

2 **2SHB 1574** - S COMM AMD

3 By Committee on Human Services & Corrections

4 ADOPTED 4/15/99

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

7 "**Sec. 1.** RCW 13.34.030 and 1998 c 130 s 1 are each amended to read  
8 as follows:

9 For purposes of this chapter:

10 (1) "Chemical dependency treatment" means a service certified by  
11 the department as qualified in helping individuals successfully recover  
12 from the nonprescription use of controlled substances.

13 (2) "Child" and "juvenile" means any individual under the age of  
14 eighteen years.

15 (~~(+2)~~) (3) "Current placement episode" means the period of time  
16 that begins with the most recent date that the child was removed from  
17 the home of the parent, guardian, or legal custodian for purposes of  
18 placement in out-of-home care and continues until the child returns  
19 home, an adoption decree, a permanent custody order, or guardianship  
20 order is entered, or the dependency is dismissed, whichever occurs  
21 soonest. If the most recent date of removal occurred prior to the  
22 filing of a dependency petition under this chapter or after filing but  
23 prior to entry of a disposition order, such time periods shall be  
24 included when calculating the length of a child's current placement  
25 episode.

26 (~~(+3)~~) (4) "Department" means the department of social and health  
27 services.

28 (5) "Dependency finding" means a determination by the court that a  
29 child is a dependent child.

30 (6) "Dependency guardian" means the person, nonprofit corporation,  
31 or Indian tribe appointed by the court pursuant to RCW 13.34.232 for  
32 the limited purpose of assisting the court in the supervision of the  
33 dependency.

34 (~~(+4)~~) (7) "Dependency petition" means a petition filed under this  
35 chapter.

36 (8) "Dependent child" means any child:

1 (a) Who has been abandoned; that is, where the child's parent,  
2 guardian, or other custodian has expressed either by statement or  
3 conduct, an intent to forego, for an extended period, parental rights  
4 or parental responsibilities despite an ability to do so. If the court  
5 finds that the petitioner has exercised due diligence in attempting to  
6 locate the parent, no contact between the child and the child's parent,  
7 guardian, or other custodian for a period of three months creates a  
8 rebuttable presumption of abandonment, even if there is no expressed  
9 intent to abandon;

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

12 (c) Who has no parent, guardian, or custodian capable of adequately  
13 caring for the child, such that the child is in circumstances which  
14 constitute a danger of substantial damage to the child's psychological  
15 or physical development.

16 ~~((+5))~~ (9) "Drug-affected infant" has the definition created by  
17 the department of health in conjunction with the department of social  
18 and health services under RCW 13.34.801 and the infant requires  
19 treatment for withdrawal from controlled substances the infant was  
20 exposed to from the mother's use of nonprescription controlled  
21 substances or the infant requires treatment and services related to  
22 conditions that extend beyond the point of withdrawal.

23 (10) "Family planning" means the process of limiting or spacing the  
24 birth of children, education, counseling, information, and services.  
25 "Family planning" does not include pregnancy termination.

26 (11) "Guardian" means the person or agency that: (a) Has been  
27 appointed as the guardian of a child in a legal proceeding other than  
28 a proceeding under this chapter; and (b) has the legal right to custody  
29 of the child pursuant to such appointment. The term "guardian" shall  
30 not include a "dependency guardian" appointed pursuant to a proceeding  
31 under this chapter.

32 ~~((+6))~~ (12) "Guardian ad litem" means a person, appointed by the  
33 court to represent the best interest of a child in a proceeding under  
34 this chapter, or in any matter which may be consolidated with a  
35 proceeding under this chapter. A "court-appointed special advocate"  
36 appointed by the court to be the guardian ad litem for the child, or to  
37 perform substantially the same duties and functions as a guardian ad  
38 litem, shall be deemed to be guardian ad litem for all purposes and  
39 uses of this chapter.

