

2 **HB 1858** - S AMD - 000956
3 By Senators Deccio and Talmadge

4 ADOPTED 4/17/93

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

7 "**Sec. 1.** RCW 13.70.005 and 1991 c 363 s 14 and 1991 c 127 s 2 are
8 each reenacted and amended to read as follows:

9 Periodic case review of all children in substitute care (~~shall~~)
10 may be provided in counties designated by the office of the
11 administrator for the courts, in accordance with this chapter (~~and~~
12 ~~within funding provided by the legislature~~)).

13 The administrator for the courts shall coordinate and assist,
14 within available funds, in the administration of (~~the~~) local citizen
15 review boards (~~pilot program~~) created by this chapter.

16 **Sec. 2.** RCW 13.70.100 and 1989 1st ex.s. c 17 s 12 are each
17 amended to read as follows:

18 (1) This section shall apply to cases where a child has been placed
19 in substitute care pursuant to written parental consent and a
20 dependency petition has not been filed under chapter 13.34 RCW. If a
21 dependency petition is subsequently filed and the child's placement in
22 substitute care continues pursuant to a court order entered in a
23 proceeding under chapter 13.34 RCW, the provisions set forth in RCW
24 13.70.110 shall apply.

25 (2) Within thirty days following commencement of the placement
26 episode, the department shall send a copy of the written parental
27 consent to the juvenile court with jurisdiction over the geographical
28 area in which the child resides.

29 (3) Within forty-five days following commencement of the placement
30 episode, the court shall assign the child's case to a board and forward
31 to the board a copy of the written parental consent to placement.

32 (4) The board shall review the case plan for each child in
33 substitute care whose case is assigned to the board by the court. The
34 review shall take place at times set by the board. The first review
35 shall occur within ninety days following commencement of the placement

1 episode. The second review shall occur within six months following
2 commencement of the placement episode. The ~~((next))~~ final board review
3 shall occur ~~((within one year following commencement of the placement~~
4 ~~episode))~~ no later than six months following the second review unless
5 the child is no longer in substitute care or unless a guardianship
6 order or adoption decree is entered.

7 (5) The board shall prepare written findings and recommendations
8 with respect to:

9 (a) Whether reasonable efforts were made before the placement to
10 prevent or eliminate the need for removal of the child from the home;

11 (b) Whether reasonable efforts have been made subsequent to the
12 placement to make it possible for the child to be returned home;

13 (c) Whether the child has been placed in the least-restrictive
14 setting appropriate to the child's needs, including whether
15 consideration has been given to placement with the child's relatives;

16 (d) Whether there is a continuing need for and whether the
17 placement is appropriate;

18 (e) Whether there has been compliance with the case plan;

19 (f) Whether progress has been made toward alleviating the need for
20 placement;

21 (g) A likely date by which the child may be returned home or other
22 permanent plan of care may be implemented; and

23 (h) Other problems, solutions, or alternatives the board determines
24 should be explored.

25 (6) Within ten working days following the review, the board shall
26 send a copy of its findings and recommendations to the child's parents
27 and their attorneys, the child's custodians and their attorneys, mature
28 children and their attorneys, and the department and other child
29 placement agencies directly responsible for supervising the child's
30 placement. If the child is an Indian as defined in the Indian child
31 welfare act, 25 U.S.C. 1901 et seq., a copy of the board's findings and
32 recommendations shall also be sent to the child's Indian tribe.

33 (7) If the department is unable or unwilling to implement the board
34 recommendations, the department shall submit to the board, within ten
35 working days after receipt of the findings and recommendations, an
36 implementation report setting forth the reasons why the department is
37 unable or unwilling to implement the board's recommendations. The
38 report will also set forth the case plan which the department intends
39 to implement.

1 (8) The court shall not review the findings and recommendations of
2 the board in cases where the child has been placed in substitute care
3 with signed parental consent unless a dependency petition has been
4 filed and the child has been taken into custody under RCW 13.34.050.

5 **Sec. 3.** RCW 13.70.110 and 1991 c 127 s 5 are each amended to read
6 as follows:

7 (1) This section shall apply to cases where a child has been placed
8 in substitute care pursuant to a proceeding under chapter 13.34 RCW.

