
SUBSTITUTE SENATE BILL 6334

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Children & Family Services (originally sponsored by Senator Talmadge)

Read first time 02/07/92.

1 AN ACT Relating to residential and treatment services for children;
2 amending RCW 74.13.300; adding a new section to chapter 74.13 RCW; and
3 creating a new section.

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

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

1 1992. The department shall submit recommendations to the appropriate
2 standing committees of the legislature on reallocating funds for
3 children's services by December 1, 1992.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW
5 to read as follows:

6 Any client of the department, individual complainant, or foster
7 parent who exhausts the department's complaint resolution process and
8 who is subjected to any reprisal or retaliatory action undertaken after
9 the complainant makes his or her complaint known to the department may
10 seek judicial review of the reprisal or retaliatory action in superior
11 court. In such action, the reviewing court may award reasonable
12 attorneys' fees or make written findings that the action was frivolous
13 and advanced without reasonable cause and award expenses as specified
14 in RCW 4.84.185.

15 **Sec. 3.** RCW 74.13.300 and 1990 c 284 s 12 are each amended to read
16 as follows:

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

24 (a) A court order has been entered requiring an immediate change in
25 placement;

26 (b) The child is being returned home;

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

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

1 (2) If a decision is made by the department or a child-placing
2 agency to move a child to another out-of-home placement, the foster
3 family parent or relative care provider shall receive written notice
4 that he or she may request a review of the removal decision through the
5 department's complaint resolution process. Notification of the
6 department's complaint resolution process is not required to be
7 provided if:

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

10 (b) The child is being returned home and a court order has been
11 entered to that effect; or

12 (c) The child is being returned home because the child's parent or
13 legal custodian has withdrawn his or her consent to placement of the
14 child; or

15 (d) The child is being moved from a receiving home or group home.

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

22 (~~(3)~~) (4) This section is intended solely to assist in minimizing
23 disruption to the child in changing foster care placements. Nothing in
24 this section shall be construed to require that a court hearing be held
25 prior to changing a child's foster care placement nor to create any
26 substantive custody rights in the foster parents.