

2 **ESHB 1608** - S COMM AMD

3 By Committee on Children & Family Services

4 Adopted as Amended 4/19/91 - Voice Vote

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. The department of social and health
8 services shall conduct an assessment of the children in its care to
9 determine the appropriate level of residential and treatment services
10 required by these children. Prior to performing the assessment, the
11 department shall, in conjunction with the private sector, develop a
12 comprehensive, multidisciplinary diagnostic/assessment tool to be used
13 in conducting the assessment. Any such assessment shall be based on a
14 statistically valid sample of all children in the department's care.
15 The department shall report the results of the assessment to the
16 appropriate standing committees of the legislature by September 15,
17 1992. The department shall submit recommendations to the appropriate
18 standing committees of the legislature on reallocating funds for
19 children's services by December 1, 1992."

20 "NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW
21 to read as follows:

22 The department of social and health services may implement a
23 therapeutic family home program for up to fifteen youth in the custody
24 of the department under chapter 13.34 RCW. The program shall strive to
25 develop and maintain a mutually reinforcing relationship between the
26 youth and the therapeutic staff associated with the program."

1 "NEW SECTION. **Sec. 3.** The legislature finds that a destructive
2 lifestyle of drug and street gang activity is rapidly becoming
3 prevalent among some of the state's youths. Gang and drug activity may
4 be a culturally influenced phenomenon which the legislature intends
5 public and private agencies to consider and address in prevention and
6 treatment programs. Gang and drug-involved youths are more likely to
7 become addicted to drugs or alcohol, live in poverty, experience high
8 unemployment, be incarcerated, and die of violence than other youths."

9 "NEW SECTION. **Sec. 4.** A new section is added to chapter 13.40 RCW
10 to read as follows:

11 (1) The department of social and health services may contract with
12 a community-based nonprofit organization to establish a three-step
13 transitional treatment program for gang and drug-involved juvenile
14 offenders committed to the custody of the department under chapter
15 13.40 RCW. Any such program shall provide six to twenty-four months of
16 treatment. The program shall emphasize the principles of self-
17 determination, unity, collective work and responsibility, cooperative
18 economics, and creativity. The program shall be culturally relevant
19 and appropriate and shall include:

20 (a) A culturally relevant and appropriate institution-based program
21 that provides comprehensive drug and alcohol services, individual and
22 family counseling, and a wilderness experience of constructive group
23 living, rigorous physical exercise, and academic studies;

24 (b) A culturally relevant and appropriate community-based
25 structured group living program that focuses on individual goals,
26 positive community involvement, coordinated drug and alcohol treatment,
27 coordinated individual and family counseling, academic and vocational
28 training, and employment in apprenticeship, internship, and
29 entrepreneurial programs; and

1 (c) A culturally relevant and appropriate transitional group living
2 program that provides support services, academic services, and
3 coordinated individual and family counseling.

4 (2) Participation in any such program shall be on a voluntary
5 basis.

6 (3) The department shall adopt rules as necessary to implement any
7 such program."

8 "NEW SECTION. Sec. 5. " (1) The department of social and
9 health services may contract with an independent research organization
10 to conduct an evaluation of any program that is established under
11 section 4 of this act. The evaluation shall include an analysis of the
12 race and ethnicity of juvenile offenders served, the offenses for which
13 the youths were committed, the services provided, the effects of the
14 program on educational and vocational achievement, and the rate of
15 recidivism for these youth.

16 (2) Any organization selected shall provide a preliminary report on
17 the program to appropriate standing committees of the senate and house
18 of representatives by September 15, 1992. Any final report shall be
19 submitted to appropriate standing committees of the senate and house of
20 representatives by January 15, 1993."

21 "**Sec. 6.** RCW 13.34.030 and 1988 c 176 s 901 are each amended to
22 read as follows:

23 For purposes of this chapter:

24 (1) "Child" and "juvenile" means any individual under the age of
25 eighteen years;

26 (2) "Dependent child" means any child:

27 (a) Who has been abandoned; that is, where the child's parent,
28 guardian, or other custodian has evidenced either by statement or

1 conduct, a settled intent to forego, for an extended period, all
2 parental rights or all parental responsibilities despite an ability to
3 do so;

4 (b) Who is abused or neglected as defined in chapter 26.44 RCW by
5 a person legally responsible for the care of the child;

6 (c) Who has no parent, guardian, or custodian capable of adequately
7 caring for the child, such that the child is in circumstances which
8 constitute a danger of substantial damage to the child's psychological
9 or physical development; or

10 (d) Who has a developmental disability, as defined in RCW
11 71A.10.020 and whose parent, guardian, or legal custodian together with
12 the department determines that services appropriate to the child's
13 needs can not be provided in the home. However, (a), (b), and (c) of
14 this subsection may still be applied if other reasons for removal of
15 the child from the home exist.