9 (2) Within forty-five days following commencement of the placement
10 episode, the court shall assign the child's case to a board and forward
11 to the board a copy of the dependency petition and any shelter care or
12 dependency disposition orders which have been entered in the case by
13 the court.

14 (3) The board shall review the case plan for each child whose case
15 is assigned to the board by the court. The review shall take place at
16 times set by the board. The first review shall occur (~~within ninety~~
17 ~~days following commencement of the placement episode~~) no later than
18 six months following the second review unless the child is no longer
19 within the jurisdiction of the court, no longer in substitute care, or
20 a guardianship order or adoption decree is entered. The second review
21 shall occur within six months following commencement of the placement
22 episode. The (~~next~~) final board review shall occur within one year
23 after commencement of the placement episode. (~~Within eighteen months~~
24 ~~following commencement of the placement episode, a permanency planning~~
25 ~~hearing shall be held before the court in accordance with RCW~~
26 ~~13.34.145. Thereafter, the court shall assign the child's case for a~~
27 ~~board review or a court review hearing pursuant to RCW 13.34.130(5).~~
28 ~~A board review or a court review hearing shall take place at least once~~
29 ~~every six months until the child is no longer within the jurisdiction~~
30 ~~of the court or no longer in substitute care or until a guardianship~~
31 ~~order or adoption decree is entered. After the permanency planning~~
32 ~~hearing, a court review hearing must occur at least once a year as~~
33 ~~provided in RCW 13.34.130. The board shall review any case where a~~
34 ~~petition to terminate parental rights has been denied, and such review~~
35 ~~shall occur as soon as practical but no later than forty five days~~
36 ~~after the denial.))~~

37 (4) The board shall prepare written findings and recommendations
38 with respect to:

1 (a) Whether reasonable efforts were made before the placement to
2 prevent or eliminate the need for removal of the child from the home,
3 including whether consideration was given to removing the alleged
4 offender, rather than the child, from the home;

5 (b) Whether reasonable efforts have been made subsequent to the
6 placement to make it possible for the child to be returned home;

7 (c) Whether the child has been placed in the least-restrictive
8 setting appropriate to the child's needs, including whether
9 consideration has been given to placement with the child's relatives;

10 (d) Whether there is a continuing need for placement and whether
11 the placement is appropriate;

12 (e) Whether there has been compliance with the case plan;

13 (f) Whether progress has been made toward alleviating the need for
14 placement;

15 (g) A likely date by which the child may be returned home or other
16 permanent plan of care may be implemented; and

17 (h) Other problems, solutions, or alternatives the board determines
18 should be explored.

19 (5) Within ten working days following the review, the board shall
20 send a copy of its findings and recommendations to the parents and
21 their attorneys, the child's custodians and their attorneys, mature
22 children and their attorneys, other attorneys or guardians ad litem
23 appointed by the court to represent children, the department and other
24 child placement agencies directly responsible for supervising the
25 child's placement, and any prosecuting attorney or attorney general
26 actively involved in the case. If the child is an Indian as defined in
27 the Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., a copy of
28 the board's findings and recommendations shall also be sent to the
29 child's Indian tribe.

30 (6) If the department is unable or unwilling to implement the board
31 recommendations, the department shall submit to the board, within ten
32 working days after receipt of the findings and recommendations, an
33 implementation report setting forth the reasons why the department is
34 unable or unwilling to implement the board's recommendations. The
35 report will also set forth the case plan which the department intends
36 to implement.

37 (7) Within forty-five days following the review, the board shall
38 either:

39 (a) Schedule the case for further review by the board; or

1 (b) Submit to the court the board's findings and recommendations
2 and the department's implementation reports, if any. If the board's
3 recommendations are different from the existing court-ordered case
4 plan, the board shall also file with the court a motion for a review
5 hearing.

6 (8) Within ten days of receipt of the board's written findings and
7 recommendations and the department's implementation report, if any, the
8 court shall review the findings and recommendations and implementation
9 reports, if any. The court may on its own motion schedule a review
10 hearing.

