

1 **ESSB 6196** - H COMM AMD

2 By Committee on Children & Family Services

3 On page 3, beginning on line 5, strike all material through line
4 14.

5 On page 3, after line 14, insert the following:

6 **Sec. 2.** RCW 13.34.130 and 1997 c 280 s 1 are each amended to
7 read as follows:

8 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
9 been proven by a preponderance of the evidence that the child is
10 dependent within the meaning of RCW 13.34.030; after consideration of
11 the predisposition report prepared pursuant to RCW 13.34.110 and after
12 a disposition hearing has been held pursuant to RCW 13.34.110, the
13 court shall enter an order of disposition pursuant to this section.

14 (1) The court shall order one of the following dispositions of the
15 case:

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

23 (b) Order that the child be removed from his or her home and
24 ordered into the custody, control, and care of a relative or the
25 department of social and health services or a licensed child placing
26 agency for placement in a foster family home or group care facility
27 licensed pursuant to chapter 74.15 RCW or in a home not required to be
28 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable
29 cause to believe that the safety or welfare of the child would be
30 jeopardized or that efforts to reunite the parent and child will be
31 hindered, such child shall be placed with a person who is related to
32 the child as defined in RCW 74.15.020(4)(a) and with whom the child has
33 a relationship and is comfortable, and who is willing and available to

1 care for the child. Placement of the child with a relative under this
2 subsection shall be given preference by the court. An order for out-
3 of-home placement may be made only if the court finds that reasonable
4 efforts have been made to prevent or eliminate the need for removal of
5 the child from the child's home and to make it possible for the child
6 to return home, specifying the services that have been provided to the
7 child and the child's parent, guardian, or legal custodian, and that
8 preventive services have been offered or provided and have failed to
9 prevent the need for out-of-home placement, unless the health, safety,
10 and welfare of the child cannot be protected adequately in the home,
11 and that:

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

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

16 (iii) The court finds, by clear, cogent, and convincing evidence,
17 a manifest danger exists that the child will suffer serious abuse or
18 neglect if the child is not removed from the home and an order under
19 RCW 26.44.063 would not protect the child from danger(~~(i~~ or

20 ~~(iv) The extent of the child's disability is such that the parent,~~
21 ~~guardian, or legal custodian is unable to provide the necessary care~~
22 ~~for the child and the parent, guardian, or legal custodian has~~
23 ~~determined that the child would benefit from placement outside of the~~
24 ~~home)).~~

25 (2) If the court has ordered a child removed from his or her home
26 pursuant to subsection (1)(b) of this section, the court may order that
27 a petition seeking termination of the parent and child relationship be
28 filed if the court finds it is recommended by the supervising agency,
29 that it is in the best interests of the child and that it is not
30 reasonable to provide further services to reunify the family because
31 the existence of aggravated circumstances make it unlikely that
32 services will effectuate the return of the child to the child's parents
33 in the near future. In determining whether aggravated circumstances
34 exist, the court shall consider one or more of the following:

35 (a) Conviction of the parent of rape of the child in the first,
36 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
37 9A.44.079;

1 (b) Conviction of the parent of criminal mistreatment of the child
2 in the first or second degree as defined in RCW 9A.42.020 and
3 9A.42.030;

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

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

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

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

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

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

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

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

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

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

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

26 (c) If the court has ordered, pursuant to subsection (2) of this
27 section, that a termination petition be filed, a specific plan as to
28 where the child will be placed, what steps will be taken to achieve
29 permanency for the child, services to be offered or provided to the
30 child, and, if visitation would be in the best interests of the child,
31 a recommendation to the court regarding visitation between parent and
32 child pending a fact-finding hearing on the termination petition. The
33 agency shall not be required to develop a plan of services for the
34 parents or provide services to the parents.

35 (4) If there is insufficient information at the time of the
36 disposition hearing upon which to base a determination regarding the
37 suitability of a proposed placement with a relative, the child shall
38 remain in foster care and the court shall direct the supervising agency

1 to conduct necessary background investigations as provided in chapter
2 74.15 RCW and report the results of such investigation to the court
3 within thirty days. However, if such relative appears otherwise
4 suitable and competent to provide care and treatment, the criminal
5 history background check need not be completed before placement, but as
6 soon as possible after placement. Any placements with relatives,
7 pursuant to this section, shall be contingent upon cooperation by the
8 relative with the agency case plan and compliance with court orders
9 related to the care and supervision of the child including, but not
10 limited to, court orders regarding parent-child contacts and any other
11 conditions imposed by the court. Noncompliance with the case plan or
12 court order shall be grounds for removal of the child from the
13 relative's home, subject to review by the court.

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

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

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

32 (i) Whether reasonable services have been provided to or offered
33 to the parties to facilitate reunion, specifying the services provided
34 or offered;

35 (ii) Whether the child has been placed in the least-restrictive
36 setting appropriate to the child's needs, including whether
37 consideration and preference has been given to placement with the
38 child's relatives;

- 1 (iii) Whether there is a continuing need for placement and whether
2 the placement is appropriate;
- 3 (iv) Whether there has been compliance with the case plan by the
4 child, the child's parents, and the agency supervising the placement;
- 5 (v) Whether progress has been made toward correcting the problems
6 that necessitated the child's placement in out-of-home care;
- 7 (vi) Whether the parents have visited the child and any reasons
8 why visitation has not occurred or has been infrequent;
- 9 (vii) Whether additional services are needed to facilitate the
10 return of the child to the child's parents; if so, the court shall
11 order that reasonable services be offered specifying such services; and
- 12 (viii) The projected date by which the child will be returned home
13 or other permanent plan of care will be implemented.
- 14 (c) The court at the review hearing may order that a petition
15 seeking termination of the parent and child relationship be filed.-

Correct the title and renumber remaining sections accordingly.

EFFECT: Eliminates parental notification that parents who are unable to enter into voluntary placement agreement may file a dependency action under 13.34 RCW. Removes current unnecessary language.