1       (~~(7)~~) (13) "Guardian ad litem program" means a court-authorized  
2 volunteer program, which is or may be established by the superior court  
3 of the county in which such proceeding is filed, to manage all aspects  
4 of volunteer guardian ad litem representation for children alleged or  
5 found to be dependent. Such management shall include but is not  
6 limited to: Recruitment, screening, training, supervision, assignment,  
7 and discharge of volunteers.

8       (~~(8)~~) (14) "Newborn infant" means an infant within seven days  
9 after birth.

10       (15) "Out-of-home care" means placement in a foster family home or  
11 group care facility licensed pursuant to chapter 74.15 RCW or placement  
12 in a home, other than that of the child's parent, guardian, or legal  
13 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

14       (~~(9)~~) (16) "Preventive services" means preservation services, as  
15 defined in chapter 74.14C RCW, and other reasonably available services  
16 capable of preventing the need for out-of-home placement while  
17 protecting the child.

18       (17) "Test" means use of a medically accepted standard of care for  
19 determining whether a newborn infant is a drug-affected infant.

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

22       In an effort to reduce the harmful effects of drug-affected  
23 infants:

24       (1)(a) A woman's primary health care provider shall:

25       (i) Screen pregnant and lactating women for nonprescription use of  
26 controlled substances while pregnant. Screening criteria may include,  
27 but is not limited to, the criteria developed by the department of  
28 health pursuant to chapter 70.83E RCW;

29       (ii) Convey to the infant's primary health care provider screening  
30 findings that would suggest the need for testing of the infant, or  
31 conduct the testing; and

32       (iii) Inform each woman identified by screening for testing of her  
33 infant that if her infant is born drug-affected she can have a tubal  
34 ligation at no cost to her within six months following the birth if she  
35 is eligible for support under RCW 74.09.310, and how to access  
36 appropriate chemical dependency treatment.

1 (b) The provider shall not be liable for a decision regarding  
2 testing or reporting unless the decision amounts to gross negligence or  
3 intentional misconduct.

4 (2)(a) The health care provider of a newborn infant shall:

5 (i) Test any infant the provider reasonably believes is drug-  
6 affected; and

7 (ii) Notify the department of the name and address of the parent or  
8 parents of a drug-affected infant.

9 (b) The provider shall not be liable for a decision regarding  
10 testing or reporting unless the decision amounts to gross negligence or  
11 intentional misconduct.

12 (3) The department shall investigate all reports received under  
13 this section.

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

16 When an infant is determined to be a first drug-affected infant,  
17 the department shall file a dependency petition in appropriate cases.  
18 The drug-affected status of an infant is not by itself sufficient to  
19 establish a finding that the drug-affected infant is dependent.

20 (1) The department and the mother may enter an agreement in which  
21 the mother agrees to chemical dependency treatment on an inpatient or  
22 outpatient basis. The mother must be offered education regarding  
23 family planning and medically appropriate pharmaceutical pregnancy  
24 prevention during the course of chemical dependency treatment with a  
25 preference for those methods administered not less than once every  
26 thirty days. In addition, the agreement shall:

27 (a) Specify completion dates for each of the conditions of  
28 treatment;

29 (b) Expire within twelve months of the date of execution; and

30 (c) Not be renegotiated or extended beyond twelve months of the  
31 date of execution unless the conditions, which were negotiated, cannot  
32 be fulfilled in twelve months and the reason the conditions cannot be  
33 fulfilled are completely beyond the control of the mother.

34 (2) If the department has filed a dependency petition and the  
35 department and the mother enter an agreement under subsection (1) of  
36 this section, the department shall request the court defer entry of a  
37 dependency finding for as long as the mother abides by the terms of the  
38 agreement subject to the department's monitoring compliance.

1 (3) As a condition of deferral of the dependency finding, the  
2 parties shall stipulate to facts sufficient to constitute a dependency.  
3 In the event a party unreasonably refuses to stipulate to facts  
4 sufficient to constitute a dependency, the court may proceed with  
5 hearings on the petition.

