
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1493

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Appropriations (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 03/08/1999.

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 the department of community,
3 trade, and economic development and the department of social and health
4 services jointly present the plan to the appropriate committees of the
5 legislature as required in section 3 of this act. It is the intent of
6 the legislature that children should not be placed or retained in the
7 foster care system if homelessness is the primary reason for placement
8 or the continuation of their placement. It is the further intent of
9 the legislature that services to homeless children and their families
10 shall be provided within funds appropriated for that specific purpose
11 by the legislature in the operating and capital budgets. Nothing in
12 this act is intended to prevent the court's review of the plan
13 developed by the department of social and health services and the
14 department of community, trade, and economic development under
15 *Washington State Coalition for the Homeless v. Department of Social and*
16 *Health Services*, King County Superior Court No. 91-2-15889-4. However,
17 it is the intent of the legislature that the court's review in that
18 proceeding be confined solely to review of the plan submitted under the
19 order of February 4, 1998. Nothing in this act is intended to grant
20 the court continuing review over the department of social and health
21 services after the effective date of this act.

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

24 (1) The department shall collaborate with the department of
25 community, trade, and economic development in the development of the
26 coordinated and comprehensive plan for homeless children and their
27 families required under RCW 43.63A.650, which designates the department
28 of community, trade, and economic development as the state agency with
29 primary responsibility for providing shelter and housing services to
30 homeless children and their families. In fulfilling its
31 responsibilities to collaborate with the department of community,
32 trade, and economic development pursuant to RCW 43.63A.650, the
33 department shall develop, administer, supervise, and monitor its
34 portion of the plan. The department's portion of the plan shall
35 contain at least the following elements:

- 36 (a) Coordination or linkage of services with shelter and housing;
37 (b) Accommodation and addressing the needs of homeless families in
38 the design and administration of department programs;

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

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

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

8 (3) The duties under this section shall be implemented within
9 amounts appropriated for that specific purpose by the legislature in
10 the operating and capital budgets.

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

13 (1) The department shall be the principal state department
14 responsible for coordinating federal and state resources and activities
15 in housing, except for programs administered by the Washington state
16 housing finance commission under chapter 43.180 RCW, and for evaluating
17 the operations and accomplishments of other state departments and
18 agencies as they affect housing.

19 (2) The department shall work with local governments, tribal
20 organizations, local housing authorities, nonprofit community or
21 neighborhood-based organizations, and regional or state-wide nonprofit
22 housing assistance organizations, for the purpose of coordinating
23 federal and state resources with local resources for housing.

24 (3) The department shall be the principal state department
25 responsible for providing shelter and housing services to homeless
26 children and their families. The department shall have the principal
27 responsibility to coordinate, plan, and oversee the state's activities
28 for developing a coordinated and comprehensive plan to serve homeless
29 children and their families. The plan shall be developed
30 collaboratively with the department of social and health services. The
31 department shall include community organizations involved in the
32 delivery of services to homeless children and their families, and
33 experts in the development and ongoing evaluation of the plan. The
34 department shall follow professionally recognized standards and
35 procedures. The plan shall be implemented within amounts appropriated
36 by the legislature for that specific purpose in the operating and
37 capital budgets. The department shall submit the plan to the
38 appropriate committees of the senate and house of representatives no

1 later than September 1, 1999, and shall update the plan and submit it
2 to the appropriate committees of the legislature by January 1st of
3 every odd-numbered year through 2007. The plan shall address at least
4 the following: (a) The need for prevention assistance; (b) the need
5 for emergency shelter; (c) the need for transitional assistance to aid
6 families into permanent housing; (d) the need for linking services with
7 shelter or housing; and (e) the need for ongoing monitoring of the
8 efficiency and effectiveness of the plan's design and implementation.

