
SUBSTITUTE HOUSE BILL 1493

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Tokuda, Boldt, Edwards, Lovick, Veloria, O'Brien, Barlean, Ogden, Conway, Schual-Berke, Murray, Dickerson, Kenney, Regala, Cooper, Stensen, Cody, Anderson, Santos, Rockefeller, Kagi, Edmonds, Lantz and Wood)

Read first time 02/25/1999. Referred to Committee on .

1 AN ACT Relating to homeless children and their families; amending
2 RCW 43.63A.650, 13.34.030, 74.13.020, and 74.13.031; reenacting and
3 amending RCW 13.34.130; adding a new section to chapter 43.20A RCW;
4 adding new sections to chapter 43.63A RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that homelessness for
7 children and their families is a serious, widespread problem that has
8 a devastating effect on children, including significant adverse effects
9 upon their growth and development. Planning for and serving the
10 shelter and housing needs of the homeless children and their families
11 has been and continues to be a responsibility of the department of
12 community, trade, and economic development. The legislature further
13 finds that the department of social and health services also plays an
14 important role in addressing the service needs of homeless children and
15 their families. In order to adequately and effectively address the
16 complex issues confronting homeless children and their families,
17 planning for, implementing, and evaluating such services must be a
18 collaborative effort between the department of community, trade, and
19 economic development and the department of social and health services,

1 other local, state, and federal agencies, and community organizations.
2 It is the intent of the legislature that children should not be placed
3 or retained in the foster care system if homelessness is the primary
4 reason for placement or the continuation of their placement. It is the
5 further intent of the legislature that services to homeless children
6 and their families shall be provided within funds appropriated for that
7 specific purpose by the legislature in the operating and capital
8 budgets.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20A RCW
10 to read as follows:

11 (1) The department shall collaborate with the department of
12 community, trade, and economic development in the development of the
13 coordinated and comprehensive plan for homeless children and their
14 families required under RCW 43.63A.650. In fulfilling its
15 responsibilities, the department shall develop, administer, supervise,
16 and monitor its portion of the coordinated and comprehensive plan that
17 establishes, aids, and strengthens services for the protection and care
18 of homeless children and their families. The department's role in that
19 plan shall contain at least the following elements:

20 (a) Coordination or linkage of services with shelter and housing;

21 (b) Accommodation and addressing the needs of homeless families in
22 the design and administration of department programs;

23 (c) Participation of the department's local offices in the
24 identification, assistance, and referral of homeless families; and

25 (d) Ongoing monitoring of the efficiency and effectiveness of the
26 plan's design and implementation.

27 (2) The department shall include community organizations involved
28 in the delivery of services to homeless children and their families,
29 and experts in the development and ongoing evaluation of the plan.

30 (3) This section is not intended to delay or curtail the court's
31 review of the department's plan under the homeless children's case.

32 (4) The duties under this section shall be implemented within
33 amounts appropriated for that specific purpose by the legislature in
34 the operating and capital budgets.

35 **Sec. 3.** RCW 43.63A.650 and 1993 c 478 s 13 are each amended to
36 read as follows:

1 (1) The department shall be the principal state department
2 responsible for coordinating federal and state resources and activities
3 in housing, except for programs administered by the Washington state
4 housing finance commission under chapter 43.180 RCW, and for evaluating
5 the operations and accomplishments of other state departments and
6 agencies as they affect housing.

7 (2) The department shall work with local governments, tribal
8 organizations, local housing authorities, nonprofit community or
9 neighborhood-based organizations, and regional or state-wide nonprofit
10 housing assistance organizations, for the purpose of coordinating
11 federal and state resources with local resources for housing.

