

2 **E2SSB 6255** - H COMM AMD **ADOPTED 3-3-94**

3 By Committee on Human Services

4

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

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

9 For purposes of this chapter:

10 (1) "Child" and "juvenile" means any individual under the age of
11 eighteen years((~~+~~)).

12 (2) "Current placement episode" means the period of time that
13 begins with the most recent date that the child was removed from the
14 home of the parent, guardian, or legal custodian for purposes of
15 placement in out-of-home care and continues until the child returns
16 home, an adoption decree or guardianship order is entered, or the
17 dependency is dismissed, whichever occurs soonest. If the most recent
18 date of removal occurred prior to the filing of a dependency petition
19 under this chapter or after filing but prior to entry of a disposition
20 order, such time periods shall be included when calculating the length
21 of a child's current placement episode.

22 (3) "Dependency guardian" means the person, nonprofit corporation,
23 or Indian tribe appointed by the court pursuant to RCW 13.34.232 for
24 the limited purpose of assisting the court in the supervision of the
25 dependency.

26 (4) "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
29 conduct, a settled intent to forego, for an extended period, all
30 parental rights or all parental responsibilities despite an ability to
31 do so;

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

34 (c) Who has no parent, guardian, or custodian capable of adequately
35 caring for the child, such that the child is in circumstances which

1 constitute a danger of substantial damage to the child's psychological
2 or physical development; or

3 (d) Who has a developmental disability, as defined in RCW
4 71A.10.020 and whose parent, guardian, or legal custodian together with
5 the department determines that services appropriate to the child's
6 needs can not be provided in the home. However, (a), (b), and (c) of
7 this subsection may still be applied if other reasons for removal of
8 the child from the home exist(~~(+)~~).

9 (~~(+3)~~) (5) "Guardian" means the person or agency that: (a) Has
10 been appointed as the guardian of a child in a legal proceeding other
11 than a proceeding under this chapter; and (b) has the legal right to
12 custody of the child pursuant to such appointment. The term "guardian"
13 shall not include a "dependency guardian" appointed pursuant to a
14 proceeding under this chapter.

15 (6) "Guardian ad litem" means a person, appointed by the court to
16 represent the best interest of a child in a proceeding under this
17 chapter, or in any matter which may be consolidated with a proceeding
18 under this chapter. A "court-appointed special advocate" appointed by
19 the court to be the guardian ad litem for the child, or to perform
20 substantially the same duties and functions as a guardian ad litem,
21 shall be deemed to be guardian ad litem for all purposes and uses of
22 this chapter(~~(+)~~).

23 (~~(+4)~~) (7) "Guardian ad litem program" means a court-authorized
24 volunteer program, which is or may be established by the superior court
25 of the county in which such proceeding is filed, to manage all aspects
26 of volunteer guardian ad litem representation for children alleged or
27 found to be dependent. Such management shall include but is not
28 limited to: Recruitment, screening, training, supervision, assignment,
29 and discharge of volunteers.

30 (8) "Out-of-home care" means placement in a foster family home or
31 group care facility licensed pursuant to chapter 74.15 RCW or placement
32 in a home, other than that of the child's parent, guardian, or legal
33 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

34 (9) "Preventive services" means family preservation services and
35 other services delivered primarily in the home, that are reasonably
36 capable of reducing or avoiding the need for unnecessary foster care
37 placement.

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

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

25 (2) In addition to the requirements set forth in subsection (1) of
26 this section, a predisposition study to the court in cases of
27 dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall
28 contain the following information:

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

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

36 (c) If removal is recommended, a full description of the reasons
37 why the child cannot be protected adequately in the home, including a
38 description of any previous efforts to work with the parents and the
39 child in the home; the in-home treatment programs which have been

1 considered and rejected; the preventive services, including those
2 authorized under RCW 74.14C.070, designed to address the causes of the
3 dependency that have been provided and have failed to resolve the
4 problem, unless the best interest of the child cannot be protected
5 adequately in the home; and the parents' attitude toward placement of
6 the child;

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

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

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

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

17 After July 1, 1993, the secretary of social and health services, or
18 the secretary's regional designee, may transfer funds appropriated for
19 foster care services to purchase family preservation services and other
20 preventive services for children at imminent risk of foster care
21 placement. The secretary shall notify the appropriate committees of
22 the senate and house of representatives of any transfers under this
23 section. The secretary shall include caseload, expenditure, cost
24 avoidance, identified improvements to the foster care system, and
25 outcome data related to the transfer in the notification.

