
HOUSE BILL 1868

State of Washington

56th Legislature

1999 Regular Session

By Representatives Kagi, Carrell, Lambert, Tokuda, Boldt, Lovick, Barlean, McIntire, O'Brien, Edwards, Edmonds, Rockefeller, Kessler, Wolfe, Murray, Santos, Conway, Keiser, Ogden, Kenney, Wood, Hurst and Stensen

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1 AN ACT Relating to residential placement and transitional living
2 services for youth; amending RCW 74.15.020; reenacting and amending RCW
3 13.34.130 and 13.34.145; adding new sections to chapter 74.13 RCW;
4 adding a new section to chapter 13.60 RCW; adding new sections to
5 chapter 28B.80 RCW; and creating new sections.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that many youth are
8 living on the streets in dangerous situations. Many of these youth do
9 not have a nurturing nuclear family, and state-sponsored alternatives
10 such as foster homes do not address the needs of this population. The
11 number of licensed residential beds for older adolescents has declined
12 dramatically over the past fifteen years. The legislature finds that
13 additional placement and treatment services are needed for dependent
14 youth ages sixteen to eighteen. The legislature finds that the failure
15 to provide safe, time limited residential and transitional living
16 services places thousands of older adolescents at risk of predators,
17 drug abuse, prostitution, isolation, and hopelessness. The legislature
18 further finds that this act will engage youth and provide them access

1 to services through development of life skills in a setting that
2 supports them.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW
4 to read as follows:

5 This act may be known and cited as the homeless youth prevention,
6 protection, and education act, or the HOPE act.

7 **Sec. 3.** RCW 74.15.020 and 1998 c 269 s 3 are each amended to read
8 as follows:

9 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
10 otherwise clearly indicated by the context thereof, the following terms
11 shall mean:

12 (1) "Agency" means any person, firm, partnership, association,
13 corporation, or facility which receives children, expectant mothers, or
14 persons with developmental disabilities for control, care, or
15 maintenance outside their own homes, or which places, arranges the
16 placement of, or assists in the placement of children, expectant
17 mothers, or persons with developmental disabilities for foster care or
18 placement of children for adoption, and shall include the following
19 irrespective of whether there is compensation to the agency or to the
20 children, expectant mothers or persons with developmental disabilities
21 for services rendered:

22 (a) "Child day-care center" means an agency which regularly
23 provides care for a group of children for periods of less than twenty-
24 four hours;

25 (b) "Child-placing agency" means an agency which places a child or
26 children for temporary care, continued care, or for adoption;

27 (c) "Community facility" means a group care facility operated for
28 the care of juveniles committed to the department under RCW 13.40.185.
29 A county detention facility that houses juveniles committed to the
30 department under RCW 13.40.185 pursuant to a contract with the
31 department is not a community facility;

32 (d) "Crisis residential center" means an agency which is a
33 temporary protective residential facility operated to perform the
34 duties specified in chapter 13.32A RCW, in the manner provided in RCW
35 74.13.032 through 74.13.036;

1 (e) "Family day-care provider" means a child day-care provider who
2 regularly provides child day care for not more than twelve children in
3 the provider's home in the family living quarters;

4 (f) "Foster-family home" means an agency which regularly provides
5 care on a twenty-four hour basis to one or more children, expectant
6 mothers, or persons with developmental disabilities in the family abode
7 of the person or persons under whose direct care and supervision the
8 child, expectant mother, or person with a developmental disability is
9 placed;

10 (g) "Group-care facility" means an agency, other than a foster-
11 family home, which is maintained and operated for the care of a group
12 of children on a twenty-four hour basis;

13 (h) "HOPE center" means an agency that provides temporary
14 residential placement and other transitional services to street youth
15 for a maximum period of thirty days while services are arranged and
16 permanent placement is coordinated;

17 (i) "Maternity service" means an agency which provides or arranges
18 for care or services to expectant mothers, before or during
19 confinement, or which provides care as needed to mothers and their
20 infants after confinement;

21 ((+i)) (j) "Responsible living skills program" means an agency
22 that provides residential and transitional living services to youth
23 ages sixteen to eighteen who are unable to live at home or in other
24 licensed agencies or are currently living in an unsafe location;

25 (k) "Service provider" means the entity that operates a community
26 facility.

