215.355 and with other affected
10 interests before adopting requirements that affect family child care
11 licensees; and

12 (10) Consult with public and private agencies in order to help them
13 improve their methods and facilities for the care of children,
14 expectant mothers, and persons with developmental disabilities.

15 NEW SECTION. **Sec. 204.** (1) The executive head and appointing
16 authority of the department is the director. The director shall be
17 appointed by the governor with the consent of the senate, and shall
18 serve at the pleasure of the governor. The director shall be paid a
19 salary to be fixed by the governor in accordance with RCW 43.03.040.
20 If a vacancy occurs in the position of director while the senate is not
21 in session, the governor shall make a temporary appointment until the
22 next meeting of the senate when the governor's nomination for the
23 office of director shall be presented.

24 (2) The director may employ staff members, who shall be exempt from
25 chapter 41.06 RCW, and any additional staff members as are necessary to
26 administer this chapter. The director may delegate any power or duty
27 vested in him or her by this chapter, including authority to make final
28 decisions and enter final orders in hearings conducted under chapter
29 34.05 RCW.

30 NEW SECTION. **Sec. 205.** It is the intent of the legislature
31 wherever possible to place the internal affairs of the department under
32 the control of the director in order that the director may institute
33 therein the flexible, alert, and intelligent management of its business
34 that changing contemporary circumstances require. Therefore, whenever
35 the director's authority is not specifically limited by law, the
36 director has complete charge and supervisory powers over the

1 department. The director may create such administrative structures as
2 the director considers appropriate, except as otherwise specified by
3 law. The director may employ such assistants and personnel as
4 necessary for the general administration of the department. This
5 employment shall be in accordance with the state civil service law,
6 chapter 41.06 RCW, except as otherwise provided.

7 NEW SECTION. **Sec. 206.** The director may appoint such advisory
8 committees or councils as may be required by any federal legislation as
9 a condition to the receipt of federal funds by the department. The
10 director may also appoint statewide committees or councils on such
11 subject matters as are or come within the department's
12 responsibilities. The committees or councils shall be constituted as
13 required by federal law or as the director may determine.

14 Members of such state advisory committees or councils may be paid
15 their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

16 NEW SECTION. **Sec. 207.** In furtherance of the policy of the state
17 to cooperate with the federal government in all of the programs under
18 the jurisdiction of the department, such rules as may become necessary
19 to entitle the state to participate in federal funds may be adopted,
20 unless expressly prohibited by law. Any internal reorganization
21 carried out under the terms of this chapter shall meet federal
22 requirements that are a necessary condition to state receipt of federal
23 funds. Any section or provision of law dealing with the department
24 that may be susceptible to more than one construction shall be
25 interpreted in favor of the construction most likely to comply with
26 federal laws entitling this state to receive federal funds for the
27 various programs of the department.

28 NEW SECTION. **Sec. 208.** A new section is added to chapter 41.06
29 RCW to read as follows:

30 In addition to the exemptions under RCW 41.06.070, the provisions
31 of this chapter shall not apply in the department of family and
32 children's services to the director and the director's personal
33 secretary.

1 **Sec. 209.** RCW 43.17.010 and 2007 c 341 s 46 are each amended to
2 read as follows:

3 There shall be departments of the state government which shall be
4 known as (1) the department of social and health services, (2) the
5 department of ecology, (3) the department of labor and industries, (4)
6 the department of agriculture, (5) the department of fish and wildlife,
7 (6) the department of transportation, (7) the department of licensing,
8 (8) the department of general administration, (9) the department of
9 community, trade, and economic development, (10) the department of
10 veterans affairs, (11) the department of revenue, (12) the department
11 of retirement systems, (13) the department of corrections, (14) the
12 department of health, (15) the department of financial institutions,
13 (16) the department of archaeology and historic preservation, (17) the
14 department of early learning, (~~and~~) (18) the Puget Sound partnership,
15 and (19) the department of family and children's services, which shall
16 be charged with the execution, enforcement, and administration of such
17 laws, and invested with such powers and required to perform such
18 duties, as the legislature may provide.