26 **Sec. 4.** RCW 13.34.130 and 1992 c 145 s 14 are each amended to read
27 as follows:

28 If, after a fact-finding hearing pursuant to RCW 13.34.110, (~~as~~
29 ~~now or hereafter amended,~~) it has been proven by a preponderance of
30 the evidence that the child is dependent within the meaning of RCW
31 13.34.030(~~(+2)~~); after consideration of the predisposition report
32 prepared pursuant to RCW 13.34.110 and after a disposition hearing has
33 been held pursuant to RCW 13.34.110, the court shall enter an order of
34 disposition pursuant to this section.

35 (1) The court shall order one of the following dispositions of the
36 case:

1 (a) Order a disposition other than removal of the child from his or
2 her home, which shall provide a program designed to alleviate the
3 immediate danger to the child, to mitigate or cure any damage the child
4 has already suffered, and to aid the parents so that the child will not
5 be endangered in the future. In selecting a program, the court should
6 choose those services that least interfere with family autonomy,
7 provided that the services are adequate to protect the child.

8 (b) Order that the child be removed from his or her home and
9 ordered into the custody, control, and care of a relative or the
10 department of social and health services or a licensed child placing
11 agency for placement in a foster family home or group care facility
12 licensed pursuant to chapter 74.15 RCW or in a home not required to be
13 licensed pursuant to chapter 74.15 RCW, only after a finding that
14 preventive services, including those authorized under RCW 74.14C.070,
15 designed to address the causes of the dependency have been provided and
16 have failed to resolve the problem, unless the best interest of the
17 child cannot be protected adequately in the home. Unless there is
18 reasonable cause to believe that the safety or welfare of the child
19 would be jeopardized or that efforts to reunite the parent and child
20 will be hindered, such child shall be placed with a grandparent,
21 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin
22 with whom the child has a relationship and is comfortable, and who is
23 willing and available to care for the child. An order for out-of-home
24 placement may be made only if the court finds that reasonable efforts
25 have been made to prevent or eliminate the need for removal of the
26 child from the child's home and to make it possible for the child to
27 return home, specifying the services that have been provided to the
28 child and the child's parent, guardian, or legal custodian, and that
29 preventive services, including those authorized under RCW 74.14C.070,
30 designed to address the causes of the dependency have been provided and
31 have failed to resolve the problem, unless the best interest of the
32 child cannot be protected adequately in the home, and that:

33 (i) There is no parent or guardian available to care for such
34 child;

35 (ii) The parent, guardian, or legal custodian is not willing to
36 take custody of the child;

37 (iii) A manifest danger exists that the child will suffer serious
38 abuse or neglect if the child is not removed from the home and an order
39 under RCW 26.44.063 would not protect the child from danger; or

1 (iv) The extent of the child's disability is such that the parent,
2 guardian, or legal custodian is unable to provide the necessary care
3 for the child and the parent, guardian, or legal custodian has
4 determined that the child would benefit from placement outside of the
5 home.

6 (2) If the court has ordered a child removed from his or her home
7 pursuant to subsection (1)(b) of this section, the court may order that
8 a petition seeking termination of the parent and child relationship be
9 filed if the court finds it is recommended by the supervising agency,
10 that it is in the best interests of the child and that it is not
11 reasonable to provide further services to reunify the family because
12 the existence of aggravated circumstances make it unlikely that
13 services will effectuate the return of the child to the child's parents
14 in the near future. In determining whether aggravated circumstances
15 exist, the court shall consider one or more of the following:

16 (a) Conviction of the parent of rape of the child in the first,
17 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
18 9A.44.079;

19 (b) Conviction of the parent of criminal mistreatment of the child
20 in the first or second degree as defined in RCW 9A.42.020 and
21 9A.42.030;

22 (c) Conviction of the parent of one of the following assault
23 crimes, when the child is the victim: Assault in the first or second
24 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child
25 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

26 (d) Conviction of the parent of murder, manslaughter, or homicide
27 by abuse of the child's other parent, sibling, or another child;

28 (e) A finding by a court that a parent is a sexually violent
29 predator as defined in RCW 71.09.020;

30 (f) Failure of the parent to complete available treatment ordered
31 under this chapter or the equivalent laws of another state, where such
32 failure has resulted in a prior termination of parental rights to
33 another child and the parent has failed to effect significant change in
34 the interim.