6 (4) If the court orders deferral of the dependency finding, the  
7 court shall order performance of the agreement and shall prohibit  
8 nonprescription use of controlled substances.

9 (5) The department or any party to the petition may request the  
10 court dismiss a deferred finding at any time if the mother demonstrates  
11 by clear and convincing evidence that she has not used controlled  
12 substances for at least twelve consecutive months unless the court  
13 finds compelling reasons to shorten the time after consulting with the  
14 substance abuse provider, but under no circumstances less than six  
15 months, and she can safely provide for the child's welfare without  
16 continuing supervision by the department or court.

17 (6) In the event the department does not file a petition or enter  
18 an agreement, the department shall refer the mother to available  
19 chemical dependency treatment.

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

22 When an infant is determined to be a second drug-affected infant,  
23 the department shall file a dependency petition for the second drug-  
24 affected infant unless compelling reasons exist to the contrary. The  
25 department may proceed immediately with a dependency petition on the  
26 first drug-affected infant. The drug-affected status of an infant is  
27 not by itself sufficient to establish a finding that the drug-affected  
28 infant is dependent.

29 (1) The department and the mother may enter an agreement in which  
30 the mother agrees to inpatient chemical dependency treatment unless the  
31 department determines outpatient treatment is in the best interest of  
32 the child and participation in a model project developed under RCW  
33 13.34.800 for aftercare services if the model project is available.  
34 The mother must be offered education regarding family planning and  
35 medically appropriate pharmaceutical pregnancy prevention during the  
36 course of chemical dependency treatment with a preference for those  
37 methods administered not less than once every thirty days. In  
38 addition, the agreement shall:

1 (a) Specify completion dates for each of the conditions of  
2 treatment;

3 (b) Expire within twelve months of the date of execution; and

4 (c) Not be renegotiated or extended beyond twelve months of the  
5 date of execution unless the conditions, which were negotiated, cannot  
6 be fulfilled in twelve months and the reason the conditions cannot be  
7 fulfilled are completely outside the control of the mother.

8 (2) If the department has filed a dependency petition and the  
9 department and the mother enter an agreement under subsection (1) of  
10 this section, the department shall request the court defer entry of a  
11 dependency finding for as long as the mother abides by the terms of the  
12 agreement subject to the department's monitoring compliance.

13 (3) As a condition of deferral of the dependency finding, the  
14 parties shall stipulate to facts sufficient to constitute a dependency.  
15 In the event a party unreasonably refuses to stipulate to facts  
16 sufficient to constitute a dependency, the court may proceed with  
17 hearings on the petition.

18 (4) If the court orders deferral of the dependency finding, the  
19 court shall order performance of the agreement and shall prohibit  
20 nonprescription use of controlled substances.

21 (5) The department or the mother may request the court dismiss a  
22 deferred finding at any time if the mother demonstrates by clear and  
23 convincing evidence that she has not used controlled substances for at  
24 least twelve consecutive months unless the court finds compelling  
25 reasons to shorten the time after consulting with the substance abuse  
26 provider, but under no circumstances less than six months, and she can  
27 safely provide for the child's welfare without continuing supervision  
28 by the department or court.

29 (6) In the event the department does not file a petition or enter  
30 an agreement, the department shall refer the mother to available  
31 chemical dependency treatment programs.

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

34 Unless compelling reasons exist to the contrary, the department  
35 shall file a dependency petition when an infant is determined to be a  
36 third or subsequent drug-affected infant. Unless compelling reasons  
37 exist to the contrary, the department shall proceed with dependency  
38 petitions on all drug-affected children born before the third or

1 subsequent birth. The drug-affected status of an infant is not by  
2 itself sufficient to establish a finding that the drug-affected infant  
3 is dependent.