27 (2) "Agency" shall not include the following:

28 (a) Persons related to the child, expectant mother, or person with
29 developmental disability in the following ways:

30 (i) Any blood relative, including those of half-blood, and
31 including first cousins, nephews or nieces, and persons of preceding
32 generations as denoted by prefixes of grand, great, or great-great;

33 (ii) Stepfather, stepmother, stepbrother, and stepsister;

34 (iii) A person who legally adopts a child or the child's parent as
35 well as the natural and other legally adopted children of such persons,
36 and other relatives of the adoptive parents in accordance with state
37 law;

38 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
39 subsection (2)(a), even after the marriage is terminated; or

1 (v) Extended family members, as defined by the law or custom of the
2 Indian child's tribe or, in the absence of such law or custom, a person
3 who has reached the age of eighteen and who is the Indian child's
4 grandparent, aunt or uncle, brother or sister, brother-in-law or
5 sister-in-law, niece or nephew, first or second cousin, or stepparent
6 who provides care in the family abode on a twenty-four-hour basis to an
7 Indian child as defined in 25 U.S.C. Sec. 1903(4);

8 (b) Persons who are legal guardians of the child, expectant mother,
9 or persons with developmental disabilities;

10 (c) Persons who care for a neighbor's or friend's child or
11 children, with or without compensation, where: (i) The person
12 providing care for periods of less than twenty-four hours does not
13 conduct such activity on an ongoing, regularly scheduled basis for the
14 purpose of engaging in business, which includes, but is not limited to,
15 advertising such care; or (ii) the parent and person providing care on
16 a twenty-four-hour basis have agreed to the placement in writing and
17 the state is not providing any payment for the care;

18 (d) Parents on a mutually cooperative basis exchange care of one
19 another's children;

20 (e) A person, partnership, corporation, or other entity that
21 provides placement or similar services to exchange students or
22 international student exchange visitors or persons who have the care of
23 an exchange student in their home;

24 (f) Nursery schools or kindergartens which are engaged primarily in
25 educational work with preschool children and in which no child is
26 enrolled on a regular basis for more than four hours per day;

27 (g) Schools, including boarding schools, which are engaged
28 primarily in education, operate on a definite school year schedule,
29 follow a stated academic curriculum, accept only school-age children
30 and do not accept custody of children;

31 (h) Seasonal camps of three months' or less duration engaged
32 primarily in recreational or educational activities;

33 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
34 performing functions defined in chapter 70.41 RCW, nursing homes
35 licensed under chapter 18.51 RCW and boarding homes licensed under
36 chapter 18.20 RCW;

37 (j) Licensed physicians or lawyers;

1 (k) Facilities providing care to children for periods of less than
2 twenty-four hours whose parents remain on the premises to participate
3 in activities other than employment;

4 (l) Facilities approved and certified under chapter 71A.22 RCW;

5 (m) Any agency having been in operation in this state ten years
6 prior to June 8, 1967, and not seeking or accepting moneys or
7 assistance from any state or federal agency, and is supported in part
8 by an endowment or trust fund;

9 (n) Persons who have a child in their home for purposes of
10 adoption, if the child was placed in such home by a licensed child-
11 placing agency, an authorized public or tribal agency or court or if a
12 replacement report has been filed under chapter 26.33 RCW and the
13 placement has been approved by the court;

14 (o) An agency operated by any unit of local, state, or federal
15 government or an agency, located within the boundaries of a federally
16 recognized Indian reservation, licensed by the Indian tribe;

17 (p) An agency located on a federal military reservation, except
18 where the military authorities request that such agency be subject to
19 the licensing requirements of this chapter.

20 (3) "Department" means the state department of social and health
21 services.

22 (4) "Juvenile" means a person under the age of twenty-one who has
23 been sentenced to a term of confinement under the supervision of the
24 department under RCW 13.40.185.

25 (5) "Probationary license" means a license issued as a disciplinary
26 measure to an agency that has previously been issued a full license but
27 is out of compliance with licensing standards.