19 **Sec. 210.** RCW 43.17.020 and 2007 c 341 s 47 are each amended to
20 read as follows:

21 There shall be a chief executive officer of each department to be
22 known as: (1) The secretary of social and health services, (2) the
23 director of ecology, (3) the director of labor and industries, (4) the
24 director of agriculture, (5) the director of fish and wildlife, (6) the
25 secretary of transportation, (7) the director of licensing, (8) the
26 director of general administration, (9) the director of community,
27 trade, and economic development, (10) the director of veterans affairs,
28 (11) the director of revenue, (12) the director of retirement systems,
29 (13) the secretary of corrections, (14) the secretary of health, (15)
30 the director of financial institutions, (16) the director of the
31 department of archaeology and historic preservation, (17) the director
32 of early learning, (~~and~~) (18) the executive director of the Puget
33 Sound partnership, and (19) the director of the department of family
34 and children's services.

35 Such officers, except the director of fish and wildlife, shall be
36 appointed by the governor, with the consent of the senate, and hold

1 office at the pleasure of the governor. The director of fish and
2 wildlife shall be appointed by the fish and wildlife commission as
3 prescribed by RCW 77.04.055.

4 **Sec. 211.** RCW 42.17.2401 and 2007 c 341 s 48, 2007 c 241 s 2, and
5 2007 c 15 s 1 are each reenacted and amended to read as follows:

6 For the purposes of RCW 42.17.240, the term "executive state
7 officer" includes:

8 (1) The chief administrative law judge, the director of
9 agriculture, the administrator of the Washington basic health plan, the
10 director of the department of services for the blind, the director of
11 the state system of community and technical colleges, the director of
12 community, trade, and economic development, the secretary of
13 corrections, the director of early learning, the director of ecology,
14 the commissioner of employment security, the chair of the energy
15 facility site evaluation council, the director of family and children's
16 services, the secretary of the state finance committee, the director of
17 financial management, the director of fish and wildlife, the executive
18 secretary of the forest practices appeals board, the director of the
19 gambling commission, the director of general administration, the
20 secretary of health, the administrator of the Washington state health
21 care authority, the executive secretary of the health care facilities
22 authority, the executive secretary of the higher education facilities
23 authority, the executive secretary of the horse racing commission, the
24 executive secretary of the human rights commission, the executive
25 secretary of the indeterminate sentence review board, the director of
26 the department of information services, the executive director of the
27 state investment board, the director of labor and industries, the
28 director of licensing, the director of the lottery commission, the
29 director of the office of minority and women's business enterprises,
30 the director of parks and recreation, the director of personnel, the
31 executive director of the public disclosure commission, the executive
32 director of the Puget Sound partnership, the director of the recreation
33 and conservation office, the director of retirement systems, the
34 director of revenue, the secretary of social and health services, the
35 chief of the Washington state patrol, the executive secretary of the
36 board of tax appeals, the secretary of transportation, the secretary of
37 the utilities and transportation commission, the director of veterans

1 affairs, the president of each of the regional and state universities
2 and the president of The Evergreen State College, and each district and
3 each campus president of each state community college;

4 (2) Each professional staff member of the office of the governor;

5 (3) Each professional staff member of the legislature; and

6 (4) Central Washington University board of trustees, the boards of
7 trustees of each community college and each technical college, each
8 member of the state board for community and technical colleges, state
9 convention and trade center board of directors, committee for deferred
10 compensation, Eastern Washington University board of trustees,
11 Washington economic development finance authority, The Evergreen State
12 College board of trustees, executive ethics board, forest practices
13 appeals board, forest practices board, gambling commission, life
14 sciences discovery fund authority board of trustees, Washington health
15 care facilities authority, each member of the Washington health
16 services commission, higher education coordinating board, higher
17 education facilities authority, horse racing commission, state housing
18 finance commission, human rights commission, indeterminate sentence
19 review board, board of industrial insurance appeals, information
20 services board, recreation and conservation funding board, state
21 investment board, commission on judicial conduct, legislative ethics
22 board, liquor control board, lottery commission, marine oversight
23 board, Pacific Northwest electric power and conservation planning
24 council, parks and recreation commission, board of pilotage
25 commissioners, pollution control hearings board, public disclosure
26 commission, public pension commission, shorelines (~~hearings~~)
27 hearings board, public employees' benefits board, salmon recovery
28 funding board, board of tax appeals, transportation commission,
29 University of Washington board of regents, utilities and transportation
30 commission, Washington state maritime commission, Washington personnel
31 resources board, Washington public power supply system executive board,
32 Washington State University board of regents, Western Washington
33 University board of trustees, and fish and wildlife commission.

