
HOUSE BILL 1764

State of Washington

56th Legislature

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By Representatives Dickerson, McDonald, DeBolt, Kenney, Pflug, Kastama, Talcott, Kagi, Kessler, Eickmeyer, H. Sommers, Skinner, Lovick, Mitchell, Murray, Cairnes, Miloscia, Fortunato, Thomas and Wolfe

Read first time . Referred to Committee on .

1 AN ACT Relating to substance-affected infants; amending RCW
2 13.34.030, 13.34.070, 74.09.310, 18.71.950, 18.57.920, and 18.79.903;
3 reenacting and amending RCW 13.34.130; adding new sections to chapter
4 13.34 RCW; repealing RCW 18.57.930, 18.71.960, 18.79.904, 70.96A.330,
5 and 70.96A.340; and declaring an emergency.

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

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

9 For purposes of this chapter:

10 (1) "Birth control services" means services that provide family
11 planning.

12 (2) "Chemical dependency treatment" means a service certified by
13 the department as qualified in helping individuals successfully recover
14 from the nonprescription use of controlled substances. Chemical
15 dependency treatment must include birth control services.

16 (3) "Child" and "juvenile" means any individual under the age of
17 eighteen years.

18 ((+2)) (4) "Current placement episode" means the period of time
19 that begins with the most recent date that the child was removed from

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

10 ~~((+3))~~ (5) "Department" means the department of social and health
11 services.

12 (6) "Dependency finding" means a determination by the court that a
13 child is a dependent child.

14 (7) "Dependency guardian" means the person, nonprofit corporation,
15 or Indian tribe appointed by the court pursuant to RCW 13.34.232 for
16 the limited purpose of assisting the court in the supervision of the
17 dependency.

18 ~~((+4))~~ (8) "Dependency petition" means a petition filed under this
19 chapter.

20 (9) "Dependent child" means any child:

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

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

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

36 ~~((+5))~~ (10) "Family planning" means the process of limiting or
37 spacing the birth of children, education, counseling, information, and
38 services. "Family planning" does not include pregnancy termination.

1 (11) "Guardian" means the person or agency that: (a) Has been
2 appointed as the guardian of a child in a legal proceeding other than
3 a proceeding under this chapter; and (b) has the legal right to custody
4 of the child pursuant to such appointment. The term "guardian" shall
5 not include a "dependency guardian" appointed pursuant to a proceeding
6 under this chapter.

7 ~~((+6))~~ (12) "Guardian ad litem" means a person, appointed by the
8 court to represent the best interest of a child in a proceeding under
9 this chapter, or in any matter which may be consolidated with a
10 proceeding under this chapter. A "court-appointed special advocate"
11 appointed by the court to be the guardian ad litem for the child, or to
12 perform substantially the same duties and functions as a guardian ad
13 litem, shall be deemed to be guardian ad litem for all purposes and
14 uses of this chapter.

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

22 ~~((+8))~~ (14) "Newborn infant" means an infant within seven days
23 after birth.

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

28 ~~((+9))~~ (16) "Preventive services" means preservation services, as
29 defined in chapter 74.14C RCW, and other reasonably available services
30 capable of preventing the need for out-of-home placement while
31 protecting the child.

32 (17) "Test" means use of the criteria and procedures developed by
33 the department of health under chapter 70.83E RCW for determining
34 whether a newborn infant has been affected by the mother's
35 nonprescription use of controlled substances.

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

1 "Substance-affected infant" means an infant that meets either of
2 the definitions created by the department of health and social services
3 pursuant to RCW 13.34.801 or 13.34.802.

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

6 In an effort to reduce the harmful effects of substance-affected
7 infants:

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

9 (i) Identify and screen pregnant and lactating women according to
10 the criteria developed by the department of health pursuant to chapter
11 70.83E RCW;

12 (ii) Convey to the infant's primary health care provider screening
13 findings that would suggest the need for testing of the infant, or
14 conduct the testing;

15 (iii) Inform the birth mother of an infant who tests positive that
16 she can have a tubal ligation at no cost to her within six months
17 following the birth; and

18 (iv) Inform the birth mother of an infant who tests positive of
19 appropriate drug treatment and birth control services.

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

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

24 (i) Test any infant the provider reasonably believes is substance-
25 affected; and

26 (ii) Notify the department of the name and address of the parent or
27 parents of a substance-affected infant.

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

31 (3) The department shall investigate all reports received under
32 this section.

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

35 The department, upon receipt of a report under section 3 of this
36 act, shall file a dependency petition in appropriate cases.