4 (1) The court shall order evaluation by a designated chemical  
5 dependency specialist, as defined in RCW 70.96A.020, who shall  
6 undertake the processes described in RCW 70.96A.140. If the mother  
7 enters chemical dependency treatment, the mother must be offered  
8 education regarding family planning and medically appropriate  
9 pharmaceutical pregnancy prevention during the course of chemical  
10 dependency treatment with a preference for those methods administered  
11 not less than once every thirty days.

12 (2) If the court has ordered removal of a child or children, the  
13 out-of-home placement order shall remain in effect until the petition  
14 is dismissed or the mother has successfully completed inpatient  
15 chemical dependency treatment and an aftercare chemical dependency  
16 treatment program unless compelling reasons exist to the contrary. The  
17 mother must establish to the court that she can safely provide for the  
18 welfare of her child or children.

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

21 Nothing in sections 2 through 5 of this act may be interpreted to  
22 prohibit or compel action in the best interests of the child by the  
23 department independent from the drug-affected status of an infant.

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

26 Notwithstanding sections 2 through 5 of this act, no provider of  
27 chemical dependency treatment services may be required by law or  
28 contract in any circumstance to participate in the provision of family  
29 planning services if the provider objects to so doing for reasons of  
30 conscience or religion. Each provider of chemical dependency treatment  
31 that invokes the exemption provided under this section shall promptly  
32 provide written notice to persons admitted to treatment listing the  
33 family planning services the provider refuses to provide for the reason  
34 of conscience or religion and how a person admitted to treatment may  
35 access family planning in an expeditious manner. When negotiating  
36 contracts for chemical dependency treatment services, the department  
37 shall prioritize contracted services under sections 3 through 5 of this

1 act for the purpose of maximizing the number of providers who can show  
2 effective measurable outcomes in reducing chemical dependency and the  
3 birth of drug-affected infants through effective treatment regardless  
4 of whether or not they provide family planning services.

5 **Sec. 8.** RCW 13.34.070 and 1993 c 358 s 1 are each amended to read  
6 as follows:

7 (1) Upon the filing of the petition, the clerk of the court shall  
8 issue a summons, one directed to the child, if the child is twelve or  
9 more years of age, and another to the parents, guardian, or custodian,  
10 and such other persons as appear to the court to be proper or necessary  
11 parties to the proceedings, requiring them to appear personally before  
12 the court at the time fixed to hear the petition. If the child is  
13 developmentally disabled and not living at home, the notice shall be  
14 given to the child's custodian as well as to the child's parent. The  
15 developmentally disabled child shall not be required to appear unless  
16 requested by the court. Where the custodian is summoned, the parent or  
17 guardian or both shall also be served with a summons. The fact-finding  
18 hearing on the petition shall be held no later than seventy-five days  
19 after the filing of the petition, unless exceptional reasons for a  
20 continuance are found. In cases of a drug-affected infant, exceptional  
21 reasons for a continuance exist if the mother and the department have  
22 executed an agreement that will take more than seventy-five days to  
23 fulfill. The party requesting the continuance shall have the burden of  
24 proving by a preponderance of the evidence that exceptional  
25 circumstances do exist. To ensure that the hearing on the petition  
26 occurs within the seventy-five day time limit, the court shall schedule  
27 and hear the matter on an expedited basis.

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

29 (3) The summons shall advise the parties of the right to counsel.  
30 The summons shall also inform the child's parent, guardian, or legal  
31 custodian of his or (~~her~~) her right to appointed counsel, if  
32 indigent, and of the procedure to use to secure appointed counsel.

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

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



1 (6) If it appears from affidavit or sworn statement presented to  
2 the judge that there is probable cause for the issuance of a warrant of  
3 arrest or that the child needs to be taken into custody pursuant to RCW  
4 13.34.050, the judge may endorse upon the summons an order that an  
5 officer serving the summons shall at once take the child into custody  
6 and take him to the place of shelter designated by the court.