34 NEW SECTION. **Sec. 212.** (1) All powers, duties, and functions of
35 the department of social and health services pertaining to children and
36 family services are transferred to the department of family and
37 children's services. All references to the secretary or the department

1 of social and health services in the Revised Code of Washington shall
2 be construed to mean the director or the department of family and
3 children's services when referring to the functions transferred in this
4 section.

5 (2)(a) All reports, documents, surveys, books, records, files,
6 papers, or written material in the possession of the department of
7 social and health services pertaining to the powers, functions, and
8 duties transferred shall be delivered to the custody of the department
9 of family and children's services. All cabinets, furniture, office
10 equipment, motor vehicles, and other tangible property employed by the
11 department of social and health services in carrying out the powers,
12 functions, and duties transferred shall be made available to the
13 department of family and children's services. All funds, credits, or
14 other assets held in connection with the powers, functions, and duties
15 transferred shall be assigned to the department of family and
16 children's services.

17 (b) Any appropriations made to the department of social and health
18 services for carrying out the powers, functions, and duties transferred
19 shall, on the effective date of this section, be transferred and
20 credited to the department of family and children's services.

21 (c) Whenever any question arises as to the transfer of any
22 personnel, funds, books, documents, records, papers, files, equipment,
23 or other tangible property used or held in the exercise of the powers
24 and the performance of the duties and functions transferred, the
25 director of financial management shall make a determination as to the
26 proper allocation and certify the same to the state agencies concerned.

27 (3) All employees of the department of social and health services
28 engaged in performing the powers, functions, and duties transferred are
29 transferred to the jurisdiction of the department of family and
30 children's services. All employees classified under chapter 41.06 RCW,
31 the state civil service law, are assigned to the department of family
32 and children's services to perform their usual duties upon the same
33 terms as formerly, without any loss of rights, subject to any action
34 that may be appropriate thereafter in accordance with the laws and
35 rules governing state civil service.

36 (4) All rules and all pending business before the department of
37 social and health services pertaining to the powers, functions, and
38 duties transferred shall be continued and acted upon by the department

1 of family and children's services. All existing contracts and
2 obligations shall remain in full force and shall be performed by the
3 department of family and children's services.

4 (5) The transfer of the powers, duties, functions, and personnel of
5 the department of social and health services shall not affect the
6 validity of any act performed before the effective date of this
7 section.

8 (6) If apportionments of budgeted funds are required because of the
9 transfers directed by this section, the director of financial
10 management shall certify the apportionments to the agencies affected,
11 the state auditor, and the state treasurer. Each of these shall make
12 the appropriate transfer and adjustments in funds and appropriation
13 accounts and equipment records in accordance with the certification.

14 (7) Nothing contained in this section may be construed to alter any
15 existing collective bargaining unit or the provisions of any existing
16 collective bargaining agreement until the agreement has expired or
17 until the bargaining unit has been modified by action of the public
18 employment relations commission as provided by law.

19 NEW SECTION. **Sec. 213.** (1) The director of financial management
20 and the secretary of social and health services shall jointly develop
21 a reorganization implementation plan to implement this act. The plan
22 shall take into account recommendations from interested individuals.

23 (2) The plan shall detail the implementation steps to effectuate
24 the transfer of the:

25 (a) Children's administration relating to children to the
26 department of family and children's services; and

27 (b) Juvenile rehabilitation administration to the department of
28 family and children's services.

29 (3) In developing the recommendations required under this section,
30 the director and the secretary shall consult with the directors of the
31 departments of general administration and personnel to ensure that no
32 duplication of functions occurs between the departments of general
33 administration and personnel, and other departments.

