

1 **E3SSB 5278** - H COMM AMD
2 By Committee on Children & Family Services

3 Strike everything after the enacting clause and insert the
4 following:

5 NEW SECTION. **Sec. 1.** The legislature finds that all children
6 have the right to be born healthy and free of the consequences of the
7 nonprescription use of controlled substances and/or the abuse of
8 alcohol by the mother during pregnancy. Individuals who have a drug or
9 alcohol addiction are unable to make reasoned decisions that help
10 ensure the birth of a healthy infant. The availability of long-term
11 pharmaceutical birth control, when combined with other treatment
12 regimens, may allow women to regain control of their lives and make
13 long-term decisions in the best interest of themselves and their
14 children. The legislature further finds that a third or subsequent
15 drug-affected infant being born to the same mother means it may be
16 unreasonable to attempt to continue efforts to reunify the family and
17 that all reasonable reunification efforts that have previously been
18 made have proven futile and there is no likelihood that future efforts
19 will produce a different outcome.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.34 RCW
21 to read as follows:

22 (1) A physician licensed under chapter 18.71 or 18.57 RCW, an
23 advanced registered nurse practitioner licensed under chapter 18.79
24 RCW, or a midwife licensed under chapter 18.50 RCW, primarily
25 responsible for the care of a newborn infant, who has reasonable cause
26 to believe an infant has been exposed to nonprescription use of
27 controlled substances or alcohol must notify the department of the name
28 and address of the parent or parents of an infant who is drug-affected.

29 (2) The physician or advanced registered nurse practitioner or
30 midwife responsible for the delivery of the infant must, as soon as
31 practical, inform the mother of a drug-affected infant of: (a) Her

1 right to publicly funded tubal ligation surgery as provided under
2 section 12 of this act; (b) available drug treatment and counseling;
3 and (c) birth control counseling and education. The mother may accept
4 the offer of a tubal ligation up to six months following its tender.

5 (3) A physician who makes any determination under this section
6 shall not be liable in any cause of action as a result of his or her
7 determination except for acts of gross negligence or intentional
8 misconduct.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.34 RCW
10 to read as follows:

11 (1) The department, upon receipt of a report under section 2 of
12 this act, shall investigate and, if the department has reasonable cause
13 to believe that the infant is drug-affected, is in need of treatment
14 for conditions related to the infant's exposure to nonprescription use
15 of controlled substances or alcohol including withdrawal, and the
16 parents of the child cannot adequately care for the child's conditions,
17 the department shall take custody of the child for the purpose of
18 obtaining treatment for the child. Where medically indicated, the
19 department may place the infant in an appropriate birth facility or
20 pediatric care program, and access services for the treatment of the
21 child's drug-affected condition. The child's withdrawal shall be under
22 the supervision of appropriate health care professionals. The
23 department shall retain custody of the child until the court assumes
24 custody, until the department upon a documented and substantiated
25 record determines that the child's parents can adequately care for the
26 infant's condition, or until the department decides not to file a
27 dependency petition under subsection (2) of this section.

28 (2) After an investigation in response to a receipt of a report
29 under section 2 of this act, the department shall, in appropriate
30 cases, file a dependency petition under this chapter. In the event the
31 department does not file a petition, it shall refer the mother to
32 available chemical dependency treatment programs or a model project.

33 (3) The department and the mother may enter an agreement in which
34 the mother agrees to chemical dependency treatment on an inpatient or
35 outpatient basis or be referred to a model project created under
36 section 10 of this act.

1 (4) If the department and mother enter an agreement under
2 subsection (3) of this section, the department shall, if a dependency
3 petition has been filed, request the court to defer the entry of an
4 order of dependency for as long as the mother remains in treatment or
5 enrolled in the model project, subject to the department's monitoring
6 for compliance. As a condition of deferral of the order of dependency,
7 the parents, if both are available and known, shall stipulate to facts
8 sufficient to constitute a dependency and the court shall order
9 treatment or enrollment in a model project and prohibit nonprescription
10 use of controlled substances. In the event that an available parent
11 unreasonably refuses to stipulate to facts constituting a dependency,
12 the court may proceed with the hearing on the petition.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.34 RCW
14 to read as follows:

15 (1) If the department receives a report under section 2 of this
16 act of a mother who has given birth to a second drug-affected infant,
17 the department:

18 (a) May request the court to proceed immediately with the entry of
19 a dependency for the first drug-affected infant; and

20 (b) Shall investigate and, unless there are compelling reasons to
21 the contrary, file a dependency petition on the second drug-affected
22 infant. If the department does not file a petition, it shall refer the
23 woman to available chemical dependency treatment programs or a model
24 project.