1 (1) The department and the mother may enter an agreement in which
2 the mother agrees to chemical dependency treatment on an inpatient or
3 outpatient basis. In addition, the agreement shall:

4 (a) Specify completion dates for each of the conditions of
5 treatment;

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

7 (c) Not be renegotiated or extended beyond twelve months of the
8 date of execution unless the conditions cannot be fulfilled in twelve
9 months and the reason the conditions cannot be fulfilled are completely
10 beyond the control of the mother.

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

16 (3) As a condition of deferral of the dependency finding, the
17 mother and father, if available, shall stipulate to facts sufficient to
18 constitute a dependency. In the event an available parent unreasonably
19 refuses to stipulate to facts sufficient to constitute a dependency,
20 the court may proceed with hearings on the petition.

21 (4) If the court orders deferral of the dependency finding, the
22 court shall order performance of the agreement and shall prohibit
23 nonprescription use of controlled substances.

24 (5) The department or any party to the petition may request the
25 court dismiss a deferred finding at any time if the mother demonstrates
26 by clear and convincing evidence that she has not used controlled
27 substances for at least twelve consecutive months and she can safely
28 provide for the child's welfare without continuing supervision by the
29 department or court.

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

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

35 If the department receives a report under section 3 of this act of
36 a mother who has given birth to a second substance-affected infant, the
37 department shall file a dependency petition for the second substance-
38 affected infant unless compelling reasons exist to the contrary. The

1 department may proceed immediately with a dependency petition on the
2 first substance-affected infant.

3 (1) The department and the mother may enter an agreement in which
4 the mother agrees to inpatient chemical dependency treatment and
5 participation in a model project developed under RCW 13.34.800 for
6 aftercare services if the model project is available. The mother must
7 agree to medically appropriate pharmaceutical pregnancy prevention that
8 is administered not less than once every thirty days. In addition, the
9 agreement shall:

10 (a) Specify completion dates for each of the conditions of
11 treatment;

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

13 (c) Not be renegotiated or extended beyond twelve months of the
14 date of execution unless the conditions cannot be fulfilled in twelve
15 months and the reason the conditions cannot be fulfilled are completely
16 outside the control of the mother.

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

22 (3) As a condition of deferral of the dependency finding, the
23 mother and father, if available, shall stipulate to facts sufficient to
24 constitute a dependency. In the event an available parent unreasonably
25 refuses to stipulate to facts sufficient to constitute a dependency,
26 the court may proceed with hearings on the petition.

27 (4) If the court orders deferral of the dependency finding, the
28 court shall order performance of the agreement and shall prohibit
29 nonprescription use of controlled substances.

30 (5) The department or the mother may request the court dismiss a
31 deferred finding at any time if the mother demonstrates by clear and
32 convincing evidence that she has not used controlled substances for at
33 least twelve consecutive months and she can safely provide for the
34 child's welfare without continuing supervision by the department or
35 court.

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

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

3 If the department receives a report under section 3 of this act of
4 a mother who has given birth to a third or subsequent substance-
5 affected infant, the department shall file a dependency petition. The
6 department shall proceed with dependency petitions on all substance-
7 affected children born before the third or subsequent birth.

8 (1) The court shall order evaluation by a designated chemical
9 dependency specialist, as defined in RCW 70.96A.020, who shall
10 undertake the processes described in RCW 70.96A.140.

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

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

19 Nothing in sections 3 through 6 of this act may be interpreted to
20 prohibit or compel action in the best interests of the child by the
21 department independent from the substance-affected status of an infant.

22 NEW SECTION. **Sec. 8.** A new section is added to chapter 13.34 RCW
23 to read as follows:

24 Sections 3 through 6 of this act apply to infants born after the
25 effective date of this act. A report of a substance-affected infant
26 born prior to the effective date of this act shall not constitute a
27 report under sections 4 through 6 of this act.

28 **Sec. 9.** RCW 13.34.070 and 1993 c 358 s 1 are each amended to read
29 as follows:

30 (1) Upon the filing of the petition, the clerk of the court shall
31 issue a summons, one directed to the child, if the child is twelve or
32 more years of age, and another to the parents, guardian, or custodian,
33 and such other persons as appear to the court to be proper or necessary
34 parties to the proceedings, requiring them to appear personally before
35 the court at the time fixed to hear the petition. If the child is
36 developmentally disabled and not living at home, the notice shall be

1 given to the child's custodian as well as to the child's parent. The
2 developmentally disabled child shall not be required to appear unless
3 requested by the court. Where the custodian is summoned, the parent or
4 guardian or both shall also be served with a summons. The fact-finding
5 hearing on the petition shall be held no later than seventy-five days
6 after the filing of the petition, unless exceptional reasons for a
7 continuance are found. In cases where an infant has been affected by
8 the mother's substance abuse, exceptional reasons for a continuance
9 exist if the mother and the department have executed an agreement that
10 will take more than seventy-five days to fulfill. The party requesting
11 the continuance shall have the burden of proving by a preponderance of
12 the evidence that exceptional circumstances do exist. To ensure that
13 the hearing on the petition occurs within the seventy-five day time
14 limit, the court shall schedule and hear the matter on an expedited
15 basis.