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

12 NOTICE:  
13 VIOLATION OF THIS ORDER  
14 IS SUBJECT TO PROCEEDING  
15 FOR CONTEMPT OF COURT  
16 PURSUANT TO RCW 13.34.070.

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

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

37 (10) In any proceeding brought under this chapter where the court  
38 knows or has reason to know that the child involved is a member of an

1 Indian tribe, notice of the pendency of the proceeding shall also be  
2 sent by registered mail, return receipt requested, to the child's  
3 tribe. If the identity or location of the tribe cannot be determined,  
4 such notice shall be transmitted to the secretary of the interior of  
5 the United States.

6 **Sec. 9.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are  
7 each reenacted and amended to 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 or  
17 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)~~) (2)(a) and with whom the  
33 child has a relationship and is comfortable, and who is willing and  
34 available to care for the child. Placement of the child with a  
35 relative under this subsection shall be given preference by the court.  
36 An order for out-of-home placement may be made only if the court finds  
37 that reasonable efforts have been made to prevent or eliminate the need  
38 for removal of the child from the child's home and to make it possible

1 for the child to return home, specifying the services that have been  
2 provided to the child and the child's parent, guardian, or legal  
3 custodian, and that preventive services have been offered or provided  
4 and have failed to prevent the need for out-of-home placement, unless  
5 the health, safety, and welfare of the child cannot be protected  
6 adequately in the home, and that:

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

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

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

15 (iv) The extent of the child's disability is such that the parent,  
16 guardian, or legal custodian is unable to provide the necessary care  
17 for the child and the parent, guardian, or legal custodian has  
18 determined that the child would benefit from placement outside of the  
19 home.

20 (2) If the court has ordered a child removed from his or her home  
21 pursuant to subsection (1)(b) of this section, the court may order that  
22 a petition seeking termination of the parent and child relationship be  
23 filed if the court finds: (a) Termination is recommended by the  
24 supervising agency; (b) termination is in the best interests of the  
25 child; and (c) that because of the existence of aggravated  
26 circumstances, reasonable efforts to unify the family are not required.  
27 Notwithstanding the existence of aggravated circumstances, reasonable  
28 efforts may be required if the court or department determines it is in  
29 the best interest of the child. In determining whether aggravated  
30 circumstances exist, the court shall consider one or more of the  
31 following:

32 (i) Conviction of the parent of rape of the child in the first,  
33 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and  
34 9A.44.079;

35 (ii) Conviction of the parent of criminal mistreatment of the child  
36 in the first or second degree as defined in RCW 9A.42.020 and  
37 9A.42.030;

38 (iii) Conviction of the parent of one of the following assault  
39 crimes, when the child is the victim: Assault in the first or second

1 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child  
2 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

3 (iv) Conviction of the parent of murder, manslaughter, or homicide  
4 by abuse of the child's other parent, sibling, or another child;

5 (v) Conviction of the parent of attempting, soliciting, or  
6 conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of  
7 this subsection;

8 (vi) A finding by a court that a parent is a sexually violent  
9 predator as defined in RCW 71.09.020;

10 (vii) Failure of the parent to complete available treatment ordered  
11 under this chapter or the equivalent laws of another state, where such  
12 failure has resulted in a prior termination of parental rights to  
13 another child and the parent has failed to effect significant change in  
14 the interim. In the case of a parent of an Indian child, as defined in  
15 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~{Sec.}~~) Sec.  
16 1903), the court shall also consider tribal efforts to assist the  
17 parent in completing treatment and make it possible for the child to  
18 return home;

19 (viii) An infant under three years of age has been abandoned as  
20 defined in RCW 13.34.030(~~{(4)}~~) (8)(a);

21 (ix) The mother has given birth to three or more drug-affected  
22 infants, resulting in the department filing a petition under (~~section~~  
23 ~~23 of this act~~) section 5 of this act.