16 (3) "Permanency planning" means the process by which a child is
17 diagnostically assessed and provided treatment services based on his or
18 her unique individual and developmental needs to facilitate the
19 attainment of successful maturity as an adult. Permanency planning
20 should occur in the least restrictive setting appropriate and available
21 and with minimum placement disruption.

22 (4) "Transitional living programs" means programs that provide
23 shelter and services designed to promote transition to self-sufficient
24 living, development of independent living skills, and to minimize the
25 incidence of long-term dependency on social services."

26 "NEW SECTION. Sec. 7. Out-of-home placement services become
27 necessary whenever voluntary or court-ordered out-of-home placement of
28 a child is imminent or has already occurred. In striving to meet the
29 objective of permanency for every child, a continuum of services must

1 encompass the full range of possible alternatives. A variety of
2 services are available to prevent out-of-home placement or address the
3 needs of the child and family when out-of-home placement becomes
4 necessary, however, the continuum of care is severely lacking in
5 providing transitional living services for older youth."

6 "NEW SECTION. **Sec. 8.** A new section is added to chapter 13.34 RCW
7 to read as follows:

8 The department of social and health services shall contract, using
9 the request for proposal process, with independent qualified agencies
10 to provide transitional living services to minors.

11 Persons sixteen to eighteen years old or sixteen years old until
12 emancipation are eligible for transitional living services. The
13 population eligible for transitional living services are those for whom
14 returning to their parents' or guardians' home is not possible and for
15 whom foster care or adoption is not likely or appropriate. An
16 assessment shall be done of each minor, including the minor's family
17 situation, before receiving transitional living services. The
18 assessment shall include input from the agency that would be providing
19 the transitional living services to the minor, the agency currently
20 providing services to the minor, and the caseworker for the minor. The
21 assessment shall seek to determine whether the most appropriate plan
22 for the minor is preparation for emancipation. The assessment shall
23 also determine whether the minor is motivated to participate in a
24 transitional living program that requires significant commitment from
25 the minor. A primary goal of transitional living services shall be the
26 acquisition by the youth of basic educational and/or vocational skills
27 that are compatible with the individual's treatment plan. If a youth
28 demonstrates a consistent unwillingness to participate in the

1 acquisition of such skills, a reassessment shall be done of the youth's
2 appropriateness for the program."

3 "NEW SECTION. Sec. 9. A new section is added to chapter 13.34 RCW
4 to read as follows:

5 Transitional living services should be tailored to meet the needs
6 of the particular minor. A transitional living program should include,
7 but is not limited to, the following:

8 (1) Educational services, including basic literacy and
9 computational skills training, either in local alternative or public
10 high schools or in a high school equivalency program that leads to
11 obtaining a high school equivalency degree;

12 (2) Assistance and counseling related to obtaining vocational
13 training or higher education, job readiness, job search assistance, and
14 placement programs;

15 (3) Health services including pre and post-natal care;

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

19 (5) Individual and group counseling with emphasis on issues of
20 avoiding abuse, sexual abuse, prostitution, drug and alcohol abuse,
21 depression, motivation, self-esteem, and interpersonal and social
22 skills training and development;

23 (6) Recognizing and facilitating long-term relationships with
24 significant adults; and

25 (7) Establishing networks with federal agencies and state and local
26 organizations such as the department of labor, employment and training
27 administration programs including the job training partnership act
28 which administers private industry councils and the job corps;
29 vocational rehabilitation; and volunteer programs."

1 "NEW SECTION. **Sec. 10.** If specific funding for the purposes of
2 sections 6 through 9 of this act, referencing this act by bill and
3 section number, is not provided by June 30, 1991, in the omnibus
4 appropriations act, sections 6 through 9 of this act shall be null and
5 void."

6 "NEW SECTION. **Sec. 11.** It is the intent of the legislature to
7 provide timely, thorough, and fair procedures for resolution of
8 grievances of clients, foster parents, and the community resulting from
9 decisions made by the department of social and health services.
10 Grievances should be resolved at the lowest level possible, however,
11 all levels of the department should be held accountable and responsible
12 to individuals who are experiencing difficulties with their services or
13 decisions."

14 "NEW SECTION. **Sec. 12.** A new section is added to chapter 74.13
15 RCW to read as follows:

16 The department shall develop and implement, by July 1, 1991, a
17 formal complaint resolution process to be used by clients of the
18 department, individual complainants, and foster parents who have
19 complaints regarding a policy of a division of the department or
20 procedure or the application of a division policy or procedure.