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

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

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

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

27 (6) If it appears from affidavit or sworn statement presented to
28 the judge that there is probable cause for the issuance of a warrant of
29 arrest or that the child needs to be taken into custody pursuant to RCW
30 13.34.050, the judge may endorse upon the summons an order that an
31 officer serving the summons shall at once take the child into custody
32 and take him to the place of shelter designated by the court.

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

1 NOTICE:
2 VIOLATION OF THIS ORDER
3 IS SUBJECT TO PROCEEDING
4 FOR CONTEMPT OF COURT
5 PURSUANT TO RCW 13.34.070.

6 (8) If a party to be served with a summons can be found within the
7 state, the summons shall be served upon the party personally as soon as
8 possible following the filing of the petition, but in no case later
9 than fifteen court days before the fact-finding hearing, or such time
10 as set by the court. If the party is within the state and cannot be
11 personally served, but the party's address is known or can with
12 reasonable diligence be ascertained, the summons may be served upon the
13 party by mailing a copy thereof by certified mail as soon as possible
14 following the filing of the petition, but in no case later than fifteen
15 court days before the hearing, or such time as set by the court. If a
16 party other than the child is without the state but can be found or the
17 address is known, or can with reasonable diligence be ascertained,
18 service of the summons may be made either by delivering a copy thereof
19 to the party personally or by mailing a copy thereof to the party by
20 certified mail at least ten court days before the fact-finding hearing,
21 or such time as set by the court.

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

26 (10) In any proceeding brought under this chapter where the court
27 knows or has reason to know that the child involved is a member of an
28 Indian tribe, notice of the pendency of the proceeding shall also be
29 sent by registered mail, return receipt requested, to the child's
30 tribe. If the identity or location of the tribe cannot be determined,
31 such notice shall be transmitted to the secretary of the interior of
32 the United States.

33 **Sec. 10.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are
34 each reenacted and amended to read as follows:

35 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
36 been proven by a preponderance of the evidence that the child is
37 dependent within the meaning of RCW 13.34.030; after consideration of
38 the predisposition report prepared pursuant to RCW 13.34.110 and after

1 a disposition hearing has been held pursuant to RCW 13.34.110, the
2 court shall enter an order of disposition pursuant to this section.

3 (1) The court shall order one of the following dispositions of the
4 case:

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

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

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

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

38 (iii) The court finds, by clear, cogent, and convincing evidence,
39 a manifest danger exists that the child will suffer serious abuse or

1 neglect if the child is not removed from the home and an order under
2 RCW 26.44.063 would not protect the child from danger; or

3 (iv) The extent of the child's disability is such that the parent,
4 guardian, or legal custodian is unable to provide the necessary care
5 for the child and the parent, guardian, or legal custodian has
6 determined that the child would benefit from placement outside of the
7 home.

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

20 (i) Conviction of the parent of rape of the child in the first,
21 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
22 9A.44.079;

23 (ii) Conviction of the parent of criminal mistreatment of the child
24 in the first or second degree as defined in RCW 9A.42.020 and
25 9A.42.030;

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

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

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

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

37 (vii) Failure of the parent to complete available treatment ordered
38 under this chapter or the equivalent laws of another state, where such
39 failure has resulted in a prior termination of parental rights to

1 another child and the parent has failed to effect significant change in
2 the interim. In the case of a parent of an Indian child, as defined in
3 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. (~~{Sec.}~~)) Sec.
4 1903), the court shall also consider tribal efforts to assist the
5 parent in completing treatment and make it possible for the child to
6 return home;

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

9 (ix) The mother has given birth to three or more (~~(drug)~~)
10 substance-affected infants, resulting in the department filing a
11 petition under (~~(section 23 of this act)~~) section 6 of this act.

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

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

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

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

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

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

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

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

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

35 (5) If the court determines that the continuation of reasonable
36 efforts to prevent or eliminate the need to remove the child from his
37 or her home or to safely return the child home should not be part of
38 the permanency plan of care for the child, reasonable efforts shall be

1 made to place the child in a timely manner and to complete whatever
2 steps are necessary to finalize the permanent placement of the child.