28 (6) "Requirement" means any rule, regulation, or standard of care
29 to be maintained by an agency.

30 (7) "Secretary" means the secretary of social and health services.

31 (8) "Street youth" means a person under the age of eighteen who is
32 not living with a parent or legal guardian, is not living in a licensed
33 agency under this chapter, and is currently living in an unsafe
34 location not intended for occupancy by a minor.

35 (9) "Transitional living services" include, but are not limited to,
36 the following:

37 (a) Educational services, including basic literacy and
38 computational skills training, either in local alternative or public

1 high schools or in a high school equivalency program that leads to
2 obtaining a high school equivalency degree;

3 (b) Assistance and counseling related to obtaining vocational
4 training or higher education, job readiness, job search assistance, and
5 placement programs;

6 (c) Counseling and instruction in life skills such as money
7 management, home management, consumer skills, parenting, health care,
8 access to community resources, and transportation and housing options;

9 (d) Individual and group counseling with emphasis on issues of
10 abuse, sexual abuse, prostitution, drug and alcohol abuse, depression,
11 motivation, self-esteem, and interpersonal and social skills training
12 and development;

13 (e) Recognizing and facilitating long-term relationships with
14 significant adults; and

15 (f) Establishing working relationships with federal agencies and
16 state and local organizations involved in job training, vocational
17 education and training, and vocational rehabilitation.

18 Transitional living services shall be tailored to meet the needs of
19 each individual youth. If a youth demonstrates a consistent
20 unwillingness to participate in the acquisition of transitional living
21 skills and services, a reassessment shall be done of the youth's
22 appropriateness for the program.

23 NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW
24 to read as follows:

25 (1) The department shall contract for the establishment of HOPE
26 centers in communities across the state, within funds appropriated by
27 the legislature specifically for this purpose. Street youth may be
28 served in HOPE centers for a period not to exceed thirty days in one
29 calendar year. Street youth admitted to a HOPE center shall agree to
30 remain for up to thirty days while services are provided and a long-
31 term placement can be arranged. Street youth may only leave a HOPE
32 center with the permission of the center administrator or designee.
33 The HOPE center administrator shall set conditions under which street
34 youth may leave the facility, including, requiring the youth to specify
35 their destination and expected time of return, and the possibility of
36 requiring staff accompaniment.

37 Street youth who run away from a HOPE center may be readmitted, at
38 the discretion of the administrator.

1 (2) The department shall contract for placement and liaison
2 specialists in each community served by a HOPE center. The department
3 shall contract for one placement and liaison specialist for every
4 fifteen youth served in a HOPE center. The placement and liaison
5 specialist shall have a master's degree in counseling, social work, or
6 related field and at least one year of experience working with street
7 youth or a bachelor of arts degree in social work or a related field
8 and five years of experience working with street youth. Placement and
9 liaison specialists shall have training or expertise in mental health
10 and chemical dependency treatment for youth.

11 (3) The placement and liaison specialist shall:

12 (a) Conduct an assessment of the street youth that includes a
13 determination of the street youth's legal status regarding residential
14 placement;

15 (b) Facilitate the street youth's return to his or her legally
16 authorized residence at the earliest possible date or initiate
17 processes to arrange legally authorized appropriate placement. Any
18 street youth who may be a dependent child under chapter 13.34 RCW shall
19 be referred to the department. The department shall determine whether
20 a dependency petition should be filed under chapter 13.34 RCW;

21 (c) Interface with other relevant resources and system
22 representatives to secure long-term residential placement and other
23 needed services for the street youth;

24 (d) Be assigned to each youth within seventy-two hours of the youth
25 receiving HOPE center services;

26 (e) Develop a therapeutic relationship with the youth that enables
27 the specialist to help the street youth receive appropriate services
28 from social service and child welfare agencies;

29 (f) Facilitate a physical examination of any street youth who has
30 not seen a physician within one year prior to residence in a HOPE
31 center;

32 (g) Provide outreach services; and

33 (h) Arrange an educational assessment to measure the street youth's
34 competency level in reading, writing, and basic mathematics, and that
35 will measure learning disabilities or special needs.