25 (2) The department and the mother may enter an agreement in which
26 the mother agrees to: (a) Enter chemical dependency inpatient
27 treatment or a model project, together with an aftercare program that
28 includes participation in a model project when feasible; and (b)
29 medically appropriate pharmaceutical pregnancy prevention. The
30 selection of the pregnancy prevention method shall be based on an
31 evaluation of the medical and physical consequences to the mother and
32 shall remain in effect until the dependency petition is dismissed or
33 the court determines it is no longer medically appropriate.

34 (3) If the department and the mother enter an agreement under
35 subsection (2) of this section, the department shall request the court
36 to defer the entry of an order of dependency on the second drug-
37 affected infant for as long as the mother remains in treatment or

1 enrolled in the model project, subject to the department's monitoring
2 for compliance. As a condition of deferral of the order of dependency,
3 the parents, if both are available and known, shall stipulate to facts
4 sufficient to constitute a dependency and the court shall order
5 treatment or enrollment in a model project and prohibit nonprescription
6 use of controlled substances. In the event that an available parent
7 unreasonably refuses to stipulate to facts constituting a dependency,
8 the court may proceed with the hearing on the petition.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.34 RCW
10 to read as follows:

11 The department may request the court to dismiss the petition
12 deferred under section 3 or 4 of this act at any time, but a petition
13 may not be vacated or dismissed unless the mother demonstrates by clear
14 and convincing evidence that she has not used controlled substances in
15 a nonprescription manner for at least twelve consecutive months and can
16 safely provide for the child's welfare without continuing supervision
17 by the department or court.

18 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.34 RCW
19 to read as follows:

20 If the department receives a report under section 2 of this act of
21 a mother who has given birth to a third or subsequent drug-affected
22 infant, the department shall:

23 (1) Request the court to proceed immediately with the entry of a
24 finding of dependency on all drug-affected children born before the
25 third or subsequent birth unless an order of dependency has been
26 vacated or dismissed; and

27 (2) File a dependency petition on any drug-affected infant subject
28 to this section as well as any other child born before the third or
29 subsequent birth of a drug-affected infant.

30 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.34 RCW
31 to read as follows:

32 Following a filing of a petition under section 6 of this act:

33 (1) The court shall order evaluation by a designated chemical
34 dependency specialist, as defined in RCW 70.96A.020 who shall undertake
35 the processes described in RCW 70.96A.140.

1 (2) A court may order removal of a child or children from the home
2 and placed out-of-home under RCW 13.34.130 without finding that
3 reasonable efforts have been made to prevent or eliminate the need for
4 removal and to make it possible for the child to return home.

5 (3) If the court has ordered removal of a child or children, the
6 out-of-home placement order shall remain in effect until the petition
7 is dismissed or the mother has successfully completed inpatient
8 treatment and any aftercare program for controlled substances ordered
9 by the court.

10 NEW SECTION. **Sec. 8.** By July 1, 1999, the department of social
11 and health services, in consultation with the department of health,
12 shall adopt rules to implement this act, including a definition of
13 "drug-affected infant," which shall include infants who are affected by
14 a mother's abuse of alcohol during pregnancy.

15 NEW SECTION. **Sec. 9.** The department shall operate a model
16 project to provide services to women who give birth to infants exposed
17 to the nonprescription use of controlled substances by the mother
18 during pregnancy. The project shall be offered in one site in each of
19 three of the department's administrative regions which have the highest
20 incidence of drug-affected babies annually. The project shall accept
21 women referred to it by the department following the birth of a drug-
22 affected infant. The model project shall be concluded by July 1, 2003.

23 NEW SECTION. **Sec. 10.** A new section is added to chapter 70.96A
24 RCW to read as follows:

25 Any treatment program or model project in which a mother is
26 enrolled under sections 3 through 5 of this act shall provide family
27 planning, education, counseling, information, and services other than
28 pregnancy termination. "Family planning services" means the process of
29 limiting or spacing the birth of children. The process may include the
30 provision of acceptable and effective education, counseling,
31 reproductive health care, and testing.

32 NEW SECTION. **Sec. 11.** A new section is added to chapter 74.09
33 RCW to read as follows:

1 The department shall make available, or cause to be made
2 available, pharmaceutical birth control services, information, and
3 counseling to any person who enters chemical dependency treatment under
4 section 3 or 4 of this act. The department shall pay for any tubal
5 ligations requested under section 2 of this act if the mother's income
6 is less than two hundred percent of the federal poverty level. The
7 department shall report by December 1st of each year to the governor
8 and legislature: (1) The number of tubal ligations performed as a
9 result of chapter . . . , Laws of 1998 (this act); (2) the number of
10 women who decline to undergo the surgery; (3) the number of women who
11 obtain pharmaceutical birth control, by type of birth control; and (4)
12 the number of women who are reported to the department.