35 (3) Whenever a child is ordered removed from the child's home, the
36 agency charged with his or her care shall provide the court with:

37 (a) ~~((A permanent plan of care that may include one of the~~
38 ~~following: Return of the child to the home of the child's parent,~~
39 ~~adoption, guardianship, or long term placement with a relative or in~~

1 ~~foster care with a written agreement.))~~ A permanency plan of care that
2 shall identify one of the following outcomes as a primary goal and may
3 identify additional outcomes as alternative goals: Return of the child
4 to the home of the child's parent, guardian, or legal custodian;
5 adoption; guardianship; or long-term relative or foster care, until the
6 child is age eighteen, with a written agreement between the parties and
7 the care provider.

8 (b) Unless the court has ordered, pursuant to subsection (2) of
9 this section, that a termination petition be filed, a specific plan as
10 to where the child will be placed, what steps will be taken to return
11 the child home, and what actions the agency will take to maintain
12 parent-child ties. All aspects of the plan shall include the goal of
13 achieving permanence for the child.

14 (i) The agency plan shall specify what services the parents will be
15 offered in order to enable them to resume custody, what requirements
16 the parents must meet in order to resume custody, and a time limit for
17 each service plan and parental requirement.

18 (ii) The agency shall be required to encourage the maximum parent-
19 child contact possible, including regular visitation and participation
20 by the parents in the care of the child while the child is in
21 placement. Visitation may be limited or denied only if the court
22 determines that such limitation or denial is necessary to protect the
23 child's health, safety, or welfare.

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 agency charged with supervising a child in placement shall
29 provide all reasonable services that are available within the agency,
30 or within the community, or those services which the department of
31 social and health services has existing contracts to purchase. It
32 shall report to the court if it is unable to provide such services.

33 (c) If the court has ordered, pursuant to subsection (2) of this
34 section, that a termination petition be filed, a specific plan as to
35 where the child will be placed, what steps will be taken to achieve
36 permanency for the child, services to be offered or provided to the
37 child, and, if visitation would be in the best interests of the child,
38 a recommendation to the court regarding visitation between parent and
39 child pending a fact-finding hearing on the termination petition. The

1 agency shall not be required to develop a plan of services for the
2 parents or provide services to the parents.

3 (4) If there is insufficient information at the time of the
4 disposition hearing upon which to base a determination regarding the
5 suitability of a proposed placement with a relative, the child shall
6 remain in foster care and the court shall direct the supervising agency
7 to conduct necessary background investigations as provided in chapter
8 74.15 RCW and report the results of such investigation to the court
9 within thirty days. However, if such relative appears otherwise
10 suitable and competent to provide care and treatment, the criminal
11 history background check need not be completed before placement, but as
12 soon as possible after placement. Any placements with relatives,
13 pursuant to this section, shall be contingent upon cooperation by the
14 relative with the agency case plan and compliance with court orders
15 related to the care and supervision of the child including, but not
16 limited to, court orders regarding parent-child contacts and any other
17 conditions imposed by the court. Noncompliance with the case plan or
18 court order shall be grounds for removal of the child from the
19 relative's home, subject to review by the court.

20 (5) Except for children whose cases are reviewed by a citizen
21 review board under chapter 13.70 RCW, the status of all children found
22 to be dependent shall be reviewed by the court at least every six
23 months from the beginning date of the placement episode or the date
24 dependency is established, whichever is first, at a hearing in which it
25 shall be determined whether court supervision should continue. The
26 review shall include findings regarding the agency and parental
27 completion of disposition plan requirements, and if necessary, revised
28 permanency time limits.

