
SUBSTITUTE SENATE BILL 6217

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Costa and Winsley)

Read first time 01/28/2000.

1 AN ACT Relating to technical and clarifying amendments to the
2 dependency and termination of parental rights statutes; amending RCW
3 13.34.030, 13.34.040, 13.34.050, 13.34.060, 13.34.070, 13.34.080,
4 13.34.120, 13.34.145, 13.34.165, 13.34.170, 13.34.174, 13.34.176,
5 13.34.180, 13.34.190, 13.34.200, 13.34.210, 13.34.231, 13.34.233,
6 13.34.235, 13.34.260, 13.34.270, 13.34.300, 13.34.340, 13.70.003,
7 13.70.110, 13.70.140, 26.44.115, and 74.15.030; reenacting and amending
8 RCW 13.34.090, 13.34.110, and 13.34.130; adding new sections to chapter
9 13.34 RCW; recodifying RCW 13.34.170; and repealing RCW 13.34.162 and
10 13.34.220.

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

12 **Sec. 1.** RCW 13.34.030 and 1999 c 267 s 6 are each amended to read
13 as follows:

14 For purposes of this chapter:

15 (1) "Abandoned" means when the child's parent, guardian, or other
16 custodian has expressed, either by statement or conduct, an intent to
17 forego, for an extended period, parental rights or responsibilities
18 despite an ability to exercise such rights and responsibilities. If
19 the court finds that the petitioner has exercised due diligence in

1 attempting to locate the parent, no contact between the child and the
2 child's parent, guardian, or other custodian for a period of three
3 months creates a rebuttable presumption of abandonment, even if there
4 is no expressed intent to abandon.

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

7 ((+2)) (3) "Current placement episode" means the period of time
8 that begins with the most recent date that the child was removed from
9 the home of the parent, guardian, or legal custodian for purposes of
10 placement in out-of-home care and continues until: (a) The child
11 returns home((+)) ; (b) an adoption decree, a permanent custody order,
12 or guardianship order is entered((+)) ; or (c) the dependency is
13 dismissed, whichever occurs ((soonest)) first. ((If the most recent
14 date of removal occurred prior to the filing of a dependency petition
15 under this chapter or after filing but prior to entry of a disposition
16 order, such time periods shall be included when calculating the length
17 of a child's current placement episode.

18 (+3)) (4) "Dependency guardian" means the person, nonprofit
19 corporation, or Indian tribe appointed by the court pursuant to ((RCW
20 13.34.232)) this chapter for the limited purpose of assisting the court
21 in the supervision of the dependency.

22 ((+4)) (5) "Dependent child" means any child who:

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

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

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

38 ((+5)) (6) "Developmental disability" means a disability
39 attributable to mental retardation, cerebral palsy, epilepsy, autism,

1 or another neurological or other condition of an individual found by
2 the secretary to be closely related to mental retardation or to require
3 treatment similar to that required for individuals with mental
4 retardation, which disability originates before the individual attains
5 age eighteen, which has continued or can be expected to continue
6 indefinitely, and which constitutes a substantial handicap to the
7 individual.

8 (7) "Guardian" means the person or agency that: (a) Has been
9 appointed as the guardian of a child in a legal proceeding other than
10 a proceeding under this chapter; and (b) has the legal right to custody
11 of the child pursuant to such appointment. The term "guardian" shall
12 not include a "dependency guardian" appointed pursuant to a proceeding
13 under this chapter.

14 ((+6)) (8) "Guardian ad litem" means a person, appointed by the
15 court to represent the best interests of a child in a proceeding under
16 this chapter, or in any matter which may be consolidated with a
17 proceeding under this chapter. A "court-appointed special advocate"
18 appointed by the court to be the guardian ad litem for the child, or to
19 perform substantially the same duties and functions as a guardian ad
20 litem, shall be deemed to be guardian ad litem for all purposes and
21 uses of this chapter.

22 ((+7)) (9) "Guardian ad litem program" means a court-authorized
23 volunteer program, which is or may be established by the superior court
24 of the county in which such proceeding is filed, to manage all aspects
25 of volunteer guardian ad litem representation for children alleged or
26 found to be dependent. Such management shall include but is not
27 limited to: Recruitment, screening, training, supervision, assignment,
28 and discharge of volunteers.

29 ((+8)) (10) "Indigent" means a person who, at any stage of a court
30 proceeding, is:

31 (a) Receiving one of the following types of public assistance:
32 Temporary assistance for needy families, general assistance, poverty-
33 related veterans' benefits, food stamps or food stamp benefits
34 transferred electronically, refugee resettlement benefits, medicaid, or
35 supplemental security income; or

36 (b) Involuntarily committed to a public mental health facility; or

37 (c) Receiving an annual income, after taxes, of one hundred twenty-
38 five percent or less of the federally established poverty level; or

1 (d) Unable to pay the anticipated cost of counsel for the matter
2 before the court because his or her available funds are insufficient to
3 pay any amount for the retention of counsel.

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

8 ((+9)) (12) "Preventive services" means preservation services, as
9 defined in chapter 74.14C RCW, and other reasonably available services,
10 including housing services, capable of preventing the need for out-of-
11 home placement while protecting the child. Housing services may
12 include, but are not limited to, referrals to federal, state, local, or
13 private agencies or organizations, assistance with forms and
14 applications, or financial subsidies for housing.