13 NEW SECTION. **Sec. 12.** The department of social and health
14 services shall study the costs and benefits associated with including
15 mothers of children born affected by alcohol or with fetal alcohol
16 syndrome in the services and responsibilities established in this act.
17 The study shall include a review of appropriate medical and social
18 science research. The department shall report to the governor and
19 legislature by December 1, 1998.

20 NEW SECTION. **Sec. 13.** A new section is added to chapter 18.71
21 RCW to read as follows:

22 Nothing in section 2 of this act imposes any additional duties or
23 responsibilities on, or removes any duties or responsibilities from, a
24 physician licensed under this chapter, except as specifically included
25 in chapter 13.34 RCW and sections 10 and 11 of this act.

26 **Sec. 14.** RCW 13.34.070 and 1993 c 358 1 are each amended to read
27 as follows:

28 (1) Upon the filing of the petition, the clerk of the court shall
29 issue a summons, one directed to the child, if the child is twelve or
30 more years of age, and another to the parents, guardian, or custodian,
31 and such other persons as appear to the court to be proper or necessary
32 parties to the proceedings, requiring them to appear personally before
33 the court at the time fixed to hear the petition. If the child is
34 developmentally disabled and not living at home, the notice shall be
35 given to the child's custodian as well as to the child's parent. The

1 developmentally disabled child shall not be required to appear unless
2 requested by the court. Where the custodian is summoned, the parent or
3 guardian or both shall also be served with a summons. The fact-finding
4 hearing on the petition shall be held no later than seventy-five days
5 after the filing of the petition, unless exceptional reasons for a
6 continuance are found. Execution of an agreement under section 3 and
7 4 of this act shall constitute exceptional reasons for a continuance.
8 The party requesting the continuance shall have the burden of proving
9 by a preponderance of the evidence that exceptional circumstances do
10 exist. To ensure that the hearing on the petition occurs within the
11 seventy-five day time limit, the court shall schedule and hear the
12 matter on an expedited basis.

13 (2) A copy of the petition shall be attached to each summons.

14 (3) The summons shall advise the parties of the right to counsel.
15 The summons shall also inform the child's parent, guardian, or legal
16 custodian of his or her right to appointed counsel, if indigent, and of
17 the procedure to use to secure appointed counsel.

18 (4) The summons shall advise the parents that they may be held
19 responsible for the support of the child if the child is placed in out-
20 of-home care.

21 (5) The judge may endorse upon the summons an order directing any
22 parent, guardian, or custodian having the custody or control of the
23 child to bring the child to the hearing.

24 (6) If it appears from affidavit or sworn statement presented to
25 the judge that there is probable cause for the issuance of a warrant of
26 arrest or that the child needs to be taken into custody pursuant to RCW
27 13.34.050, the judge may endorse upon the summons an order that an
28 officer serving the summons shall at once take the child into custody
29 and take him to the place of shelter designated by the court.

30 (7) If the person summoned as provided in this section is subject
31 to an order of the court pursuant to subsection (5) or (6) of this
32 section, and if the person fails to abide by the order, he may be
33 proceeded against as for contempt of court. The order endorsed upon
34 the summons shall conspicuously display the following legend:

NOTICE:

VIOLATION OF THIS ORDER
IS SUBJECT TO PROCEEDING
FOR CONTEMPT OF COURT
PURSUANT TO RCW 13.34.070.

(8) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally as soon as possible following the filing of the petition, but in no case later than fifteen court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail as soon as possible following the filing of the petition, but in no case later than fifteen court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(9) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

(10) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

Sec. 14. RCW 13.34.130 and 1997 c 280 1 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is

1 dependent within the meaning of RCW 13.34.030; after consideration of
2 the predisposition report prepared pursuant to RCW 13.34.110 and after
3 a disposition hearing has been held pursuant to RCW 13.34.110, the
4 court shall enter an order of disposition pursuant to this section.