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

36 (b) If the child is not returned home, the court shall establish in
37 writing:

1 (i) Whether reasonable services have been provided to or offered to
2 the parties to facilitate reunion, specifying the services provided or
3 offered;

4 (ii) Whether the child has been placed in the least-restrictive
5 setting appropriate to the child's needs, including whether
6 consideration has been given to placement with the child's relatives;

7 (iii) Whether there is a continuing need for placement and whether
8 the placement is appropriate;

9 (iv) Whether there has been compliance with the case plan by the
10 child, the child's parents, and the agency supervising the placement;

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

13 (vi) Whether the parents have visited the child and any reasons why
14 visitation has not occurred or has been infrequent;

15 (vii) Whether additional services are needed to facilitate the
16 return of the child to the child's parents; if so, the court shall
17 order that reasonable services be offered specifying such services; and

18 (viii) The projected date by which the child will be returned home
19 or other permanent plan of care will be implemented.

20 (c) The court at the review hearing may order that a petition
21 seeking termination of the parent and child relationship be filed.

22 **Sec. 5.** RCW 13.34.145 and 1993 c 412 s 1 are each amended to read
23 as follows:

24 ~~(1) ((In all cases where a child has been placed in substitute care
25 for at least fifteen months, the agency having custody of the child
26 shall prepare a permanency plan and present it in a hearing held before
27 the court no later than eighteen months following commencement of the
28 placement episode.~~

29 ~~(2) At the permanency planning hearing, the court shall enter
30 findings as required by RCW 13.34.130(5). In addition the court shall:~~

31 ~~(a) Approve a permanency plan which shall include one of the following:
32 Adoption, guardianship, placement of the child in the home of the
33 child's parent, relative placement with written permanency plan, or
34 family foster care with written permanency agreement; (b) require
35 filing of a petition for termination of parental rights; or (c) dismiss
36 the dependency, unless the court finds, based on clear, cogent, and
37 convincing evidence, that it is in the best interest of the child to
38 continue the dependency beyond eighteen months, based on the permanency~~

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

9 (a) Whenever a child is placed in out-of-home care pursuant to RCW
10 13.34.130, the agency that has custody of the child shall provide the
11 court with a written permanency plan of care directed towards securing
12 a safe, stable, and permanent home for the child as soon as possible.
13 The plan shall identify one of the following outcomes as the primary
14 goal and may also identify additional outcomes as alternative goals:
15 Return of the child to the home of the child's parent, guardian, or
16 legal custodian; adoption; guardianship; or long-term relative or
17 foster care, until the child is age eighteen, with a written agreement
18 between the parties and the care provider.

19 (b) The identified outcomes and goals of the permanency plan may
20 change over time based upon the circumstances of the particular case.

21 (c) Permanency planning goals should be achieved at the earliest
22 possible date, preferably before the child has been in out-of-home care
23 for nine months.

24 (2) A permanency planning hearing shall be held in all cases where
25 a child has remained in out-of-home care for at least nine months and
26 an adoption decree or guardianship order has not previously been
27 entered. The hearing shall take place no later than twelve months
28 following commencement of the current placement episode.

29 (3) Whenever a child is removed from the home of a dependency
30 guardian or long-term relative or foster care provider, and the child
31 is not returned to the home of the parent, guardian, or legal custodian
32 but is placed in out-of-home care, a permanency planning hearing shall
33 take place no later than twelve months following the date of removal
34 unless, prior to the hearing, the child returns to the home of the
35 dependency guardian or long-term care provider, the child is placed in
36 the home of the parent, guardian, or legal custodian, an adoption
37 decree or guardianship order is entered, or the dependency is
38 dismissed.

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

5 (5) At the permanency planning hearing, the court shall enter
6 findings as required by RCW 13.34.130(5) and shall review the
7 permanency plan prepared by the agency. If a goal of long-term foster
8 or relative care has been achieved prior to the permanency planning
9 hearing, the court shall review the child's status to determine whether
10 the placement and the plan for the child's care remain appropriate. In
11 cases where the primary permanency planning goal has not yet been
12 achieved, the court shall inquire regarding the reasons why the primary
13 goal has not been achieved and determine what needs to be done to make
14 it possible to achieve the primary goal. In all cases, the court
15 shall:

16 (a)(i) Order the permanency plan prepared by the agency to be
17 implemented; or

18 (ii) Modify the permanency plan, and order implementation of the
19 modified plan; and

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

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

25 (6) If the court orders the child returned home, casework
26 supervision shall continue for at least six months, at which time a
27 review hearing shall be held pursuant to RCW 13.34.130(5), and the
28 court shall determine the need for continued intervention.