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

11 (1) In order to improve services for the homeless, the department,
12 within amounts appropriated by the legislature for this specific
13 purpose, shall implement a system for the ongoing collection and
14 analysis of data about the extent and nature of homelessness in
15 Washington state, giving emphasis to information about extent and
16 nature of homelessness in Washington state children and their families.
17 The system may be merged with other data gathering and reporting
18 systems and shall:

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

20 (b) Provide for consultation and collaboration with state agencies
21 including the department of social and health services, experts, and
22 community organizations involved in the delivery of services to
23 homeless persons; and

24 (c) Include related information held or gathered by other state
25 agencies.

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

30 NEW SECTION. Sec. 5. A new section is added to chapter 43.63A RCW
31 to read as follows:

32 The department shall, by rule, establish program standards,
33 eligibility standards, eligibility criteria, and administrative rules
34 for emergency housing programs and specify other benefits that may
35 arise in consultation with providers.

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

3 For purposes of this chapter:

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

6 (2) "Current placement episode" means the period of time that
7 begins with the most recent date that the child was removed from the
8 home of the parent, guardian, or legal custodian for purposes of
9 placement in out-of-home care and continues until the child returns
10 home, an adoption decree, a permanent custody order, or guardianship
11 order is entered, or the dependency is dismissed, whichever occurs
12 soonest. If the most recent date of removal occurred prior to the
13 filing of a dependency petition under this chapter or after filing but
14 prior to entry of a disposition order, such time periods shall be
15 included when calculating the length of a child's current placement
16 episode.

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

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

22 (a) Who has been abandoned; that is, where the child's parent,
23 guardian, or other custodian has expressed either by statement or
24 conduct, an intent to forego, for an extended period, parental rights
25 or parental responsibilities despite an ability to do so. If the court
26 finds that the petitioner has exercised due diligence in attempting to
27 locate the parent, no contact between the child and the child's parent,
28 guardian, or other custodian for a period of three months creates a
29 rebuttable presumption of abandonment, even if there is no expressed
30 intent to abandon;

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

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

37 (5) "Guardian" means the person or agency that: (a) Has been
38 appointed as the guardian of a child in a legal proceeding other than
39 a proceeding under this chapter; and (b) has the legal right to custody

1 of the child pursuant to such appointment. The term "guardian" shall
2 not include a "dependency guardian" appointed pursuant to a proceeding
3 under this chapter.

4 (6) "Guardian ad litem" means a person, appointed by the court to
5 represent the best interest of a child in a proceeding under this
6 chapter, or in any matter which may be consolidated with a proceeding
7 under this chapter. A "court-appointed special advocate" appointed by
8 the court to be the guardian ad litem for the child, or to perform
9 substantially the same duties and functions as a guardian ad litem,
10 shall be deemed to be guardian ad litem for all purposes and uses of
11 this chapter.

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

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

23 (9) "Preventive services" means preservation services, as defined
24 in chapter 74.14C RCW, and other reasonably available services,
25 including housing services, capable of preventing the need for out-of-
26 home placement while protecting the child. Housing services may
27 include, but are not limited to, referrals to federal, state, local, or
28 private agencies or organizations, assistance with forms and
29 applications, or financial subsidies for housing.

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

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

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

1 (2) Protecting and caring for ((homeless~~7~~)) dependent((~~7~~)) or
2 neglected children;

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

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

8 (5) Providing adequate care of children away from their homes in
9 foster family homes or day care or other child care agencies or
10 facilities.

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

13 The department's duty to provide services to homeless children and
14 their families is set forth in section 2 of this act and in
15 appropriations provided by the legislature for implementation of the
16 plan.

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

19 The department shall have the duty to provide child welfare
20 services and shall:

21 (1) Develop, administer, supervise, and monitor a coordinated and
22 comprehensive plan that establishes, aids, and strengthens services for
23 the protection and care of ((homeless~~7~~)) runaway, dependent, or
24 neglected children.

