
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 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, which designates the department
15 of community, trade, and economic development as the state agency with
16 primary responsibility for providing shelter and housing services to
17 homeless children and their families. In fulfilling its
18 responsibilities to collaborate with the department of community,
19 trade, and economic development pursuant to RCW 43.63A.650, the
20 department shall develop and administer its portion of the plan. The
21 department's portion of the plan shall contain at least the following
22 elements:

- 23 (a) Coordination or linkage of services with shelter and housing;
24 (b) Accommodation and addressing the needs of homeless families in
25 the design and administration of department programs;
26 (c) Participation of the department's local offices in the
27 identification, assistance, and referral of homeless families; and
28 (d) Ongoing monitoring of the efficiency and effectiveness of the
29 plan's design and implementation.

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

33 (3) Nothing in this section is intended to prevent the court's
34 review of the department's plan under *Washington State Coalition for*
35 *the Homeless v. DSHS*, King. Co. Sup. Ct. 91-2-15889-4. However, it is
36 the intent of the legislature that the court's review be confined
37 solely to review of the plan submitted by the department under the

1 order of March 29, 1998. Nothing in this section is intended to grant
2 the court continuing review over the department.

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

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

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

14 (2) The department shall work with local governments, tribal
15 organizations, local housing authorities, nonprofit community or
16 neighborhood-based organizations, and regional or state-wide nonprofit
17 housing assistance organizations, for the purpose of coordinating
18 federal and state resources with local resources for housing.

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

1 (e) the need for ongoing monitoring of the efficiency and effectiveness
2 of the plan's design and implementation.

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

5 (1) In order to improve services for the homeless, the department,
6 within amounts appropriated by the legislature for this specific
7 purpose, shall implement a system for collecting and analyzing data
8 about the extent and nature of homelessness in Washington state, giving
9 emphasis to information about extent and nature of homelessness in
10 Washington state children and their families. The system may be merged
11 with other data gathering and reporting systems and shall:

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

13 (b) Provide for consultation and collaboration with state agencies
14 including the department of social and health services, experts, and
15 community organizations involved in the delivery of services to
16 homeless persons; and

17 (c) Include related information held or gathered by other state
18 agencies.

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

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

25 The department shall, by rule, establish program standards,
26 eligibility standards, eligibility criteria, and administrative rules
27 for emergency housing programs and specify other benefits that may
28 arise in consultation with providers.

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

31 For purposes of this chapter:

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

34 (2) "Current placement episode" means the period of time that
35 begins with the most recent date that the child was removed from the
36 home of the parent, guardian, or legal custodian for purposes of

1 placement in out-of-home care and continues until the child returns
2 home, an adoption decree, a permanent custody order, or guardianship
3 order is entered, or the dependency is dismissed, whichever occurs
4 soonest. If the most recent date of removal occurred prior to the
5 filing of a dependency petition under this chapter or after filing but
6 prior to entry of a disposition order, such time periods shall be
7 included when calculating the length of a child's current placement
8 episode.

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

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

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

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

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

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

35 (6) "Guardian ad litem" means a person, appointed by the court to
36 represent the best interest of a child in a proceeding under this
37 chapter, or in any matter which may be consolidated with a proceeding
38 under this chapter. A "court-appointed special advocate" appointed by
39 the court to be the guardian ad litem for the child, or to perform

1 substantially the same duties and functions as a guardian ad litem,
2 shall be deemed to be guardian ad litem for all purposes and uses of
3 this chapter.

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

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

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

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

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

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

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

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

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

1 (5) Providing adequate care of children away from their homes in
2 foster family homes or day care or other child care agencies or
3 facilities.

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

6 The department's duty to provide services to homeless children and
7 their families is set forth in section 2 of this act and in
8 appropriations provided by the legislature for implementation of the
9 plan.

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

12 The department shall have the duty to provide child welfare
13 services and shall:

14 (1) Develop, administer, supervise, and monitor a coordinated and
15 comprehensive plan that establishes, aids, and strengthens services for
16 the protection and care of (~~homeless,~~) runaway, dependent, or
17 neglected children.

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

29 (3) Investigate complaints of any recent act or failure to act on
30 the part of a parent or caretaker that results in death, serious
31 physical or emotional harm, or sexual abuse or exploitation, or that
32 presents an imminent risk of serious harm, and on the basis of the
33 findings of such investigation, offer child welfare services in
34 relation to the problem to such parents, legal custodians, or persons
35 serving in loco parentis, and/or bring the situation to the attention
36 of an appropriate court, or another community agency: PROVIDED, That
37 an investigation is not required of nonaccidental injuries which are
38 clearly not the result of a lack of care or supervision by the child's

1 parents, legal custodians, or persons serving in loco parentis. If the
2 investigation reveals that a crime against a child may have been
3 committed, the department shall notify the appropriate law enforcement
4 agency.