12 (3) The department shall be the principal state department
13 responsible for providing shelter and housing services to homeless
14 children and their families. The department shall have the principal
15 responsibility to coordinate, plan, and oversee the state's activities
16 for developing a coordinated and comprehensive plan to serve homeless
17 children and their families. The plan shall be developed
18 collaboratively with the department of social and health services. The
19 department shall include community organizations involved in the
20 delivery of services to homeless children and their families, and
21 experts in the development and ongoing evaluation of the plan. The
22 department shall follow professionally recognized standards and
23 procedures. The plan shall be implemented within amounts appropriated
24 by the legislature for that specific purpose in the operating and
25 capital budgets. The department shall submit the plan to the
26 appropriate committees of the senate and house of representatives no
27 later than August 13, 1999, and shall update the plan every two years
28 thereafter. The plan shall address at least the following: (a) The
29 need for prevention assistance; (b) the need for emergency shelter; (c)
30 the need for transitional assistance to aid families into permanent
31 housing; (d) the need for linking services with shelter or housing; and
32 (e) the need for ongoing monitoring of the efficiency and effectiveness
33 of the plan's design and implementation.

34 NEW SECTION. Sec. 4. A new section is added to chapter 43.63A RCW
35 to read as follows:

36 (1) In order to improve services for the homeless, the department,
37 within amounts appropriated by the legislature for this specific
38 purpose, shall implement a system for collecting and analyzing data

1 about the extent and nature of homelessness in Washington state, giving
2 emphasis to information about extent and nature of homelessness in
3 Washington state children and their families. The system may be merged
4 with other data gathering and reporting systems and shall:

5 (a) Protect the right of privacy of individuals;

6 (b) Provide for consultation and collaboration with state agencies
7 including the department of social and health services, experts, and
8 community organizations involved in the delivery of services to
9 homeless persons; and

10 (c) Include related information held or gathered by other state
11 agencies.

12 (2) Within amounts appropriated by the legislature, for this
13 specific purpose, the department shall evaluate the information
14 gathered and disseminate the analysis and the evaluation broadly, using
15 appropriate computer networks as well as written reports.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.63A RCW
17 to read as follows:

18 The department shall, by rule, establish program standards,
19 eligibility standards, eligibility criteria, and administrative rules
20 for emergency housing programs and specify other benefits that may
21 arise in consultation with providers.

22 **Sec. 6.** RCW 13.34.030 and 1998 c 130 s 1 are each amended to read
23 as follows:

24 For purposes of this chapter:

25 (1) "Child" and "juvenile" means any individual under the age of
26 eighteen years.

27 (2) "Current placement episode" means the period of time that
28 begins with the most recent date that the child was removed from the
29 home of the parent, guardian, or legal custodian for purposes of
30 placement in out-of-home care and continues until the child returns
31 home, an adoption decree, a permanent custody order, or guardianship
32 order is entered, or the dependency is dismissed, whichever occurs
33 soonest. If the most recent date of removal occurred prior to the
34 filing of a dependency petition under this chapter or after filing but
35 prior to entry of a disposition order, such time periods shall be
36 included when calculating the length of a child's current placement
37 episode.

1 (3) "Dependency guardian" means the person, nonprofit corporation,
2 or Indian tribe appointed by the court pursuant to RCW 13.34.232 for
3 the limited purpose of assisting the court in the supervision of the
4 dependency.

5 (4) "Dependent child" means any child:

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

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

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

21 (5) "Guardian" means the person or agency that: (a) Has been
22 appointed as the guardian of a child in a legal proceeding other than
23 a proceeding under this chapter; and (b) has the legal right to custody
24 of the child pursuant to such appointment. The term "guardian" shall
25 not include a "dependency guardian" appointed pursuant to a proceeding
26 under this chapter.

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

35 (7) "Guardian ad litem program" means a court-authorized volunteer
36 program, which is or may be established by the superior court of the
37 county in which such proceeding is filed, to manage all aspects of
38 volunteer guardian ad litem representation for children alleged or
39 found to be dependent. Such management shall include but is not

1 limited to: Recruitment, screening, training, supervision, assignment,
2 and discharge of volunteers.

3 (8) "Out-of-home care" means placement in a foster family home or
4 group care facility licensed pursuant to chapter 74.15 RCW or placement
5 in a home, other than that of the child's parent, guardian, or legal
6 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

7 (9) "Preventive services" means preservation services, as defined
8 in chapter 74.14C RCW, and other reasonably available services,
9 including housing services, capable of preventing the need for out-of-
10 home placement while protecting the child.