34 (4) The completed reorganization implementation plan shall be
35 submitted to the governor and appropriate committees of the legislature
36 by November 1, 2009.

1 (5) The plan shall include details addressing the following areas
2 of legislative, public, and departmental concerns:

3 (a) Assessment and increased accountability measures over all
4 transferred functions;

5 (b) Quantifiable outcomes for all transferred functions;

6 (c) Equitable cost-effective coordinated service delivery and
7 continuity of care enhancements, including coordination with all
8 relevant service delivery components at the state, local, and private
9 level for the family and individuals in need;

10 (d) Staffing support and caseload management enhancements;

11 (e) Federal requirements, including but not limited to federal
12 reforms and the ability to continue participating to the maximum extent
13 possible in the receipt of federal funds and grants;

14 (f) Promotion of public and private partnerships; and

15 (g) Retention of centralized core administrative services such as
16 payment, financial, and information systems, until at least the year
17 2010.

18 (6) By November 1, 2009, the director of financial management and
19 the secretary of the department of social and health services shall
20 jointly submit to the governor and appropriate committees of the
21 legislature any proposed legislation necessary to implement the
22 reorganization implementation plan.

23 (7) This section expires June 30, 2010.

24 **Sec. 214.** RCW 26.44.020 and 2007 c 220 s 1 are each amended to
25 read as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

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

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

1 (3) "Child protective services" means those services provided by
2 the department designed to protect children from child abuse and
3 neglect and safeguard such children from future abuse and neglect, and
4 conduct investigations of child abuse and neglect reports.
5 Investigations may be conducted regardless of the location of the
6 alleged abuse or neglect. Child protective services includes referral
7 to services to ameliorate conditions that endanger the welfare of
8 children, the coordination of necessary programs and services relevant
9 to the prevention, intervention, and treatment of child abuse and
10 neglect, and services to children to ensure that each child has a
11 permanent home. In determining whether protective services should be
12 provided, the department shall not decline to provide such services
13 solely because of the child's unwillingness or developmental inability
14 to describe the nature and severity of the abuse or neglect.

15 (4) "Child protective services section" means the child protective
16 services section of the department.

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

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

23 (7) "Department" means the ((state)) department of ((~~social and~~
24 ~~health~~)) family and children's services.

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

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

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

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

37 (12) "Malice" or "maliciously" means an intent, wish, or design to
38 intimidate, annoy, or injure another person. Such malice may be

1 inferred from an act done in willful disregard of the rights of
2 another, or an act wrongfully done without just cause or excuse, or an
3 act or omission of duty betraying a willful disregard of social duty.

4 (13) "Negligent treatment or maltreatment" means an act or a
5 failure to act, or the cumulative effects of a pattern of conduct,
6 behavior, or inaction, that evidences a serious disregard of
7 consequences of such magnitude as to constitute a clear and present
8 danger to a child's health, welfare, or safety, including but not
9 limited to conduct prohibited under RCW 9A.42.100. When considering
10 whether a clear and present danger exists, evidence of a parent's
11 substance abuse as a contributing factor to negligent treatment or
12 maltreatment shall be given great weight. The fact that siblings share
13 a bedroom is not, in and of itself, negligent treatment or
14 maltreatment. Poverty, homelessness, or exposure to domestic violence
15 as defined in RCW 26.50.010 that is perpetrated against someone other
16 than the child does not constitute negligent treatment or maltreatment
17 in and of itself.

18 (14) "Pharmacist" means any registered pharmacist under chapter
19 18.64 RCW, whether acting in an individual capacity or as an employee
20 or agent of any public or private organization or institution.

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

30 (16) "Professional school personnel" include, but are not limited
31 to, teachers, counselors, administrators, child care facility
32 personnel, and school nurses.

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

37 (18) "Screened-out report" means a report of alleged child abuse or

1 neglect that the department has determined does not rise to the level
2 of a credible report of abuse or neglect and is not referred for
3 investigation.