24 (3) If reasonable efforts are not ordered under subsection (2) of  
25 this section a permanency (~~{plan [planning]}~~) planning hearing shall be  
26 held within thirty days. Reasonable efforts shall be made to place the  
27 child in a timely manner in accordance with the permanency plan, and to  
28 complete whatever steps are necessary to finalize the permanent  
29 placement of the child.

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

32 (a) A permanency plan of care that shall identify one of the  
33 following outcomes as a primary goal and may identify additional  
34 outcomes as alternative goals: Return of the child to the home of the  
35 child's parent, guardian, or legal custodian; adoption; guardianship;  
36 permanent legal custody; or long-term relative or foster care, until  
37 the child is age eighteen, with a written agreement between the parties  
38 and the care provider; and independent living, if appropriate and if  
39 the child is age sixteen or older. Whenever a permanency plan

1 identifies independent living as a goal, the plan shall also  
2 specifically identify the services that will be provided to assist the  
3 child to make a successful transition from foster care to independent  
4 living. Before the court approves independent living as a permanency  
5 plan of care, the court shall make a finding that the provision of  
6 services to assist the child in making a transition from foster care to  
7 independent living will allow the child to manage his or her financial  
8 affairs and to manage his or her personal, social, educational, and  
9 nonfinancial affairs. The department shall not discharge a child to an  
10 independent living situation before the child is eighteen years of age  
11 unless the child becomes emancipated pursuant to chapter 13.64 RCW.

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

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

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

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

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

37 (c) If the court has ordered, pursuant to subsection (2) of this  
38 section, that a termination petition be filed, a specific plan as to  
39 where the child will be placed, what steps will be taken to achieve

1 permanency for the child, services to be offered or provided to the  
2 child, and, if visitation would be in the best interests of the child,  
3 a recommendation to the court regarding visitation between parent and  
4 child pending a fact-finding hearing on the termination petition. The  
5 agency shall not be required to develop a plan of services for the  
6 parents or provide services to the parents.

7 (5) If the court determines that the continuation of reasonable  
8 efforts to prevent or eliminate the need to remove the child from his  
9 or her home or to safely return the child home should not be part of  
10 the permanency plan of care for the child, reasonable efforts shall be  
11 made to place the child in a timely manner and to complete whatever  
12 steps are necessary to finalize the permanent placement of the child.

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

30 (7) Except for children whose cases are reviewed by a citizen  
31 review board under chapter 13.70 RCW, the status of all children found  
32 to be dependent shall be reviewed by the court at least every six  
33 months from the beginning date of the placement episode or the date  
34 dependency is established, whichever is first, at a hearing in which it  
35 shall be determined whether court supervision should continue. The  
36 review shall include findings regarding the agency and parental  
37 completion of disposition plan requirements, and if necessary, revised  
38 permanency time limits. The supervising agency shall provide a foster  
39 parent, preadoptive parent, or relative with notice of, and their right

1 to an opportunity to be heard in, a review hearing pertaining to the  
2 child, but only if that person is currently providing care to that  
3 child at the time of the hearing. This section shall not be construed  
4 to grant party status to any person who has been provided an  
5 opportunity to be heard.

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

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

15 (i) Whether reasonable services have been provided to or offered to  
16 the parties to facilitate reunion, specifying the services provided or  
17 offered;

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

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

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

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

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

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

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

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

37 **Sec. 10.** RCW 74.09.310 and 1998 c 314 s 34 are each amended to  
38 read as follows:

1 The department may make available, or cause to be made available,  
2 pharmaceutical birth control services, information, and counseling to  
3 any person who enters chemical dependency treatment under (~~section 20~~  
4 ~~or 21 of this act~~) sections 3 through 5 of this act. Within available  
5 funds, the department may pay for any tubal ligations requested under  
6 (~~section 19 of this act~~) section 2 of this act if the mother's income  
7 is less than two hundred percent of the federal poverty level. The  
8 department shall report by December 1st of each year to the governor  
9 and legislature: (1) The number of tubal ligations performed as a  
10 result of (~~chapter 314, Laws of 1998~~) this act; (2) the number of  
11 women who decline to undergo the surgery; (3) the number of women who  
12 obtain pharmaceutical birth control, by type of birth control; and (4)  
13 the number of women who are reported to the department.