21 After a complainant initiates the complaint resolution process,
22 jurisdiction shall continue for thirty days unless an extension is
23 agreed to by the complainant. After thirty days, if no extension has
24 been agreed to, the complainant may file an application for an
25 adjudicative proceeding under chapter 34.05 RCW.

26 The department shall develop procedures to assure that clients of
27 the department and foster parents are informed of the availability of
28 the complaint resolution process and how to access it. The department

1 shall incorporate information regarding the complaint resolution
2 process into the training for foster parents and caseworkers.

3 Any client of the department, individual complainant, or foster
4 parent who uses the department's complaint resolution process and who
5 is subjected to any reprisal or retaliatory action undertaken after the
6 complainant makes his or her complaint known to the department may seek
7 judicial review of the reprisal or retaliatory action in superior
8 court. In such action, the reviewing court may award reasonable
9 attorneys' fees.

10 The department shall compile complaint resolution data including
11 about whom a complaint was made, by whom, and the outcome of the
12 complaint. The department shall submit semiannual reports, due January
13 and July of each year, beginning January 1992, to the senate children
14 and family services committee and the house of representatives human
15 services committee."

16 "NEW SECTION. **Sec. 13.** A new section is added to chapter 74.13
17 RCW to read as follows:

18 A foster parent or relative care provider may seek review of an
19 agency decision to remove a foster child residing in the home of the
20 foster parent or relative, pursuant to a court order entered in a
21 proceeding under this chapter, through use of the department's
22 complaint resolution process. The complaint resolution process shall
23 not be used to contest a decision to return the child home when a court
24 order has been entered to that effect or to contest a decision
25 regarding visitation. The foster parent or relative care provider
26 shall initiate that process within five days of receipt of the removal
27 decision notification. Thirty days following the initiation of the
28 department's complaint resolution process, unless an agreed extension
29 exists, the foster parent or relative care provider may file an

1 application for an adjudicative proceeding under chapter 34.05 RCW.
2 The agency shall schedule the adjudicative hearing within five days
3 after the application is filed. A final order shall be issued by the
4 presiding officer of the adjudicative proceeding within twenty-one days
5 after conclusion of the hearing or after submission of memos, briefs,
6 or proposed findings in accordance with RCW 34.05.461(7).

7 The general public shall be excluded from adjudicative proceedings
8 regarding agency removal decisions. Only parties to the adjudicative
9 or the dependency proceeding or persons the judge finds to have a
10 direct interest in the case shall be admitted."

11 "NEW SECTION. Sec. 14. A new section is added to chapter 74.13
12 RCW to read as follows:

13 If a foster parent or relative care provider is using the
14 department's complaint resolution process to review a decision to
15 remove a child from the foster family home or from a relative home or
16 has filed an application for an adjudicative proceeding, the foster
17 child shall remain in the foster or relative home unless the regional
18 administrator determines that the child's safety is in jeopardy or that
19 other compelling reasons exist necessitating the removal."

20 **"Sec. 15.** RCW 74.13.300 and 1990 c 284 s 12 are each amended to
21 read as follows:

22 (1) Whenever a child has been placed in a foster family home or the
23 home of a relative care provider by the department or a child-placing
24 agency and the child has thereafter resided in the home for at least
25 ninety consecutive days, the department or child-placing agency shall
26 notify the foster family in writing of the reasons upon which the
27 decision to move the child was based, at least five days prior to
28 moving the child to another placement, unless:

1 (a) A court order has been entered requiring an immediate change in
2 placement; or

3 ~~(b) ((The child is being returned home;~~

4 ~~(c))) The child's safety is in jeopardy(~~(; or~~~~

5 ~~(d) The child is residing in a receiving home or a group home)).~~

6 (2) If a decision is made by the department or a child-placing
7 agency to move a child to another placement, the foster family parent
8 or relative care provider shall receive written notice of his or her
9 right to request a review of the removal decision regarding a child
10 that is residing in the home of the foster parent or relative pursuant
11 to a court order entered in a proceeding under this chapter through the
12 department's complaint resolution process. The notification shall also
13 advise the foster family parent or relative care provider that if the
14 complaint remains unresolved after use of the department's complaint
15 resolution process, he or she may file an application for an
16 adjudicative proceeding under chapter 34.05 RCW. Notification of the
17 department's complaint resolution process and right to an adjudicative
18 proceeding is not required to be provided if:

19 (a) A court order has been entered requiring an immediate change in
20 placement; or

21 (b) The child is being returned home and a court order has been
22 entered to that effect.

23 (3) If the child has resided in a foster family home for less than
24 ninety days or if, due to one or more of the circumstances in
25 subsection (1) of this section, it is not possible to give five days'
26 notification, the department or child-placing agency shall notify the
27 foster family of proposed placement changes as soon as reasonably
28 possible.