4 (19) "Sexual exploitation" includes: (a) Allowing, permitting, or
5 encouraging a child to engage in prostitution by any person; or (b)
6 allowing, permitting, encouraging, or engaging in the obscene or
7 pornographic photographing, filming, or depicting of a child by any
8 person.

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

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

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

23 **Sec. 215.** RCW 13.34.025 and 2007 c 410 s 2 are each amended to
24 read as follows:

25 (1) The department of (~~social and health services~~) family and
26 children's services and supervising agencies shall develop methods for
27 coordination of services to parents and children in child dependency
28 cases. To the maximum extent possible under current funding levels,
29 the department of family and children's services and supervising
30 agencies must:

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

36 (b) Develop treatment plans for the individual needs of the client

1 in a manner that minimizes the number of contacts the client is
2 required to make; and

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

6 (2) The department shall coordinate within the administrations of
7 the department, and with contracted service providers including
8 supervising agencies, to ensure that parents in dependency proceedings
9 under this chapter receive priority access to remedial services
10 recommended by the department or supervising agency in its social study
11 or ordered by the court for the purpose of correcting any parental
12 deficiencies identified in the dependency proceeding that are capable
13 of being corrected in the foreseeable future. Services may also be
14 provided to caregivers other than the parents as identified in RCW
15 13.34.138.

16 (a) For purposes of this chapter, remedial services are those
17 services defined in the federal adoption and safe families act as
18 time-limited family reunification services. Remedial services include
19 individual, group, and family counseling; substance abuse treatment
20 services; mental health services; assistance to address domestic
21 violence; services designed to provide temporary child care and
22 therapeutic services for families; and transportation to or from any of
23 the above services and activities.

24 (b) The department shall provide funds for remedial services if the
25 parent is unable to pay to the extent funding is appropriated in the
26 operating budget or otherwise available to the department for such
27 specific services. As a condition for receiving funded remedial
28 services, the court may inquire into the parent's ability to pay for
29 all or part of such services or may require that the parent make
30 appropriate applications for funding to alternative funding sources for
31 such services.

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

37 (d) This section does not create an entitlement to services and
38 does not create judicial authority to order the provision of services

1 except for the specific purpose of making reasonable efforts to remedy
2 parental deficiencies identified in a dependency proceeding under this
3 chapter.

4 **Sec. 216.** RCW 13.34.050 and 2005 c 512 s 9 are each amended to
5 read as follows:

6 (1) The court may enter an order directing a law enforcement
7 officer, probation counselor, or child protective services official to
8 take a child into custody if: (a) A petition is filed with the
9 juvenile court alleging that the child is dependent and that the
10 child's health, safety, and welfare will be seriously endangered if not
11 taken into custody; (b) an affidavit or declaration is filed by the
12 department of family and children's services in support of the petition
13 setting forth specific factual information evidencing reasonable
14 grounds that the child's health, safety, and welfare will be seriously
15 endangered if not taken into custody and at least one of the grounds
16 set forth demonstrates a risk of imminent harm to the child. "Imminent
17 harm" for purposes of this section shall include, but not be limited
18 to, circumstances of sexual abuse, sexual exploitation as defined in
19 RCW 26.44.020, and a parent's failure to perform basic parental
20 functions, obligations, and duties as the result of substance abuse;
21 and (c) the court finds reasonable grounds to believe the child is
22 dependent and that the child's health, safety, and welfare will be
23 seriously endangered if not taken into custody.

24 (2) Any petition that does not have the necessary affidavit or
25 declaration demonstrating a risk of imminent harm requires that the
26 parents are provided notice and an opportunity to be heard before the
27 order may be entered.

28 (3) The petition and supporting documentation must be served on the
29 parent, and if the child is in custody at the time the child is
30 removed, on the entity with custody other than the parent. Failure to
31 effect service does not invalidate the petition if service was
32 attempted and the parent could not be found.