3 (6) If there is insufficient information at the time of the
4 disposition hearing upon which to base a determination regarding the
5 suitability of a proposed placement with a relative, the child shall
6 remain in foster care and the court shall direct the supervising agency
7 to conduct necessary background investigations as provided in chapter
8 74.15 RCW and report the results of such investigation to the court
9 within thirty days. However, if such relative appears otherwise
10 suitable and competent to provide care and treatment, the criminal
11 history background check need not be completed before placement, but as
12 soon as possible after placement. Any placements with relatives,
13 pursuant to this section, shall be contingent upon cooperation by the
14 relative with the agency case plan and compliance with court orders
15 related to the care and supervision of the child including, but not
16 limited to, court orders regarding parent-child contacts and any other
17 conditions imposed by the court. Noncompliance with the case plan or
18 court order shall be grounds for removal of the child from the
19 relative's home, subject to review by the court.

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

35 (a) A child shall not be returned home at the review hearing unless
36 the court finds that a reason for removal as set forth in this section
37 no longer exists. The parents, guardian, or legal custodian shall
38 report to the court the efforts they have made to correct the
39 conditions which led to removal. If a child is returned, casework

1 supervision shall continue for a period of six months, at which time
2 there shall be a hearing on the need for continued intervention.

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

5 (i) Whether reasonable services have been provided to or offered to
6 the parties to facilitate reunion, specifying the services provided or
7 offered;

8 (ii) Whether the child has been placed in the least-restrictive
9 setting appropriate to the child's needs, including whether
10 consideration and preference has been given to placement with the
11 child's relatives;

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

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

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

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

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

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

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

27 **Sec. 11.** RCW 74.09.310 and 1998 c 314 s 34 are each amended to
28 read as follows:

29 The department may make available, or cause to be made available,
30 pharmaceutical birth control services, information, and counseling to
31 any person who enters chemical dependency treatment under (~~section 20~~
32 ~~or 21 of this act~~) sections 4 through 6 of this act. Within available
33 funds, the department may pay for any tubal ligations requested under
34 (~~section 19 of this act~~) section 3 of this act if the mother's income
35 is less than two hundred percent of the federal poverty level. The
36 department shall report by December 1st of each year to the governor
37 and legislature: (1) The number of tubal ligations performed as a
38 result of (~~chapter 314, Laws of 1998~~) this act; (2) the number of

1 women who decline to undergo the surgery; (3) the number of women who
2 obtain pharmaceutical birth control, by type of birth control; and (4)
3 the number of women who are reported to the department.

4 **Sec. 12.** RCW 18.71.950 and 1998 c 314 s 36 are each amended to
5 read as follows:

6 ~~((1))~~ Nothing in ~~((section 19 of this act))~~ sections 3 through 6
7 of this act imposes any additional duties or responsibilities on, or
8 removes any duties or responsibilities from, a physician licensed under
9 this chapter, except as specifically included in chapter 13.34 RCW and
10 RCW 70.96A.330 and 74.09.310.

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

12 **Sec. 13.** RCW 18.57.920 and 1998 c 314 s 37 are each amended to
13 read as follows:

14 ~~((1))~~ Nothing in ~~((section 19 of this act))~~ sections 3 through 6
15 of this act imposes any additional duties or responsibilities on, or
16 removes any duties or responsibilities from, an osteopath licensed
17 under this chapter, except as specifically included in chapter 13.34
18 RCW and RCW 70.96A.330 and 74.09.310.

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

20 **Sec. 14.** RCW 18.79.903 and 1998 c 314 s 38 are each amended to
21 read as follows:

22 ~~((1))~~ Nothing in ~~((section 19 of this act))~~ sections 3 through 6
23 of this act imposes any additional duties or responsibilities on, or
24 removes any duties or responsibilities from, an advanced registered
25 nurse practitioner licensed under this chapter, except as specifically
26 included in chapter 13.34 RCW and RCW 70.96A.330 and 74.09.310.

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

28 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
29 each repealed:

- 30 (1) RCW 18.57.930 (Application--1998 c 314) and 1998 c 314 s 43;
31 (2) RCW 18.71.960 (Application--1998 c 314) and 1998 c 314 s 42;
32 (3) RCW 18.79.904 (Application--1998 c 314) and 1998 c 314 s 44;
33 (4) RCW 70.96A.330 (Treatment programs and model projects--
34 Provision of family planning) and 1998 c 314 s 33; and

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

3 NEW SECTION. **Sec. 16.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 immediately.

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