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

36 (3) Investigate complaints of any recent act or failure to act on
37 the part of a parent or caretaker that results in death, serious
38 physical or emotional harm, or sexual abuse or exploitation, or that

1 presents an imminent risk of serious harm, and on the basis of the
2 findings of such investigation, offer child welfare services in
3 relation to the problem to such parents, legal custodians, or persons
4 serving in loco parentis, and/or bring the situation to the attention
5 of an appropriate court, or another community agency: PROVIDED, That
6 an investigation is not required of nonaccidental injuries which are
7 clearly not the result of a lack of care or supervision by the child's
8 parents, legal custodians, or persons serving in loco parentis. If the
9 investigation reveals that a crime against a child may have been
10 committed, the department shall notify the appropriate law enforcement
11 agency.

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

14 (5) Monitor out-of-home placements, on a timely and routine basis,
15 to assure the safety, well-being, and quality of care being provided is
16 within the scope of the intent of the legislature as defined in RCW
17 74.13.010 and 74.15.010, and annually submit a report measuring the
18 extent to which the department achieved the specified goals to the
19 governor and the legislature.

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

29 (7) Have authority to provide temporary shelter to children who
30 have run away from home and who are admitted to crisis residential
31 centers.

32 (8) Have authority to purchase care for children; and shall follow
33 in general the policy of using properly approved private agency
34 services for the actual care and supervision of such children insofar
35 as they are available, paying for care of such children as are accepted
36 by the department as eligible for support at reasonable rates
37 established by the department.

38 (9) Establish a children's services advisory committee which shall
39 assist the secretary in the development of a partnership plan for

1 utilizing resources of the public and private sectors, and advise on
2 all matters pertaining to child welfare, licensing of child care
3 agencies, adoption, and services related thereto. At least one member
4 shall represent the adoption community.

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

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

15 Notwithstanding any other provision of RCW 13.32A.170 through
16 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
17 services to be provided by the department of social and health services
18 under subsections (4), (6), and (7) of this section, subject to the
19 limitations of these subsections, may be provided by any program
20 offering such services funded pursuant to Titles II and III of the
21 federal juvenile justice and delinquency prevention act of 1974.

22 (12) Within amounts appropriated for this specific purpose, provide
23 preventive services to children and their families that prevent or
24 shorten the duration of an out-of-home placement.

25 **Sec. 9.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are
26 each reenacted and amended to read as follows:

27 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
28 been proven by a preponderance of the evidence that the child is
29 dependent within the meaning of RCW 13.34.030; after consideration of
30 the predisposition report prepared pursuant to RCW 13.34.110 and after
31 a disposition hearing has been held pursuant to RCW 13.34.110, the
32 court shall enter an order of disposition pursuant to this section.

33 (1) The court shall order one of the following dispositions of the
34 case:

35 (a) Order a disposition other than removal of the child from his or
36 her home, which shall provide a program designed to alleviate the
37 immediate danger to the child, to mitigate or cure any damage the child
38 has already suffered, and to aid the parents so that the child will not

1 be endangered in the future. In selecting a program, the court should
2 choose those services, including housing assistance, that least
3 interfere with family autonomy, provided that the services are adequate
4 to protect the child.

5 (b) Order that the child be removed from his or her home and
6 ordered into the custody, control, and care of a relative or the
7 department of social and health services or a licensed child placing
8 agency for placement in a foster family home or group care facility
9 licensed pursuant to chapter 74.15 RCW or in a home not required to be
10 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable
11 cause to believe that the safety or welfare of the child would be
12 jeopardized or that efforts to reunite the parent and child will be
13 hindered, such child shall be placed with a person who is related to
14 the child as defined in RCW 74.15.020(~~((4)(a))~~) (2)(a) and with whom
15 the child has a relationship and is comfortable, and who is willing and
16 available to care for the child. Placement of the child with a
17 relative under this subsection shall be given preference by the court.
18 An order for out-of-home placement may be made only if the court finds
19 that reasonable efforts have been made to prevent or eliminate the need
20 for removal of the child from the child's home and to make it possible
21 for the child to return home, specifying the services that have been
22 provided to the child and the child's parent, guardian, or legal
23 custodian, and that preventive services have been offered or provided
24 and have failed to prevent the need for out-of-home placement, unless
25 the health, safety, and welfare of the child cannot be protected
26 adequately in the home, and that:

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

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

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

35 (iv) The extent of the child's disability is such that the parent,
36 guardian, or legal custodian is unable to provide the necessary care
37 for the child and the parent, guardian, or legal custodian has
38 determined that the child would benefit from placement outside of the
39 home.

1 (2) If the court has ordered a child removed from his or her home
2 pursuant to subsection (1)(b) of this section, the court may order that
3 a petition seeking termination of the parent and child relationship be
4 filed if the court finds: (a) Termination is recommended by the
5 supervising agency; (b) termination is in the best interests of the
6 child; and (c) that because of the existence of aggravated
7 circumstances, reasonable efforts to unify the family are not required.
8 Notwithstanding the existence of aggravated circumstances, reasonable
9 efforts may be required if the court or department determines it is in
10 the best interest of the child. In determining whether aggravated
11 circumstances exist, the court shall consider one or more of the
12 following:

13 (i) Conviction of the parent of rape of the child in the first,
14 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
15 9A.44.079;

16 (ii) Conviction of the parent of criminal mistreatment of the child
17 in the first or second degree as defined in RCW 9A.42.020 and
18 9A.42.030;

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

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

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

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

30 (vii) Failure of the parent to complete available treatment ordered
31 under this chapter or the equivalent laws of another state, where such
32 failure has resulted in a prior termination of parental rights to
33 another child and the parent has failed to effect significant change in
34 the interim. In the case of a parent of an Indian child, as defined in
35 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~{Sec.}~~)) Sec.
36 1903), the court shall also consider tribal efforts to assist the
37 parent in completing treatment and make it possible for the child to
38 return home;

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

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

6 (3) If reasonable efforts are not ordered under subsection (2) of
7 this section a permanency (~~(plan [planning])~~) planning hearing shall be
8 held within thirty days. Reasonable efforts shall be made to place the
9 child in a timely manner in accordance with the permanency plan, and to
10 complete whatever steps are necessary to finalize the permanent
11 placement of the child.

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

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

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

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

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

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

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

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

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

35 (6) 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
39 to conduct necessary background investigations as provided in chapter

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

13 (7) Except for children whose cases are reviewed by a citizen
14 review board under chapter 13.70 RCW, the status of all children found
15 to be dependent shall be reviewed by the court at least every six
16 months from the beginning date of the placement episode or the date
17 dependency is established, whichever is first, at a hearing in which it
18 shall be determined whether court supervision should continue. The
19 review shall include findings regarding the agency and parental
20 completion of disposition plan requirements, and if necessary, revised
21 permanency time limits. The supervising agency shall provide a foster
22 parent, preadoptive parent, or relative with notice of, and their right
23 to an opportunity to be heard in, a review hearing pertaining to the
24 child, but only if that person is currently providing care to that
25 child at the time of the hearing. This section shall not be construed
26 to grant party status to any person who has been provided an
27 opportunity to be heard.

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

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

37 (i) Whether reasonable services have been provided to or offered to
38 the parties to facilitate reunion, specifying the services provided or
39 offered;

1 (ii) Whether the child has been placed in the least-restrictive
2 setting appropriate to the child's needs, including whether
3 consideration and preference has been given to placement with the
4 child's relatives;

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

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

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

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

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

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

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

21 (8) The court's ability to order housing assistance under this
22 section is: (a) Limited to cases in which homelessness or the lack of
23 adequate and safe housing is the primary reason for an out-of-home
24 placement; and (b) subject to the availability of funds appropriated
25 for this specific purpose.

--- END ---