33 **Sec. 217.** RCW 13.70.010 and 1991 c 127 s 3 are each amended to
34 read as follows:

35 Unless the context requires otherwise, the definitions in this
36 section apply throughout this chapter.

- 1 (1) "Board" means the local citizen review board established
2 pursuant to this chapter.
- 3 (2) "Child" means a person less than eighteen years of age.
- 4 (3) "Committee" means a local Indian child welfare advisory
5 committee established pursuant to WAC 388-70-610, as now existing or
6 hereafter amended by the department.
- 7 (4) "Conflict of interest" means that a person appointed to a board
8 has a personal or pecuniary interest in a case being reviewed by that
9 board.
- 10 (5) "Court" means the juvenile court.
- 11 (6) "Custodian" means that person who has legal custody of the
12 child.
- 13 (7) "Department" means the department of ((~~social and health~~))
14 family and children's services.
- 15 (8) "Mature child" means a child who is able to understand and
16 participate in the decision-making process without excessive anxiety or
17 fear. A child twelve years old or over shall be rebuttably presumed to
18 be a mature child.
- 19 (9) "Parent" or "parents" means the biological or adoptive parents
20 of a child unless the legal rights of that person have been terminated
21 by judicial proceedings.
- 22 (10) "Placement episode" means the period of time that begins with
23 the date the child was removed from the home of the parent or legal
24 custodian for the purposes of placement in substitute care and
25 continues until the child returns home or an adoption decree or
26 guardianship order is entered.
- 27 (11) "Records" means any information in written form, pictures,
28 photographs, charts, graphs, recordings, or documents pertaining to a
29 case.
- 30 (12) "Resides" or "residence," when used in reference to the
31 residence of a child, means the place where the child is actually
32 living and not the legal residence or domicile of the parent or
33 guardian.
- 34 (13) "Substitute care" means an out-of-home placement of a child
35 for purposes related to the provision of child welfare services in
36 accordance with chapter 74.13 RCW where the child is in the care,
37 custody, and control of the department pursuant to a proceeding under

1 chapter 13.34 RCW or pursuant to the written consent of the child's
2 parent or parents or custodian.

3 **Sec. 218.** RCW 74.13.640 and 2008 c 211 s 1 are each amended to
4 read as follows:

5 (1) The department of (~~social and health~~) family and children's
6 services shall conduct a child fatality review in the event of an
7 unexpected death of a minor in the state who is in the care of or
8 receiving services described in chapter 74.13 RCW from the department
9 or a supervising agency or who has been in the care of or received
10 services described in chapter 74.13 RCW from the department or a
11 supervising agency within one year preceding the minor's death.

12 (2) Upon conclusion of a child fatality review required pursuant to
13 subsection (1) of this section, the department shall within one hundred
14 eighty days following the fatality issue a report on the results of the
15 review, unless an extension has been granted by the governor. Reports
16 shall be distributed to the appropriate committees of the legislature,
17 and the department shall create a public web site where all child
18 fatality review reports required under this section shall be posted and
19 maintained.

20 (3) The department shall develop and implement procedures to carry
21 out the requirements of subsections (1) and (2) of this section.

22 (4) In the event a child fatality is the result of apparent abuse
23 or neglect by the child's parent or caregiver, the department shall
24 ensure that the fatality review team is comprised of individuals who
25 had no previous involvement in the case and whose professional
26 expertise is pertinent to the dynamics of the case.

27 (5) In the event of a near-fatality of a child who is in the care
28 of or receiving services described in this chapter from the department
29 or who has been in the care of or received services described in this
30 chapter from the department within one year preceding the
31 near-fatality, the department shall promptly notify the office of the
32 family and children's ombudsman.

33 **PART 3 - MISCELLANEOUS PROVISIONS**

34 NEW SECTION. **Sec. 301.** Part headings used in this act are not any
35 part of the law.

1 NEW SECTION. **Sec. 302.** Sections 201 through 207 and 212 of this
2 act constitute a new chapter in Title 43 RCW.

3 NEW SECTION. **Sec. 303.** (1) Except for sections 103 through 106 of
4 this act, sections 101 through 192 of this act take effect July 1,
5 2011.

6 (2) Sections 103 through 105 of this act take effect July 1, 2010.

7 (3) Section 106 of this act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately.

11 (4) Section 213 of this act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and takes effect
14 immediately.

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