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SECOND SUBSTITUTE SENATE BILL 6334

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State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senator Talmadge)

Read first time 02/11/92. Referred to Committee on .

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.** A new section is added to chapter 74.13 RCW  
6 to read as follows:

7 Any client of the department, individual complainant, or foster  
8 parent who exhausts the department's complaint resolution process and  
9 who is subjected to any reprisal or retaliatory action undertaken after  
10 the complainant makes his or her complaint known to the department may  
11 seek judicial review of the reprisal or retaliatory action in superior  
12 court. In such action, the reviewing court may award reasonable  
13 attorneys' fees or make written findings that the action was frivolous

1 and advanced without reasonable cause and award expenses as specified  
2 in RCW 4.84.185.

3 **Sec. 2.** RCW 74.13.300 and 1990 c 284 s 12 are each amended to read  
4 as follows:

5 (1) Whenever a child has been placed in a foster family home or the  
6 home of a relative care provider by the department or a child-placing  
7 agency and the child has thereafter resided in the home for at least  
8 ninety consecutive days, the department or child-placing agency shall  
9 notify the foster family or the relative care provider in writing of  
10 the reasons upon which the decision to move the child was based, at  
11 least five days prior to moving the child to another placement, unless:

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

14 (b) The child is being returned home;

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

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

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

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

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

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

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

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

11        ~~((3))~~ (4) This section is intended solely to assist in minimizing  
12 disruption to the child in changing foster care placements. Nothing in  
13 this section shall be construed to require that a court hearing be held  
14 prior to changing a child's foster care placement nor to create any  
15 substantive custody rights in the foster parents.

16        NEW SECTION. Sec. 3.        If specific funding for the purposes of  
17 this act, referencing this act by bill number, is not provided by June  
18 30, 1992, in the omnibus appropriations act, this act shall be null and  
19 void.