5 (1) The court shall order one of the following dispositions of the
6 case:

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

14 (b) Order that the child be removed from his or her home and
15 ordered into the custody, control, and care of a relative or the
16 department of social and health services or a licensed child placing
17 agency for placement in a foster family home or group care facility
18 licensed pursuant to chapter 74.15 RCW or in a home not required to be
19 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable
20 cause to believe that the safety or welfare of the child would be
21 jeopardized or that efforts to reunite the parent and child will be
22 hindered, such child shall be placed with a person who is related to
23 the child as defined in RCW 74.15.020(4)(a) and with whom the child has
24 a relationship and is comfortable, and who is willing and available to
25 care for the child. Placement of the child with a relative under this
26 subsection shall be given preference by the court. An order for out-
27 of-home placement may be made only if the court finds that reasonable
28 efforts have been made to prevent or eliminate the need for removal of
29 the child from the child's home and to make it possible for the child
30 to return home, specifying the services that have been provided to the
31 child and the child's parent, guardian, or legal custodian, and that
32 preventive services have been offered or provided and have failed to
33 prevent the need for out-of-home placement, unless the health, safety,
34 and welfare of the child cannot be protected adequately in the home,
35 and that:

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

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

3 (iii) The court finds, by clear, cogent, and convincing evidence,
4 a manifest danger exists that the child will suffer serious abuse or
5 neglect if the child is not removed from the home and an order under
6 RCW 26.44.063 would not protect the child from danger; or

7 (iv) The extent of the child's disability is such that the parent,
8 guardian, or legal custodian is unable to provide the necessary care
9 for the child and the parent, guardian, or legal custodian has
10 determined that the child would benefit from placement outside of the
11 home.

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

22 (a) Conviction of the parent of rape of the child in the first,
23 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
24 9A.44.079;

25 (b) Conviction of the parent of criminal mistreatment of the child
26 in the first or second degree as defined in RCW 9A.42.020 and
27 9A.42.030;

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

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

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

36 (f) Failure of the parent to complete available treatment ordered
37 under this chapter or the equivalent laws of another state, where such
38 failure has resulted in a prior termination of parental rights to

1 another child and the parent has failed to effect significant change in
2 the interim;

3 (g) The mother has given birth to three or more drug-affected
4 infants, resulting in the department filing a petition under section 6
5 of this act.

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

8 (a) A permanency plan of care that shall identify one of the
9 following outcomes as a primary goal and may identify additional
10 outcomes as alternative goals: Return of the child to the home of the
11 child's parent, guardian, or legal custodian; adoption; guardianship;
12 or long-term relative or foster care, until the child is age eighteen,
13 with a written agreement between the parties and the care provider; and
14 independent living, if appropriate and if the child is age sixteen or
15 older. Whenever a permanency plan identifies independent living as a
16 goal, the plan shall also specifically identify the services that will
17 be provided to assist the child to make a successful transition from
18 foster care to independent living. Before the court approves
19 independent living as a permanency plan of care, the court shall make
20 a finding that the provision of services to assist the child in making
21 a transition from foster care to independent living will allow the
22 child to manage his or her financial affairs and to manage his or her
23 personal, social, educational, and nonfinancial affairs. The
24 department shall not discharge a child to an independent living
25 situation before the child is eighteen years of age unless the child
26 becomes emancipated pursuant to chapter 13.64 RCW.

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

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

37 (ii) The agency shall be required to encourage the maximum parent-
38 child contact possible, including regular visitation and participation

1 by the parents in the care of the child while the child is in
2 placement. Visitation may be limited or denied only if the court
3 determines that such limitation or denial is necessary to protect the
4 child's health, safety, or welfare.

5 (iii) A child shall be placed as close to the child's home as
6 possible, preferably in the child's own neighborhood, unless the court
7 finds that placement at a greater distance is necessary to promote the
8 child's or parents' well-being.

9 (iv) The agency charged with supervising a child in placement
10 shall provide all reasonable services that are available within the
11 agency, or within the community, or those services which the department
12 of social and health services has existing contracts to purchase. It
13 shall report to the court if it is unable to provide such services.

14 (c) If the court has ordered, pursuant to subsection (2) of this
15 section, that a termination petition be filed, a specific plan as to
16 where the child will be placed, what steps will be taken to achieve
17 permanency for the child, services to be offered or provided to the
18 child, and, if visitation would be in the best interests of the child,
19 a recommendation to the court regarding visitation between parent and
20 child pending a fact-finding hearing on the termination petition. The
21 agency shall not be required to develop a plan of services for the
22 parents or provide services to the parents.