36 (4) Each HOPE center shall have an administrator who has a master's
37 degree in counseling, social work, or a related field and at least one
38 year of experience working with street youth, who will work with the

1 placement and liaison specialist to provide appropriate services on
2 site;

3 (5) The department shall establish a data collection system that
4 measures outcomes for the population served, and enables research and
5 evaluation that can be used for future program development and service
6 delivery. The department shall establish confidentiality rules and
7 protocols for the data collection system.

8 (6) The HOPE center administrator shall comply with the
9 notification requirements contained in RCW 13.32A.082.

10 (7) The HOPE center administrator shall notify the parent of a
11 street youth and the appropriate law enforcement agency immediately as
12 to any unauthorized leave from the center by a street youth placed at
13 the center.

14 (8) The department must approve or deny the placement of a street
15 youth in a HOPE center if the youth is a dependent child under chapter
16 13.34 RCW. Street youth who are not a dependent child under chapter
17 13.34 RCW may be placed voluntarily in a HOPE center by a parent or
18 legal guardian.

19 (9) The HOPE center shall provide counseling and education services
20 to street youth served at the center.

21 (10) The HOPE center may accept self referrals, and referrals from
22 parents, police, and other licensed agencies.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.13 RCW
24 to read as follows:

25 The department shall establish responsible living skills programs
26 in communities across the state, within funds provided by the
27 legislature specifically for that purpose. Responsible living skills
28 programs shall have the following:

29 (1) A professional staff person with a master's degree in
30 counseling, social work, or related field and at least one year of
31 experience working with older adolescents. The professional staff
32 person shall provide counseling services and interface with other
33 relevant resources and systems to prepare the youth for adult living.
34 The professional staff person shall have training or expertise in
35 mental health and chemical dependency treatment for youth;

36 (2) Other staff trained in the development needs of older
37 adolescents eligible to participate in responsible living skills
38 programs;

1 (3) Transitional living services and a therapeutic model of service
2 delivery that provides necessary program supervision of residents and
3 at the same time includes a philosophy, program structure, and
4 treatment planning that emphasizes achievement of competency in
5 independent living skills. A baseline skill level in ability to
6 function productively and independently shall be determined at entry.
7 Performance shall be measured and must demonstrate improvement from
8 involvement in the program. Each resident shall have a plan for
9 achieving independent living skills. The plan shall be written within
10 the first thirty days of placement; and

11 (4) A data collection system that measures outcomes for the
12 population served, and enables research and evaluation that can be used
13 for future program development and service delivery. The department
14 shall establish confidentiality rules and protocols for the data
15 collection system.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.13 RCW
17 to read as follows:

18 To be eligible for placement in a responsible living skills
19 program, the youth shall be between the ages of sixteen and eighteen
20 and unable to live at home or in other licensed agencies, or is
21 currently living in an unsafe location. Responsible living skills
22 programs must have parental authorization and financial support of the
23 placement for a voluntary placement, or a court order pursuant to a
24 dependency petition under chapter 13.34 RCW placing the youth in the
25 responsible living skills program.

26 **Sec. 7.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are
27 each reenacted and amended to read as follows:

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

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

36 (a) Order a disposition other than removal of the child from his or
37 her home, which shall provide a program designed to alleviate the

1 immediate danger to the child, to mitigate or cure any damage the child
2 has already suffered, and to aid the parents so that the child will not
3 be endangered in the future. In selecting a program, the court should
4 choose those services that least interfere with family autonomy,
5 provided that the services are adequate to protect the child.

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

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

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

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

36 (iv) The extent of the child's disability is such that the parent,
37 guardian, or legal custodian is unable to provide the necessary care
38 for the child and the parent, guardian, or legal custodian has

1 determined that the child would benefit from placement outside of the
2 home.

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

15 (i) Conviction of the parent of rape of the child in the first,
16 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
17 9A.44.079;

18 (ii) Conviction of the parent of criminal mistreatment of the child
19 in the first or second degree as defined in RCW 9A.42.020 and
20 9A.42.030;

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

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

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

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

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

1 parent in completing treatment and make it possible for the child to
2 return home;

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

5 (ix) The mother has given birth to three or more drug-affected
6 infants, resulting in the department filing a petition under section 23
7 (~~of this act~~), chapter 314, Laws of 1998.

