

2 **HB 1858** - S COMM AMD

3 By Committee on Health & Human Services

4 NOT 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 13.70.110 and 1991 c 127 s 5 are each amended to read  
17 as follows:

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

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

25 (3) The board shall review the case plan for each child whose case  
26 is assigned to the board by the court. The review shall take place at  
27 times set by the board. The first review shall occur within ninety  
28 days following commencement of the placement episode. The second  
29 review shall occur within six months following commencement of the  
30 placement episode. The (~~next~~) final board review shall occur within  
31 one year after commencement of the placement episode. (~~Within~~  
32 ~~eighteen months following commencement of the placement episode, a~~  
33 ~~permanency planning hearing shall be held before the court in~~  
34 ~~accordance with RCW 13.34.145. Thereafter, the court shall assign the~~  
35 ~~child's case for a board review or a court review hearing pursuant to~~

1 ~~RCW 13.34.130(5). A board review or a court review hearing shall take~~  
2 ~~place at least once every six months until the child is no longer~~  
3 ~~within the jurisdiction of the court or no longer in substitute care or~~  
4 ~~until a guardianship order or adoption decree is entered. After the~~  
5 ~~permanency planning hearing, a court review hearing must occur at least~~  
6 ~~once a year as provided in RCW 13.34.130. The board shall review any~~  
7 ~~case where a petition to terminate parental rights has been denied, and~~  
8 ~~such review shall occur as soon as practical but no later than forty-~~  
9 ~~five days after the denial.))~~

10 (4) The board shall prepare written findings and recommendations  
11 with respect to:

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

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

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

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

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

24 (f) Whether progress has been made toward alleviating the need for  
25 placement;

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

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

30 (5) Within ten working days following the review, the board shall  
31 send a copy of its findings and recommendations to the parents and  
32 their attorneys, the child's custodians and their attorneys, mature  
33 children and their attorneys, other attorneys or guardians ad litem  
34 appointed by the court to represent children, the department and other  
35 child placement agencies directly responsible for supervising the  
36 child's placement, and any prosecuting attorney or attorney general  
37 actively involved in the case. If the child is an Indian as defined in  
38 the Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., a copy of

1 the board's findings and recommendations shall also be sent to the  
2 child's Indian tribe.

3 (6) If the department is unable or unwilling to implement the board  
4 recommendations, the department shall submit to the board, within ten  
5 working days after receipt of the findings and recommendations, an  
6 implementation report setting forth the reasons why the department is  
7 unable or unwilling to implement the board's recommendations. The  
8 report will also set forth the case plan which the department intends  
9 to implement.

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

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

13 (b) Submit to the court the board's findings and recommendations  
14 and the department's implementation reports, if any. If the board's  
15 recommendations are different from the existing court-ordered case  
16 plan, the board shall also file with the court a motion for a review  
17 hearing.

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

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

28 (10) The findings and recommendations of the board and the  
29 department's implementation report, if any, shall become part of the  
30 department's case file and the court social file pertaining to the  
31 child.

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

36 **Sec. 3.** RCW 13.70.140 and 1989 1st ex.s. c 17 s 16 are each  
37 amended to read as follows:

1       (~~For cases which are subject to the foster care citizen review~~  
2 ~~board pilot project under RCW 13.70.005, a court review hearing shall~~  
3 ~~occur no later than eighteen months following commencement of the~~  
4 ~~child's placement episode.)) A permanency planning hearing shall be  
5 held before the court in accordance with RCW 13.34.145. Thereafter,  
6 court review hearings shall occur at least once every ((year)) six  
7 months, under RCW 13.34.130(5), until the child is no longer within the  
8 jurisdiction of the court or the child returns home or a guardianship  
9 order or adoption decree is entered. The court may review the case  
10 more frequently upon the court's own motion or upon the request of any  
11 party to the proceeding (~~or the citizen review board assigned to the~~  
12 ~~child's case)).~~~~

13       NEW SECTION. Sec. 4. A new section is added to chapter 74.14A RCW  
14 to read as follows:

15       The secretary shall:

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

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

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

25       (ii) Multiple foster care placements;

26       (iii) Repeated unsuccessful efforts to be placed with a permanent  
27 adoptive family;

28       (iv) Chronic behavioral or educational problems;

29       (v) Repetitive criminal acts or offenses;

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

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

35       (2) Develop programs that are necessary for the long-term care of  
36 children and youth that are identified for the purposes of this  
37 section. Programs must: (a) Effectively address the educational,  
38 physical, emotional, mental, and medical needs of children and youth;

1 and (b) incorporate an array of family support options, to individual  
2 needs and choices of the child and family. The programs must be ready  
3 for implementation by January 1, 1994;

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

10 (4) Study and develop a comprehensive plan for the evaluation and  
11 identification of all children and youth in need of long-term care or  
12 assistance, including, but not limited to, the mentally ill,  
13 developmentally disabled, medically fragile, seriously emotionally or  
14 behaviorally disabled, and physically impaired;

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

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

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

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28 On page 1, line 2 of the title, after "care;" strike the remainder  
29 of the title and insert "amending RCW 13.70.110 and 13.70.140;  
30 reenacting and amending RCW 13.70.005; and adding a new section to  
31 chapter 74.14A RCW."

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