29 (7) Following the first permanency planning hearing, the court
30 shall hold a further permanency planning hearing in accordance with
31 this section at least once every twelve months until a permanency
32 planning goal is achieved or the dependency is dismissed, whichever
33 occurs first.

34 (8) Except as otherwise provided in RCW 13.34.235, the status of
35 all dependent children shall continue to be reviewed by the court at
36 least once every six months, in accordance with RCW 13.34.130(5), until
37 the dependency is dismissed. Prior to the second permanency planning
38 hearing, the agency that has custody of the child shall consider
39 whether to file a petition for termination of parental rights.

1 (9) Nothing in this chapter may be construed to limit the ability
2 of the agency that has custody of the child to file a petition for
3 termination of parental rights or a guardianship petition at any time
4 following the establishment of dependency. Upon the filing of such a
5 petition, a fact-finding hearing shall be scheduled and held in
6 accordance with this chapter unless the agency requests dismissal of
7 the petition prior to the hearing or unless the parties enter an agreed
8 order terminating parental rights, establishing guardianship, or
9 otherwise resolving the matter.

10 (10) The approval of a permanency plan that does not contemplate
11 return of the child to the parent does not relieve the supervising
12 agency of its obligation to provide reasonable services, under this
13 chapter, intended to effectuate the return of the child to the parent,
14 including but not limited to, visitation rights.

15 (11) Nothing in this chapter may be construed to limit the
16 procedural due process rights of any party in a termination or
17 guardianship proceeding filed under this chapter.

18 **Sec. 6.** RCW 13.34.231 and 1981 c 195 s 2 are each amended to read
19 as follows:

20 At the hearing on a dependency guardianship petition, all parties
21 have the right to present evidence and cross examine witnesses. The
22 rules of evidence apply to the conduct of the hearing. A guardianship
23 (~~may~~) shall be established if the court finds by a preponderance of
24 the evidence that:

25 (1) The child has been found to be a dependent child under RCW
26 13.34.030(~~(+2)~~);

27 (2) A dispositional order has been entered pursuant to RCW
28 13.34.130;

29 (3) The child has been removed or will, at the time of the hearing,
30 have been removed from the custody of the parent for a period of at
31 least six months pursuant to a finding of dependency under RCW
32 13.34.030(~~(+2)~~);

33 (4) The services ordered under RCW 13.34.130 have been offered or
34 provided and all necessary services, reasonably available, capable of
35 correcting the parental deficiencies within the foreseeable future have
36 been offered or provided;

37 (5) There is little likelihood that conditions will be remedied so
38 that the child can be returned to the parent in the near future; and

1 (6) A guardianship, rather than termination of the parent-child
2 relationship or continuation of ~~((the child's current dependent~~
3 ~~status))~~ efforts to return the child to the custody of the parent,
4 would be in the best interest of the ~~((family))~~ child.

5 **Sec. 7.** RCW 13.34.232 and 1993 c 412 s 4 are each amended to read
6 as follows:

7 (1) If the court has made a finding under RCW 13.34.231, it shall
8 enter an order establishing a dependency guardianship for the child.
9 The order shall:

10 ~~((+1))~~ (a) Appoint a person or agency to serve as dependency
11 guardian for the limited purpose of assisting the court to supervise
12 the dependency;

13 ~~((+2))~~ (b) Specify the dependency guardian's rights and
14 responsibilities concerning the care, custody, and control of the
15 child. A dependency guardian shall not have the authority to consent
16 to the child's adoption;

17 ~~((+3))~~ (c) Specify the dependency guardian's authority, if any,
18 to receive, invest, and expend funds, benefits, or property belonging
19 to the child;

20 (d) Specify an appropriate frequency of visitation between the
21 parent and the child; and

22 ~~((+4))~~ (e) Specify the need for any continued involvement of the
23 supervising agency and the nature of that involvement, if any.

24 ~~((The order shall not affect the child's status as a dependent~~
25 ~~child, and the child shall remain dependent for the duration of the~~
26 ~~guardianship.))~~

27 (2) Unless the court specifies otherwise in the guardianship order,
28 the dependency guardian shall maintain the physical custody of the
29 child and have the following rights and duties:

30 (a) Protect, discipline, and educate the child;

31 (b) Provide food, clothing, shelter, education as required by law,
32 and routine health care for the child;

33 (c) Consent to necessary health and surgical care and sign a
34 release of health care information to appropriate authorities, pursuant
35 to law;

36 (d) Consent to social and school activities of the child; and

1 (e) Provide an annual written accounting to the court regarding
2 receipt by the dependency guardian of any funds, benefits, or property
3 belonging to the child and expenditures made therefrom.