29 ~~((+3))~~ (4) This section is intended solely to assist in minimizing
30 disruption to the child in changing foster care placements. Nothing in

1 this section shall be construed to (~~require that a court hearing be~~
2 ~~held prior to changing a child's foster care placement nor to~~) create
3 any substantive custody rights in the foster parents."

4 "NEW SECTION. Sec. 16. A new section is added to chapter 74.13
5 RCW to read as follows:

6 The department shall establish rules specifying the criteria needed
7 to be a foster-adopt parent and create a license for that category of
8 foster parent. Specific placement procedures regarding foster-adopt
9 shall be incorporated into the training for caseworkers. The
10 department shall develop a form that constitutes an agreement between
11 the department and each foster-adopt parent. The agreement shall
12 include, in bold-faced, capital letters, the fact that there is no
13 guarantee that parental rights to a foster child being placed in the
14 foster-adopt home will be terminated. The form shall include a section
15 where the foster-adopt parents indicate what representations, if any,
16 were made to them by the department regarding adoption. The department
17 shall implement the foster-adopt agreement form by July 1, 1991, and
18 report back to the legislature by September 1, 1991. If parental
19 rights to the child in the foster-adopt home are terminated, the
20 foster-adopt parents shall be given first consideration to adopt the
21 foster child. If foster-adopt parents seek judicial review of a
22 decision to remove a foster child from their care and prevail, the
23 department shall pay court costs and attorneys' fees."

24 "NEW SECTION. Sec. 17. A new section is added to chapter 13.34
25 RCW to read as follows:

26 If a child has resided in a foster-adopt home for a period of
27 twelve months or more, the foster-adopt parents may file a petition
28 seeking termination of the parent and child relationship."

1 **"Sec. 18.** RCW 13.34.110 and 1983 c 311 s 4 are each amended to
2 read as follows:

3 The court shall hold a fact-finding hearing on the petition and,
4 unless the court dismisses the petition, shall make written findings of
5 fact, stating the reasons therefor, and after it has announced its
6 findings of fact shall hold a hearing to consider disposition of the
7 case immediately following the fact-finding hearing or at a continued
8 hearing within fourteen days or longer for good cause shown. The
9 parties need not appear at the fact-finding or dispositional hearing if
10 all are in agreement; but the court shall receive and review a social
11 study before entering an order based on agreement. No social file or
12 social study may be considered by the court in connection with the
13 fact-finding hearing or prior to factual determination, except as
14 otherwise admissible under the rules of evidence. Notice of the time
15 and place of the continued hearing may be given in open court. If
16 notice in open court is not given to a party, that party shall be
17 notified by mail of the time and place of any continued hearing.

18 All hearings may be conducted at any time or place within the
19 limits of the county, and such cases may not be heard in conjunction
20 with other business of any other division of the superior court. The
21 general public shall be excluded, and only such persons may be admitted
22 who are found by the judge to have a direct interest in the case or in
23 the work of the court. If a child resides in foster care or in the
24 home of a relative pursuant to a disposition order entered under RCW
25 13.34.130, the court shall allow the child's foster parent or relative
26 care provider to attend dependency review proceedings pertaining to the
27 child for the purpose of providing information about the child to the
28 court.

1 Stenographic notes or any device which accurately records the
2 proceedings may be required as provided in other civil cases pursuant
3 to RCW 2.32.200."

4 "NEW SECTION. Sec. 19. A new section is added to chapter 13.34
5 RCW to read as follows:

6 If a dependent child has resided in the home of a foster parent or
7 a relative for at least eighteen months pursuant to a court order
8 entered in a proceeding under this chapter, the foster parent or
9 relative may file a motion to intervene as a party in the action
10 pertaining to the child. The motion to intervene shall be served upon
11 the parties to the action as provided in applicable juvenile court and
12 superior court rules."

13 "NEW SECTION. Sec. 20. Sections 11 through 19 of this act are
14 necessary for the immediate preservation of the public peace, health,
15 or safety, or support of the state government and its existing public
16 institutions, and shall take effect immediately."

17 **ESHB 1608** - S COMM AMD

18 By Committee on Children & Family Services

19 Adopted as Amended 4/19/91 - Voice Vote
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21 On page 1, line 1 of the title, after "services;" strike the
22 remainder of the title and insert "amending RCW 13.34.030, 74.13.300,
23 and 13.34.110; adding a new section to chapter 13.40 RCW; adding new
24 sections to chapter 74.13 RCW; adding new sections to chapter 13.34
25 RCW; creating new sections; and declaring an emergency."