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

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

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

36 (b) Unless the court has ordered, pursuant to subsection (2) of
37 this section, that a termination petition be filed, a specific plan as
38 to where the child will be placed, what steps will be taken to return
39 the child home, and what actions the agency will take to maintain

1 parent-child ties. All aspects of the plan shall include the goal of
2 achieving permanence for the child.

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

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

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

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

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

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

37 (6) If there is insufficient information at the time of the
38 disposition hearing upon which to base a determination regarding the
39 suitability of a proposed placement with a relative, the child shall

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

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

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

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

1 (i) Whether reasonable services have been provided to or offered to
2 the parties to facilitate reunion, specifying the services provided or
3 offered;

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

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

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

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

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

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

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

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

23 **Sec. 8.** RCW 13.34.145 and 1998 c 314 s 3 and 1998 c 130 s 3 are
24 each reenacted and amended to read as follows:

25 (1) A permanency plan shall be developed no later than sixty days
26 from the time the supervising agency assumes responsibility for
27 providing services, including placing the child, or at the time of a
28 hearing under RCW 13.34.130, whichever occurs first. The permanency
29 planning process continues until a permanency planning goal is achieved
30 or dependency is dismissed. The planning process shall include
31 reasonable efforts to return the child to the parent's home.

32 (a) Whenever a child is placed in out-of-home care pursuant to RCW
33 13.34.130, the agency that has custody of the child shall provide the
34 court with a written permanency plan of care directed towards securing
35 a safe, stable, and permanent home for the child as soon as possible.
36 The plan shall identify one of the following outcomes as the primary
37 goal and may also identify additional outcomes as alternative goals:
38 Return of the child to the home of the child's parent, guardian, or

1 legal custodian; adoption; guardianship; permanent legal custody; or
2 long-term relative or foster care, until the child is age eighteen,
3 with a written agreement between the parties and the care provider; a
4 responsible living skills program; and independent living, if
5 appropriate and if the child is age sixteen or older and the provisions
6 of subsection (2) of this section are met.

7 (b) The identified outcomes and goals of the permanency plan may
8 change over time based upon the circumstances of the particular case.

9 (c) Permanency planning goals should be achieved at the earliest
10 possible date, preferably before the child has been in out-of-home care
11 for fifteen months. In cases where parental rights have been
12 terminated, the child is legally free for adoption, and adoption has
13 been identified as the primary permanency planning goal, it shall be a
14 goal to complete the adoption within six months following entry of the
15 termination order.

16 (d) For purposes related to permanency planning:

17 (i) "Guardianship" means a dependency guardianship pursuant to this
18 chapter, a legal guardianship pursuant to chapter 11.88 RCW, or
19 equivalent laws of another state or a federally recognized Indian
20 tribe.

21 (ii) "Permanent custody order" means a custody order entered
22 pursuant to chapter 26.10 RCW.

23 (iii) "Permanent legal custody" means legal custody pursuant to
24 chapter 26.10 RCW or equivalent laws of another state or of a federally
25 recognized Indian tribe.

26 (2) Whenever a permanency plan identifies independent living as a
27 goal, the plan shall also specifically identify the services that will
28 be provided to assist the child to make a successful transition from
29 foster care to independent living. Before the court approves
30 independent living as a permanency plan of care, the court shall make
31 a finding that the provision of services to assist the child in making
32 a transition from foster care to independent living will allow the
33 child to manage his or her financial affairs and to manage his or her
34 personal, social, educational, and nonfinancial affairs. The
35 department shall not discharge a child to an independent living
36 situation before the child is eighteen years of age unless the child
37 becomes emancipated pursuant to chapter 13.64 RCW.

38 (3) A permanency planning hearing shall be held in all cases where
39 the child has remained in out-of-home care for at least nine months and

1 an adoption decree, guardianship order, or permanent custody order has
2 not previously been entered. The hearing shall take place no later
3 than twelve months following commencement of the current placement
4 episode.