11 **Sec. 7.** RCW 74.13.020 and 1979 c 155 s 76 are each amended to read
12 as follows:

13 As used in Title 74 RCW, child welfare services shall be defined as
14 public social services including adoption services which strengthen,
15 supplement, or substitute for, parental care and supervision for the
16 purpose of:

17 (1) Preventing or remedying, or assisting in the solution of
18 problems which may result in families in conflict, or the neglect,
19 abuse, exploitation, or criminal behavior of children;

20 (2) Protecting and caring for (~~homeless~~) dependent(~~(s)~~) or
21 neglected children;

22 (3) Assisting children who are in conflict with their parents, and
23 assisting parents who are in conflict with their children with services
24 designed to resolve such conflicts;

25 (4) Protecting and promoting the welfare of children, including the
26 strengthening of their own homes where possible, or, where needed;

27 (5) Providing adequate care of children away from their homes in
28 foster family homes or day care or other child care agencies or
29 facilities.

30 As used in this chapter, child means a person less than eighteen
31 years of age.

32 The department's duty to provide services to homeless children and
33 their families is set forth in section 2 of this act and in
34 appropriations provided by the legislature for implementation of the
35 plan.

36 **Sec. 8.** RCW 74.13.031 and 1998 c 314 s 10 are each amended to read
37 as follows:

1 The department shall have the duty to provide child welfare
2 services and shall:

3 (1) Develop, administer, supervise, and monitor a coordinated and
4 comprehensive plan that establishes, aids, and strengthens services for
5 the protection and care of (~~homeless,~~) runaway, dependent, or
6 neglected children.

7 (2) Within available resources, recruit an adequate number of
8 prospective adoptive and foster homes, both regular and specialized,
9 i.e. homes for children of ethnic minority, including Indian homes for
10 Indian children, sibling groups, handicapped and emotionally disturbed,
11 teens, pregnant and parenting teens, and annually report to the
12 governor and the legislature concerning the department's success in:
13 (a) Meeting the need for adoptive and foster home placements; (b)
14 reducing the foster parent turnover rate; (c) completing home studies
15 for legally free children; and (d) implementing and operating the
16 passport program required by RCW 74.13.285. The report shall include
17 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

18 (3) Investigate complaints of any recent act or failure to act on
19 the part of a parent or caretaker that results in death, serious
20 physical or emotional harm, or sexual abuse or exploitation, or that
21 presents an imminent risk of serious harm, and on the basis of the
22 findings of such investigation, offer child welfare services in
23 relation to the problem to such parents, legal custodians, or persons
24 serving in loco parentis, and/or bring the situation to the attention
25 of an appropriate court, or another community agency: PROVIDED, That
26 an investigation is not required of nonaccidental injuries which are
27 clearly not the result of a lack of care or supervision by the child's
28 parents, legal custodians, or persons serving in loco parentis. If the
29 investigation reveals that a crime against a child may have been
30 committed, the department shall notify the appropriate law enforcement
31 agency.

32 (4) Offer, on a voluntary basis, family reconciliation services to
33 families who are in conflict.

34 (5) Monitor out-of-home placements, on a timely and routine basis,
35 to assure the safety, well-being, and quality of care being provided is
36 within the scope of the intent of the legislature as defined in RCW
37 74.13.010 and 74.15.010, and annually submit a report measuring the
38 extent to which the department achieved the specified goals to the
39 governor and the legislature.

1 (6) Have authority to accept custody of children from parents and
2 to accept custody of children from juvenile courts, where authorized to
3 do so under law, to provide child welfare services including placement
4 for adoption, and to provide for the physical care of such children and
5 make payment of maintenance costs if needed. Except where required by
6 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency
7 which receives children for adoption from the department shall
8 discriminate on the basis of race, creed, or color when considering
9 applications in their placement for adoption.

10 (7) Have authority to provide temporary shelter to children who
11 have run away from home and who are admitted to crisis residential
12 centers.

13 (8) Have authority to purchase care for children; and shall follow
14 in general the policy of using properly approved private agency
15 services for the actual care and supervision of such children insofar
16 as they are available, paying for care of such children as are accepted
17 by the department as eligible for support at reasonable rates
18 established by the department.