11 (9) Unless modified by subsequent court order, the court-ordered
12 case plan and court orders that are in effect at the time that a board
13 reviews a case shall remain in full force and effect. Board findings
14 and recommendations are advisory only and do not in any way modify
15 existing court orders or court-ordered case plans.

16 (10) The findings and recommendations of the board and the
17 department's implementation report, if any, shall become part of the
18 department's case file and the court social file pertaining to the
19 child.

20 (11) Nothing in this section shall limit or otherwise modify the
21 rights of any party to a dependency proceeding to request and receive
22 a court review hearing pursuant to the provisions of chapter 13.34 RCW
23 or applicable court rules.

24 **Sec. 4.** RCW 13.70.140 and 1989 1st ex.s. c 17 s 16 are each
25 amended to read as follows:

26 ~~((For cases which are subject to the foster care citizen review
27 board pilot project under RCW 13.70.005, a court review hearing shall
28 occur no later than eighteen months following commencement of the
29 child's placement episode.))~~ A permanency planning hearing shall be
30 held before the court in accordance with RCW 13.34.145. Thereafter,
31 court review hearings shall occur at least once every ((year)) six
32 months, under RCW 13.34.130(5), until the child is no longer within the
33 jurisdiction of the court or the child returns home or a guardianship
34 order or adoption decree is entered. The court may review the case
35 more frequently upon the court's own motion or upon the request of any
36 party to the proceeding ~~((or the citizen review board assigned to the
37 child's case))~~.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.14A RCW
2 to read as follows:

3 The secretary shall:

4 (1)(a) Consult with relevant qualified professionals to develop a
5 set of minimum guidelines to be used for identifying all children who
6 are in a state-assisted support system, whether at-home or out-of-home,
7 who are likely to need long-term care or assistance, because they face
8 physical, emotional, medical, mental, or other long-term challenges.

9 (b) The guidelines must, at a minimum, consider the following
10 criteria for identifying children in need of long-term care or
11 assistance:

12 (i) Placement within the foster care system for two years or more;

13 (ii) Multiple foster care placements;

14 (iii) Repeated unsuccessful efforts to be placed with a permanent
15 adoptive family;

16 (iv) Chronic behavioral or educational problems;

17 (v) Repetitive criminal acts or offenses;

18 (vi) Failure to comply with court-ordered disciplinary actions and
19 other imposed guidelines of behavior, including drug and alcohol
20 rehabilitation; and

21 (vii) Chronic physical, emotional, medical, mental, or other
22 similar conditions necessitating long-term care or assistance;

23 (2) Develop programs that are necessary for the long-term care of
24 children and youth that are identified for the purposes of this
25 section. Programs must: (a) Effectively address the educational,
26 physical, emotional, mental, and medical needs of children and youth;
27 and (b) incorporate an array of family support options, to individual
28 needs and choices of the child and family. The programs must be ready
29 for implementation by January 1, 1995;

30 (3) Conduct an evaluation of all children currently within the
31 foster care agency caseload to identify those children who meet the
32 criteria set forth in this section. The evaluation shall be completed
33 by January 1, 1994. All children entering the foster care system after
34 January 1, 1994, must be evaluated for identification of long-term
35 needs within thirty days of placement;

36 (4) Study and develop a comprehensive plan for the evaluation and
37 identification of all children and youth in need of long-term care or
38 assistance, including, but not limited to, the mentally ill,

1 developmentally disabled, medically fragile, seriously emotionally or
2 behaviorally disabled, and physically impaired;

3 (5) Study and develop a plan for the children and youth in need of
4 long-term care or assistance to ensure the coordination of services
5 between the department's divisions and between other state agencies who
6 are involved with the child or youth.

7 (6) Study and develop guidelines for transitional services, between
8 long-term care programs, based on the person's age or mental, physical,
9 emotional, or medical condition; and

10 (7) Study and develop a statutory proposal for the emancipation of
11 minors and report its findings and recommendations to the legislature
12 by January 1, 1994."

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16 On page 1, line 2 of the title, after "care;" strike the remainder
17 of the title and insert "amending RCW 13.70.100, 13.70.110, and
18 13.70.140; reenacting and amending RCW 13.70.005; and adding a new
19 section to chapter 74.14A RCW."

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