4 (3) As used in this section, the term "health care" includes, but
5 is not limited to, medical, dental, psychological, and psychiatric care
6 and treatment.

7 (4) The child shall remain dependent for the duration of the
8 guardianship. While the guardianship remains in effect, the dependency
9 guardian shall be a party to any dependency proceedings pertaining to
10 the child.

11 (5) The guardianship shall remain in effect only until the child is
12 eighteen years of age or until the court terminates the guardianship
13 order, whichever occurs sooner.

14 **Sec. 8.** RCW 13.34.233 and 1981 c 195 s 4 are each amended to read
15 as follows:

16 (1) Any party may ((seek a modification of the)) request the court
17 to modify or terminate a dependency guardianship order under RCW
18 13.34.150. Notice of any motion to modify or terminate the
19 guardianship shall be served on all other parties, including any agency
20 that was responsible for supervising the child's placement at the time
21 the guardianship petition was filed. Notice shall in all cases be
22 served upon the department of social and health services. If the
23 department was not previously a party to the guardianship proceeding,
24 the department shall nevertheless have the right to initiate a
25 proceeding to modify or terminate a guardianship and the right to
26 intervene at any stage of such a proceeding.

27 (2) The guardianship may be modified or terminated upon the motion
28 of any party or the department if the court finds by a preponderance of
29 the evidence that there has been a change of circumstances subsequent
30 to the establishment of the guardianship and that it is in the child's
31 best interest to modify or terminate the guardianship. Unless all
32 parties agree to entry of an order modifying or terminating the
33 guardianship, the court shall hold a hearing on the motion.

34 (3) Upon entry of an order terminating the guardianship, the
35 dependency guardian shall not have any rights or responsibilities with
36 respect to the child and shall not have legal standing to participate
37 as a party in further dependency proceedings pertaining to the child.
38 The court may allow the child's dependency guardian to attend

1 dependency review proceedings pertaining to the child for the sole
2 purpose of providing information about the child to the court.

3 (4) Upon entry of an order terminating the guardianship, the child
4 shall remain dependent and the court shall either return the child to
5 the child's parent or order the child into the custody, control, and
6 care of the department of social and health services or a licensed
7 child- placing agency for placement in a foster home or group care
8 facility licensed pursuant to chapter 74.15 RCW or in a home not
9 required to be licensed pursuant to such chapter. The court shall not
10 place a child in the custody of the child's parent unless the court
11 finds that a reason for removal as set forth in RCW 13.34.130 no longer
12 exists and that such placement is in the child's best interest. The
13 court shall thereafter conduct reviews as provided in RCW 13.34.130(5)
14 and, where applicable, shall hold a permanency planning hearing in
15 accordance with RCW 13.34.145.

16 **Sec. 9.** RCW 13.34.234 and 1981 c 195 s 5 are each amended to read
17 as follows:

18 Establishment of a dependency guardianship under RCW 13.34.231 and
19 13.34.232 does not preclude ((a)) the dependency guardian from
20 receiving foster care payments.

21 **Sec. 10.** RCW 13.34.236 and 1981 c 195 s 7 are each amended to read
22 as follows:

23 (1) Any person over the age of twenty-one years who is not
24 otherwise disqualified by this section, any nonprofit corporation, or
25 any Indian tribe may be appointed the dependency guardian of a child
26 under RCW 13.34.232. No person is qualified to serve as a dependency
27 guardian (~~who:—(1) Is of unsound mind; (2) has been convicted of a~~
28 ~~felony or misdemeanor involving moral turpitude; or (3) is a person~~
29 ~~whom the court finds unsuitable~~) unless the person meets the minimum
30 requirements to care for children as provided in RCW 74.15.030.

31 (2) If the preferences of a child's parent were not considered
32 under RCW 13.34.260 as they relate to the proposed dependency guardian,
33 the court shall consider such preferences before appointing the
34 dependency guardian."

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