19 (9) Establish a children's services advisory committee which shall
20 assist the secretary in the development of a partnership plan for
21 utilizing resources of the public and private sectors, and advise on
22 all matters pertaining to child welfare, licensing of child care
23 agencies, adoption, and services related thereto. At least one member
24 shall represent the adoption community.

25 (10) Have authority to provide continued foster care or group care
26 for individuals from eighteen through twenty years of age to enable
27 them to complete their high school or vocational school program.

28 (11) Have authority within funds appropriated for foster care
29 services to purchase care for Indian children who are in the custody of
30 a federally recognized Indian tribe or tribally licensed child-placing
31 agency pursuant to parental consent, tribal court order, or state
32 juvenile court order; and the purchase of such care shall be subject to
33 the same eligibility standards and rates of support applicable to other
34 children for whom the department purchases care.

35 Notwithstanding any other provision of RCW 13.32A.170 through
36 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
37 services to be provided by the department of social and health services
38 under subsections (4), (6), and (7) of this section, subject to the
39 limitations of these subsections, may be provided by any program

1 offering such services funded pursuant to Titles II and III of the
2 federal juvenile justice and delinquency prevention act of 1974.

3 (12) Within available resources, provide preventive services to
4 children and their families that prevent or shorten the duration of an
5 out-of-home placement.

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, including housing assistance, that least
22 interfere with family autonomy, provided that the services are adequate
23 to protect the child.

24 (b) Order that the child be removed from his or her home and
25 ordered into the custody, control, and care of a relative or the
26 department of social and health services or a licensed child placing
27 agency for placement in a foster family home or group care facility
28 licensed pursuant to chapter 74.15 RCW or in a home not required to be
29 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable
30 cause to believe that the safety or welfare of the child would be
31 jeopardized or that efforts to reunite the parent and child will be
32 hindered, such child shall be placed with a person who is related to
33 the child as defined in RCW 74.15.020(~~((4)(a))~~) (2)(a) and with whom
34 the child has a relationship and is comfortable, and who is willing and
35 available to care for the child. Placement of the child with a
36 relative under this subsection shall be given preference by the court.
37 An order for out-of-home placement may be made only if the court finds
38 that reasonable efforts have been made to prevent or eliminate the need

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

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

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

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

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

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

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

36 (ii) Conviction of the parent of criminal mistreatment of the child
37 in the first or second degree as defined in RCW 9A.42.020 and
38 9A.42.030;

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

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

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

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

12 (vii) 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. In the case of a parent of an Indian child, as defined in
17 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~{Sec.}~~)) Sec.
18 1903), the court shall also consider tribal efforts to assist the
19 parent in completing treatment and make it possible for the child to
20 return home;

21 (viii) An infant under three years of age has been abandoned as
22 defined in RCW 13.34.030(4)(a);

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

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

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

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

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

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

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

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

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

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

1 (c) If the court has ordered, pursuant to subsection (2) of this
2 section, that a termination petition be filed, a specific plan as to
3 where the child will be placed, what steps will be taken to achieve
4 permanency for the child, services to be offered or provided to the
5 child, and, if visitation would be in the best interests of the child,
6 a recommendation to the court regarding visitation between parent and
7 child pending a fact-finding hearing on the termination petition. The
8 agency shall not be required to develop a plan of services for the
9 parents or provide services to the parents.

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

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

33 (7) Except for children whose cases are reviewed by a citizen
34 review board under chapter 13.70 RCW, the status of all children found
35 to be dependent shall be reviewed by the court at least every six
36 months from the beginning date of the placement episode or the date
37 dependency is established, whichever is first, at a hearing in which it
38 shall be determined whether court supervision should continue. The
39 review shall include findings regarding the agency and parental

1 completion of disposition plan requirements, and if necessary, revised
2 permanency time limits. The supervising agency shall provide a foster
3 parent, preadoptive parent, or relative with notice of, and their right
4 to an opportunity to be heard in, a review hearing pertaining to the
5 child, but only if that person is currently providing care to that
6 child at the time of the hearing. This section shall not be construed
7 to grant party status to any person who has been provided an
8 opportunity to be heard.

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

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

18 (i) Whether reasonable services have been provided to or offered to
19 the parties to facilitate reunion, specifying the services provided or
20 offered;

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

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

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

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

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

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

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

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

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