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

7 (5) Monitor out-of-home placements, on a timely and routine basis,
8 to assure the safety, well-being, and quality of care being provided is
9 within the scope of the intent of the legislature as defined in RCW
10 74.13.010 and 74.15.010, and annually submit a report measuring the
11 extent to which the department achieved the specified goals to the
12 governor and the legislature.

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

22 (7) Have authority to provide temporary shelter to children who
23 have run away from home and who are admitted to crisis residential
24 centers.

25 (8) Have authority to purchase care for children; and shall follow
26 in general the policy of using properly approved private agency
27 services for the actual care and supervision of such children insofar
28 as they are available, paying for care of such children as are accepted
29 by the department as eligible for support at reasonable rates
30 established by the department.

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

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

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

8 Notwithstanding any other provision of RCW 13.32A.170 through
9 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
10 services to be provided by the department of social and health services
11 under subsections (4), (6), and (7) of this section, subject to the
12 limitations of these subsections, may be provided by any program
13 offering such services funded pursuant to Titles II and III of the
14 federal juvenile justice and delinquency prevention act of 1974.

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

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

20 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
21 been proven by a preponderance of the evidence that the child is
22 dependent within the meaning of RCW 13.34.030; after consideration of
23 the predisposition report prepared pursuant to RCW 13.34.110 and after
24 a disposition hearing has been held pursuant to RCW 13.34.110, the
25 court shall enter an order of disposition pursuant to this section.

26 (1) The court shall order one of the following dispositions of the
27 case:

28 (a) Order a disposition other than removal of the child from his or
29 her home, which shall provide a program designed to alleviate the
30 immediate danger to the child, to mitigate or cure any damage the child
31 has already suffered, and to aid the parents so that the child will not
32 be endangered in the future. In selecting a program, the court should
33 choose those services, including housing assistance, that least
34 interfere with family autonomy, provided that the services are adequate
35 to protect the child.

36 (b) Order that the child be removed from his or her home and
37 ordered into the custody, control, and care of a relative or the
38 department of social and health services or a licensed child placing

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

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

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

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

28 (iv) The extent of the child's disability is such that the parent,
29 guardian, or legal custodian is unable to provide the necessary care
30 for the child and the parent, guardian, or legal custodian has
31 determined that the child would benefit from placement outside of the
32 home.

33 (2) If the court has ordered a child removed from his or her home
34 pursuant to subsection (1)(b) of this section, the court may order that
35 a petition seeking termination of the parent and child relationship be
36 filed if the court finds: (a) Termination is recommended by the
37 supervising agency; (b) termination is in the best interests of the
38 child; and (c) that because of the existence of aggravated
39 circumstances, reasonable efforts to unify the family are not required.

1 Notwithstanding the existence of aggravated circumstances, reasonable
2 efforts may be required if the court or department determines it is in
3 the best interest of the child. In determining whether aggravated
4 circumstances exist, the court shall consider one or more of the
5 following:

6 (i) Conviction of the parent of rape of the child in the first,
7 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
8 9A.44.079;

9 (ii) Conviction of the parent of criminal mistreatment of the child
10 in the first or second degree as defined in RCW 9A.42.020 and
11 9A.42.030;

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

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

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

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

23 (vii) Failure of the parent to complete available treatment ordered
24 under this chapter or the equivalent laws of another state, where such
25 failure has resulted in a prior termination of parental rights to
26 another child and the parent has failed to effect significant change in
27 the interim. In the case of a parent of an Indian child, as defined in
28 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~{Sec.}~~) Sec.
29 1903), the court shall also consider tribal efforts to assist the
30 parent in completing treatment and make it possible for the child to
31 return home;

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

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

37 (3) If reasonable efforts are not ordered under subsection (2) of
38 this section a permanency (~~{plan-planning}~~) planning hearing shall be
39 held within thirty days. Reasonable efforts shall be made to place the

1 child in a timely manner in accordance with the permanency plan, and to
2 complete whatever steps are necessary to finalize the permanent
3 placement of the child.

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

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

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

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

35 (ii) The agency shall be required to encourage the maximum parent-
36 child contact possible, including regular visitation and participation
37 by the parents in the care of the child while the child is in
38 placement. Visitation may be limited or denied only if the court

1 determines that such limitation or denial is necessary to protect the
2 child's health, safety, or welfare.

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

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

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

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

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

1 limited to, court orders regarding parent-child contacts and any other
2 conditions imposed by the court. Noncompliance with the case plan or
3 court order shall be grounds for removal of the child from the
4 relative's home, subject to review by the court.

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

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

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

29 (i) Whether reasonable services have been provided to or offered to
30 the parties to facilitate reunion, specifying the services provided or
31 offered;

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

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

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

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

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

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

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

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

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

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