14 **Sec. 11.** RCW 18.71.950 and 1998 c 314 s 36 are each amended to  
15 read as follows:

16 (~~(1)~~) Nothing in (~~section 19 of this act~~) sections 2 through 5  
17 of this act imposes any additional duties or responsibilities on, or  
18 removes any duties or responsibilities from, a physician licensed under  
19 this chapter, except as specifically included in chapter 13.34 RCW  
20 (~~and RCW 70.96A.330~~) and RCW 74.09.310.

21 (~~(2) This section expires June 30, 2002.~~)

22 **Sec. 12.** RCW 18.57.920 and 1998 c 314 s 37 are each amended to  
23 read as follows:

24 (~~(1)~~) Nothing in (~~section 19 of this act~~) sections 2 through 5  
25 of this act imposes any additional duties or responsibilities on, or  
26 removes any duties or responsibilities from, an osteopath licensed  
27 under this chapter, except as specifically included in chapter 13.34  
28 RCW (~~and RCW 70.96A.330~~) and RCW 74.09.310.

29 (~~(2) This section expires June 30, 2002.~~)

30 **Sec. 13.** RCW 18.79.903 and 1998 c 314 s 38 are each amended to  
31 read as follows:

32 (~~(1)~~) Nothing in (~~section 19 of this act~~) sections 2 through 5  
33 of this act imposes any additional duties or responsibilities on, or  
34 removes any duties or responsibilities from, an advanced registered  
35 nurse practitioner licensed under this chapter, except as specifically  
36 included in chapter 13.34 RCW (~~and RCW 70.96A.330~~) and RCW 74.09.310.



1       (~~(2) This section expires June 30, 2002.~~)

2       NEW SECTION.   **Sec. 14.**   The following acts or parts of acts are  
3 each repealed:

4       (1) RCW 18.57.930 (Application--1998 c 314) and 1998 c 314 s 43;

5       (2) RCW 18.71.960 (Application--1998 c 314) and 1998 c 314 s 42;

6       (3) RCW 18.79.904 (Application--1998 c 314) and 1998 c 314 s 44;

7       (4) RCW 70.96A.330 (Treatment programs and model projects--  
8 Provision of family planning) and 1998 c 314 s 33; and

9       (5) RCW 70.96A.340 (Treatment programs and model projects--  
10 Provision of family planning) and 1998 c 314 s 41.

11       NEW SECTION.   **Sec. 15.**   This act applies only to drug-affected  
12 infants born on or after the effective date of this act.

13       NEW SECTION.   **Sec. 16.**   If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

17       NEW SECTION.   **Sec. 17.**   The Washington institute for public policy  
18 shall evaluate the outcomes of this act and report its findings to the  
19 legislature and governor not later than December 1, 2001.   The  
20 evaluation shall include:

21       (1) The number of women who use nonprescription controlled  
22 substances during pregnancy and give birth to drug-affected infants;

23       (2) The number of women who use nonprescription controlled  
24 substances during pregnancy and give birth to subsequent drug-affected  
25 infants;

26       (3) The number of women who accept pharmaceutical pregnancy  
27 prevention while in chemical dependency treatment;

28       (4) The number of women who continue to engage in pharmaceutical  
29 pregnancy prevention or other reliable pregnancy prevention methods  
30 after concluding chemical dependency treatment;

31       (5) The number of women who accept the offer of free tubal  
32 ligation;

33       (6) The rate of successful completion of chemical dependency  
34 treatment among women who enter treatment under this act;

1 (7) The number of dependencies filed and deferred under this act  
2 and outcomes of the deferrals; and

3 (8) A description of the mother's chemical dependency including  
4 identification of the drugs and/or alcohol abused.

