

2 **SHB 2595 - H AMD 963 ADOPTED 02/10/94**
3 By Representatives Padden and Leonard

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5 On page 1, after line 4, insert the following:

6 "Sec. 1. RCW 13.34.030 and 1993 c 241 s 1 are each amended to read
7 as follows:

8 For purposes of this chapter:

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

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

12 (a) Who has been abandoned; that is, where the child's parent,
13 guardian, or other custodian has evidenced either by statement or
14 conduct, a settled intent to forego, for an extended period, all
15 parental rights or all parental responsibilities despite an ability to
16 do so;

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

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

23 (d) Who has a developmental disability, as defined in RCW
24 71A.10.020 and whose parent, guardian, or legal custodian together with
25 the department determines that services appropriate to the child's
26 needs can not be provided in the home. However, (a), (b), and (c) of
27 this subsection may still be applied if other reasons for removal of
28 the child from the home exist;

29 (3) "Guardian ad litem" means a person, appointed by the court to
30 represent the best interest of a child in a proceeding under this
31 chapter, or in any matter which may be consolidated with a proceeding
32 under this chapter. A "court-appointed special advocate" appointed by
33 the court to be the guardian ad litem for the child, or to perform
34 substantially the same duties and functions as a guardian ad litem,
35 shall be deemed to be guardian ad litem for all purposes and uses of
36 this chapter;

1 (4) "Guardian ad litem program" means a court-authorized volunteer
2 program, which is or may be established by the superior court of the
3 county in which such proceeding is filed, to manage all aspects of
4 volunteer guardian ad litem representation for children alleged or
5 found to be dependent. Such management shall include but is not
6 limited to: Recruitment, screening, training, supervision, assignment,
7 and discharge of volunteers;

8 (5) "Preventive services" means family preservation services and
9 other services delivered primarily in the home, with demonstrated
10 effectiveness in reducing or avoiding the need for unnecessary foster
11 care placement.

12 **Sec. 2.** RCW 13.34.120 and 1993 c 412 s 8 are each amended to read
13 as follows:

14 (1) To aid the court in its decision on disposition, a social
15 study, consisting of a written evaluation of matters relevant to the
16 disposition of the case, shall be made by the person or agency filing
17 the petition. The study shall include all social records and may also
18 include facts relating to the child's cultural heritage, and shall be
19 made available to the court. The court shall consider the social file,
20 social study, guardian ad litem report, the court-appointed special
21 advocates report, if any, and any reports filed by a party at the
22 disposition hearing in addition to evidence produced at the fact-
23 finding hearing. At least ten working days before the disposition
24 hearing, the department shall mail to the parent and his or her
25 attorney a copy of the agency's social study and proposed service plan,
26 which shall be in writing or in a form understandable to the parents or
27 custodians. In addition, the department shall provide an opportunity
28 for parents to review and comment on the plan at the community service
29 office. If the parents disagree with the agency's plan or any part
30 thereof, the parents shall submit to the court at least twenty-four
31 hours before the hearing, in writing, or signed oral statement, an
32 alternative plan to correct the problems which led to the finding of
33 dependency. This section shall not interfere with the right of the
34 parents or custodians to submit oral arguments regarding the
35 disposition plan at the hearing.

36 (2) In addition to the requirements set forth in subsection (1) of
37 this section, a predisposition study to the court in cases of

1 dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall
2 contain the following information:

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

5 (b) A description of the specific programs, for both the parents
6 and child, that are needed in order to prevent serious harm to the
7 child; the reasons why such programs are likely to be useful; the
8 availability of any proposed services; and the agency's overall plan
9 for ensuring that the services will be delivered;

10 (c) If removal is recommended, a full description of the reasons
11 why the child cannot be protected adequately in the home, including a
12 description of any previous efforts to work with the parents and the
13 child in the home; the in-home treatment programs which have been
14 considered and rejected; the preventive services, including those
15 authorized under RCW 74.14C.070, designed to address the causes of the
16 dependency that have been provided and have failed to resolve the
17 problem, unless the safety of the child cannot be protected adequately
18 in the home; and the parents' attitude toward placement of the child;

19 (d) A statement of the likely harms the child will suffer as a
20 result of removal. This section should include an exploration of the
21 nature of the parent-child attachment and the meaning of separation and
22 loss to both the parents and the child;

23 (e) A description of the steps that will be taken to minimize harm
24 to the child that may result if separation occurs; and

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

27 **Sec. 3.** RCW 74.14C.070 and 1992 c 214 s 9 are each amended to read
28 as follows:

29 After July 1, 1993, the secretary of social and health services, or
30 the secretary's regional designee, may transfer funds appropriated for
31 foster care services to purchase family preservation services and other
32 preventive services for children at imminent risk of foster care
33 placement. The secretary shall notify the appropriate committees of
34 the senate and house of representatives of any transfers under this
35 section. The secretary shall include caseload, expenditure, cost
36 avoidance, identified improvements to the foster care system, and
37 outcome data related to the transfer in the notification."

1 Renumber the remaining sections consecutively and correct any
2 internal references accordingly.

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6 On page 2, line 9, after "74.15 RCW" insert ", only after a finding
7 that preventive services, including those authorized under RCW
8 74.14C.070, designed to address the causes of the dependency have been
9 provided and have failed to resolve the problem, unless the safety of
10 the child cannot be protected adequately in the home"

11 On page 2, line 20, after "custodian," insert "and that preventive
12 services, including those authorized under RCW 74.14C.070, designed to
13 address the causes of the dependency have been provided and have failed
14 to resolve the problem, unless the safety of the child cannot be
15 protected adequately in the home,"

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