5 (4) Whenever a child is removed from the home of a dependency
6 guardian or long-term relative or foster care provider, and the child
7 is not returned to the home of the parent, guardian, or legal custodian
8 but is placed in out-of-home care, a permanency planning hearing shall
9 take place no later than twelve months, as provided in subsection (3)
10 of this section, following the date of removal unless, prior to the
11 hearing, the child returns to the home of the dependency guardian or
12 long-term care provider, the child is placed in the home of the parent,
13 guardian, or legal custodian, an adoption decree, guardianship order,
14 or permanent custody order is entered, or the dependency is dismissed.

15 (5) No later than ten working days prior to the permanency planning
16 hearing, the agency having custody of the child shall submit a written
17 permanency plan to the court and shall mail a copy of the plan to all
18 parties and their legal counsel, if any.

19 (6) At the permanency planning hearing, the court shall enter
20 findings as required by RCW 13.34.130(7) and shall review the
21 permanency plan prepared by the agency. If the child has resided in
22 the home of a foster parent or relative for more than six months prior
23 to the permanency planning hearing, the court shall also enter a
24 finding regarding whether the foster parent or relative was informed of
25 the hearing as required in RCW 74.13.280 and 13.34.130(7). If a goal
26 of long-term foster or relative care has been achieved prior to the
27 permanency planning hearing, the court shall review the child's status
28 to determine whether the placement and the plan for the child's care
29 remain appropriate. In cases where the primary permanency planning
30 goal has not yet been achieved, the court shall inquire regarding the
31 reasons why the primary goal has not been achieved and determine what
32 needs to be done to make it possible to achieve the primary goal. In
33 all cases, the court shall:

34 (a)(i) Order the permanency plan prepared by the agency to be
35 implemented; or

36 (ii) Modify the permanency plan, and order implementation of the
37 modified plan; and

38 (b)(i) Order the child returned home only if the court finds that
39 a reason for removal as set forth in RCW 13.34.130 no longer exists; or

1 (ii) Order the child to remain in out-of-home care for a limited
2 specified time period while efforts are made to implement the
3 permanency plan.

4 (7) If the court orders the child returned home, casework
5 supervision shall continue for at least six months, at which time a
6 review hearing shall be held pursuant to RCW 13.34.130(7), and the
7 court shall determine the need for continued intervention.

8 (8) Continued juvenile court jurisdiction under this chapter shall
9 not be a barrier to the entry of an order establishing a legal
10 guardianship or permanent legal custody when, (a) the court has ordered
11 implementation of a permanency plan that includes legal guardianship or
12 permanent legal custody, and (b) the party pursuing the legal
13 guardianship or permanent legal custody is the party identified in the
14 permanency plan as the prospective legal guardian or custodian. During
15 the pendency of such proceeding, juvenile court shall conduct review
16 hearings and further permanency planning hearings as provided in this
17 chapter. At the conclusion of the legal guardianship or permanent
18 legal custody proceeding, a juvenile court hearing shall be held for
19 the purpose of determining whether dependency should be dismissed. If
20 a guardianship or permanent custody order has been entered, the
21 dependency shall be dismissed.

22 (9) Following the first permanency planning hearing, the court
23 shall hold a further permanency planning hearing in accordance with
24 this section at least once every twelve months until a permanency
25 planning goal is achieved or the dependency is dismissed, whichever
26 occurs first.

27 (10) Except as otherwise provided in RCW 13.34.235, the status of
28 all dependent children shall continue to be reviewed by the court at
29 least once every six months, in accordance with RCW 13.34.130(7), until
30 the dependency is dismissed. Prior to the second permanency planning
31 hearing, the agency that has custody of the child shall consider
32 whether to file a petition for termination of parental rights.

33 (11) Nothing in this chapter may be construed to limit the ability
34 of the agency that has custody of the child to file a petition for
35 termination of parental rights or a guardianship petition at any time
36 following the establishment of dependency. Upon the filing of such a
37 petition, a fact-finding hearing shall be scheduled and held in
38 accordance with this chapter unless the agency requests dismissal of
39 the petition prior to the hearing or unless the parties enter an agreed

1 order terminating parental rights, establishing guardianship, or
2 otherwise resolving the matter.