23 (4) If there is insufficient information at the time of the
24 disposition hearing upon which to base a determination regarding the
25 suitability of a proposed placement with a relative, the child shall
26 remain in foster care and the court shall direct the supervising agency
27 to conduct necessary background investigations as provided in chapter
28 74.15 RCW and report the results of such investigation to the court
29 within thirty days. However, if such relative appears otherwise
30 suitable and competent to provide care and treatment, the criminal
31 history background check need not be completed before placement, but as
32 soon as possible after placement. Any placements with relatives,
33 pursuant to this section, shall be contingent upon cooperation by the
34 relative with the agency case plan and compliance with court orders
35 related to the care and supervision of the child including, but not
36 limited to, court orders regarding parent-child contacts and any other
37 conditions imposed by the court. Noncompliance with the case plan or

1 court order shall be grounds for removal of the child from the
2 relative's home, subject to review by the court.

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

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

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

21 (i) Whether reasonable services have been provided to or offered
22 to the parties to facilitate reunion, specifying the services provided
23 or offered;

24 (ii) Whether the child has been placed in the least-restrictive
25 setting appropriate to the child's needs, including whether
26 consideration and preference has been given to placement with the
27 child's relatives;

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

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

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

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

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

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

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

5 NEW SECTION. **Sec. 15.** The policy of the state of Washington is
6 to make every effort to detect as early as feasible and to prevent
7 where possible preventable disorders resulting from parental use of
8 alcohol and drugs.

9 NEW SECTION. **Sec. 16.** The department of health, in consultation
10 with appropriate medical professionals, shall develop screening
11 criteria for use in identifying pregnant or lactating women addicted to
12 drugs or alcohol who are at risk of producing a drug-affected baby.
13 The department shall also develop training protocols for medical
14 professionals related to the identification and screening of women at
15 risk of producing a drug-affected baby.

16 NEW SECTION. **Sec. 17.** The department of health shall investigate
17 the feasibility of medical protocols for laboratory testing or other
18 screening of newborn infants for exposure to alcohol or drugs. The
19 department of health shall consider how to improve the current system
20 with respect to testing, considering such variables as whether such
21 testing is available, its cost, which entity is currently responsible
22 for ordering testing, and whether testing should be mandatory or
23 targeted.

24 NEW SECTION. **Sec. 18.** The department of health shall report to
25 the appropriate legislative committees on its findings under sections
26 17 and 18 of this act by December 1, 1998.

27 NEW SECTION. **Sec. 20.** (1) The department of health, in
28 collaboration with the department of social and health services, shall
29 develop a comprehensive plan for providing services to mothers who (a)
30 have delivered a drug or alcohol exposed or affected infant, and (b)
31 meet the definition of at-risk eligible persons in RCW 74.09.790 and
32 who have a child up to three years of age. The services to be provided
33 by the plan will include those defined in RCW 74.09.790. The plan

1 shall provide for the coordination of services between the department's
2 divisions, between other state agencies, and through community based
3 programs. The plan shall further provide recommendations to the
4 legislature for implementing the plan and any alternative methods for
5 addressing the needs of these mothers and their children.

6 (2) In developing the plan, the department of health shall
7 inventory the community based programs that may be accessed to provide
8 services to these mothers and their children; evaluate implementing
9 services for these mothers through extension of the maternity care
10 access system; and evaluate the fiscal impact of the plan. In
11 performing the fiscal evaluation, the department will calculate
12 potential long-term cost savings to the state resulting from reduce use
13 of the medical, juvenile justice, public assistance, and dependency
14 systems by children and nothers receiving services under the plan.

15 (3) The department shall submit a report describing the plan to
16 the appropriate committees of the house of representatives and senate
17 by November 1, 1998.

18 NEW SECTION. **Sec. 21.** Sections 16 through 20 of this act
19 constitute a new chapter in Title 70 RCW.

20 NEW SECTION. **Sec. 22.** Sections 1 through 7 and 9 through 15 of
21 this act take effect July 1, 1999.

22 NEW SECTION. **Sec. 23.** If specific funding for the purposes of
23 this act, referencing this act by bill or chapter number, is not
24 provided by June 30, 1998, in the omnibus appropriations act, this act
25 is null and void.-

26 Correct the title.

--- END ---

EFFECT: Provides a new procedure for reporting drug affected infants, for detaining these infants, for initiating a dependency proceeding regarding the infants, and for directing mothers of the infants into treatment. Clarifies that the shelter care hearing in a dependency proceedings is stayed while the mother is in treatment. Permits a dependency court to find a child dependent without first requiring reasonable efforts at reunifying the child

with the mother if the mother has given birth to more than 3 drug-affected infants. Directs the department of health to develop protocols for testing drug-exposed infants and for screening pregnant women for risk of giving birth to drug-affected babies. Also directs the department to create a plan for providing support services to these women and their children.