5 **Sec. 18.** RCW 71.24.310 and 1989 c 205 s 6 are each amended to read  
6 as follows:

7 The legislature finds that administration of chapter 71.05 RCW and  
8 this chapter can be most efficiently and effectively implemented as  
9 part of the regional support network defined in RCW 71.24.025. For  
10 this reason, the legislature intends that any enhanced program funding  
11 for implementation of chapter 71.05 RCW or this chapter, except for  
12 funds allocated for implementation of mandatory state-wide programs as  
13 required by federal statute, and except for funds appropriated for the  
14 purposes under section 19 of this act, be made available primarily to  
15 those counties participating in regional support networks.

16 NEW SECTION. **Sec. 19.** A new section is added to chapter 71.24 RCW  
17 to read as follows:

18 (1) To the extent funds are specifically appropriated for this  
19 purpose, the department shall establish a mechanism for providing  
20 financial assistance in accessing atypical antipsychotic medications  
21 for low-income persons not eligible for such assistance through  
22 medicaid or other third party payors or who are transitioning to  
23 medicaid eligibility. Persons eligible for atypical antipsychotic  
24 medication financial assistance through the mechanism established by  
25 the department shall include persons who:

26 (a) Have been appropriately prescribed atypical antipsychotic  
27 medications for a mental health condition; and

28 (b)(i) Are unable to function in daily activities, or (ii) cannot  
29 retain employment; or (iii) pose a likelihood of serious harm as  
30 defined in RCW 71.05.020; and

31 (c) Are low income and not eligible for such assistance through  
32 medicaid or other third party payors or are in the process of  
33 transitioning to medicaid eligibility. Persons must actively pursue  
34 medicaid eligibility or other third party payment. The department  
35 shall offer assistance in achieving medicaid eligibility to those  
36 persons who need assistance.

1 (2) The mechanism shall include an evaluation component measuring  
2 the outcomes and cost savings resulting from state financial assistance  
3 for atypical antipsychotic medications.

4 (3) Atypical antipsychotic medications purchased through the  
5 mechanism shall be competitively procured at a rate not greater than  
6 the rates paid for atypical antipsychotic medications under the  
7 department's medicaid program.

8 (4) The mechanism shall include provisions for distribution to  
9 communities state-wide based upon need.

10 (5) Any funds appropriated for this purpose shall not be subject to  
11 the funding formula developed pursuant to RCW 71.24.310.

12 (6) The mechanism shall include performance standards deemed  
13 appropriate by the department.

14 (7) The department shall pursue both state and federal funding  
15 sources for atypical antipsychotic medications.

16 (8) The department is authorized to adopt rules to implement the  
17 provisions of this section.

18 NEW SECTION. **Sec. 20.** If specific funding for the purposes of  
19 section 19 of this act, referencing section 19 of this act by section  
20 and bill or chapter number, is not provided by June 30, 1999, in the  
21 omnibus appropriations act, section 19 of this act is null and void."

22 **2SHB 1574** - S COMM AMD

23 By Committee on Human Services & Corrections

24 ADOPTED 4/15/99

25 On page 1, line 2 of the title, after "Relating to" strike the  
26 remainder of the title and insert "services to pregnant or mentally ill  
27 persons using pharmaceuticals; amending RCW 13.34.030, 13.34.070,  
28 74.09.310, 18.71.950, 18.57.920, 18.79.903, and 71.24.310; reenacting  
29 and amending RCW 13.34.130; adding new sections to chapter 13.34 RCW;  
30 adding a new section to chapter 71.24 RCW; creating new sections; and  
31 repealing RCW 18.57.930, 18.71.960, 18.79.904, 70.96A.330, and  
32 70.96A.340."

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