3 (12) The approval of a permanency plan that does not contemplate
4 return of the child to the parent does not relieve the supervising
5 agency of its obligation to provide reasonable services, under this
6 chapter, intended to effectuate the return of the child to the parent,
7 including but not limited to, visitation rights.

8 (13) Nothing in this chapter may be construed to limit the
9 procedural due process rights of any party in a termination or
10 guardianship proceeding filed under this chapter.

11 NEW SECTION. **Sec. 9.** A new section is added to chapter 13.60 RCW
12 to read as follows:

13 The department of social and health services shall develop a
14 procedure for obtaining missing children information from the missing
15 children clearinghouse and disseminating the information to placement
16 and liaison specialists, crisis residential center staff, and HOPE
17 center staff. When the department of social and health services has
18 obtained information that a minor child has been located, the
19 department shall notify the clearinghouse and the child's legal
20 custodian, advising the parent or legal custodian of the child's
21 whereabouts. The department shall inform the clearinghouse when
22 reunification occurs. No information may be disseminated in a manner
23 likely to present a risk of harm to the child.

24 NEW SECTION. **Sec. 10.** The Washington institute for public policy
25 shall review the effectiveness of the procedures established in section
26 9 of this act. The study shall include: (1) The number of legal
27 custodians who utilize the clearinghouse; (2) the number of children
28 who are located after the department's procedures are operational; (3)
29 the average length of time between the notice from the clearinghouse
30 and locating the child; (4) the impediments to effective utilization of
31 the procedures and what steps may be taken to reduce or eliminate the
32 impediments; (5) the methods of public education regarding the
33 availability of the procedures and how to increase public awareness of
34 the procedures.

35 The review shall be submitted to the appropriate committees of the
36 senate and house of representatives and the governor not later than
37 December 1, 2001.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 28B.80
2 RCW to read as follows:

3 (1) The HOPE educational assistance account is created in the
4 custody of the state treasurer. All receipts from private donations
5 and appropriations specified for the purposes of this account must be
6 deposited into the account. Expenditures from the account may be used
7 only for educational financial assistance for former street youth who
8 qualify under subsection (2) of this section. Only the director of
9 the board or the director's designee may authorize expenditures from
10 the account. The account is subject to allotment procedures under
11 chapter 43.88 RCW, but an appropriation is not required for
12 expenditures.

13 (2) Only former street youth who have been residents of a HOPE
14 center as defined in RCW 74.15.020 and who have received transitional
15 living services as defined in RCW 74.15.020 may apply for and receive
16 educational financial assistance under this section. The educational
17 financial assistance may be used for expenses incurred in conjunction
18 with enrollment in any institution of higher education in this state.
19 Yearly educational financial assistance under this section is limited
20 to an amount equal to the highest yearly undergraduate resident tuition
21 charged by a public institution of higher education within this state,
22 and may only be provided to an individual twice in any four-year
23 period. The director shall take into account family and other
24 financial resources available to the individual before awarding
25 educational financial assistance under this section.

26 NEW SECTION. **Sec. 12.** A new section is added to chapter 28B.80
27 RCW to read as follows:

28 (1) A tax credit is authorized equal to one hundred percent of the
29 amounts donated to the HOPE educational assistance account, subject to
30 the limits specified in this section.

31 (2)(a) The credit under subsection (1) of this section may be
32 applied to taxes under chapter 82.04 or 82.16 RCW. A person may not
33 receive a credit for the same expenditures under both chapters 82.04
34 and 82.16 RCW. The credit shall be taken against taxes due for the
35 same calendar year in which the amounts were paid. The credit must be
36 claimed by the due date of the last tax return for the calendar year in
37 which the payment is made.

1 (b) The annual credit claimed by any person under this section
2 shall not exceed the lesser of the tax otherwise due under this chapter
3 during the same calendar year or five thousand dollars.

4 (c) No portion of an application for credit under this section may
5 be carried back or carried forward to a different calendar year.

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

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