15 (13) "Shelter care" means temporary physical care in a facility
16 licensed pursuant to RCW 74.15.030 or in a home not required to be
17 licensed pursuant to RCW 74.15.030.

18 (14) "Social study" means a written evaluation of matters relevant
19 to the disposition of the case and shall contain the following
20 information:

21 (a) A statement of the specific harm or harms to the child that
22 intervention is designed to alleviate;

23 (b) A description of the specific programs, for both the parents
24 and child, that are needed in order to prevent serious harm to the
25 child; the reasons why such programs are likely to be useful; the
26 availability of any proposed services; and the agency's overall plan
27 for ensuring that the services will be delivered. The description
28 shall identify the services chosen and approved by the parent;

29 (c) If removal is recommended, a full description of the reasons
30 why the child cannot be protected adequately in the home, including a
31 description of any previous efforts to work with the parents and the
32 child in the home; the in-home treatment programs that have been
33 considered and rejected; the preventive services that have been offered
34 or provided and have failed to prevent the need for out-of-home
35 placement, unless the health, safety, and welfare of the child cannot
36 be protected adequately in the home; and the parents' attitude toward
37 placement of the child;

38 (d) A statement of the likely harms the child will suffer as a
39 result of removal;

1 (e) A description of the steps that will be taken to minimize the
2 harm to the child that may result if separation occurs; and
3 (f) Behavior that will be expected before determination that
4 supervision of the family or placement is no longer necessary.

5 **Sec. 2.** RCW 13.34.040 and 1977 ex.s. c 291 s 32 are each amended
6 to read as follows:

7 (1) Any person may file with the clerk of the superior court a
8 petition showing that there is within the county, or residing within
9 the county, a dependent child and (~~praying~~) requesting that the
10 superior court deal with such child as provided in this chapter(~~+~~
11 PROVIDED, That)). There shall be no fee for filing such petitions.

12 (2) In counties having paid probation officers, (~~such~~) these
13 officers shall, (~~as far as~~) to the extent possible, first determine
14 if (~~such~~) a petition is reasonably justifiable. (~~Such~~) Each
15 petition shall be verified and (~~shall~~) contain a statement of facts
16 constituting (~~such~~) a dependency, (~~as defined in this chapter,~~) and
17 the names and residence, if known to the petitioner, of the parents,
18 guardian, or custodian of (~~such~~) the alleged dependent child.
19 (~~There shall be no fee for filing such petitions.~~)

20 **Sec. 3.** RCW 13.34.050 and 1998 c 328 s 1 are each amended to read
21 as follows:

22 (1) The court may enter an order directing a law enforcement
23 officer, probation counselor, or child protective services official to
24 take a child into custody if: (a) A petition is filed with the
25 juvenile court alleging that the child is dependent and that the
26 child's health, safety, and welfare will be seriously endangered if not
27 taken into custody; (b) an affidavit or declaration is filed by the
28 department in support of the petition setting forth specific factual
29 information evidencing reasonable grounds that the child's health,
30 safety, and welfare will be seriously endangered if not taken into
31 custody and at least one of the grounds set forth demonstrates a risk
32 of imminent harm to the child. "Imminent harm" for purposes of this
33 section shall include, but not be limited to, circumstances of sexual
34 abuse, or sexual exploitation as defined in RCW 26.44.020; and (c) the
35 court finds reasonable grounds to believe the child is dependent and
36 that the child's health, safety, and welfare will be seriously
37 endangered if not taken into custody.

1 (2) Any petition that does not have the necessary affidavit or
2 declaration demonstrating a risk of imminent harm requires that the
3 parents are provided notice and an opportunity to be heard (~~((by the~~
4 ~~parents))~~ before the order may be entered.

5 (3) The petition and supporting documentation must be served on the
6 parent, and (~~((the entity with whom))~~ if the child is in custody at the
7 time the child is removed, on the entity with custody other than the
8 parent. Failure to effect service does not invalidate the petition if
9 service was attempted and the parent could not be found.

10 **Sec. 4.** RCW 13.34.060 and 1999 c 17 s 2 are each amended to read
11 as follows:

12 (1) A child taken into custody pursuant to RCW 13.34.050 or
13 26.44.050 shall be immediately placed in shelter care. A child taken
14 by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070
15 shall be placed in shelter care only when permitted under RCW
16 13.34.055. (~~((“Shelter care” means temporary physical care in a~~
17 ~~facility licensed pursuant to RCW 74.15.030 or in a home not required~~
18 ~~to be licensed pursuant to that section.))~~)

19 (a) Unless there is reasonable cause to believe that the health,
20 safety, or welfare of the child would be jeopardized or that the
21 efforts to reunite the parent and child will be hindered, priority
22 placement for a child in shelter care shall be with any person
23 described in RCW 74.15.020(2)(a). The person must be willing and
24 available to care for the child and be able to meet any special needs
25 of the child. If a child is not initially placed with a relative
26 pursuant to this section, the supervising agency shall make an effort
27 within available resources to place the child with a relative on the
28 next business day after the child is taken into custody. The
29 supervising agency shall document its effort to place the child with a
30 relative pursuant to this section. Nothing within this subsection
31 (1)(a) establishes an entitlement to services or a right to a
32 particular placement.

33 (b) Whenever a child is taken into (~~((such))~~) custody pursuant to
34 this section, the supervising agency may authorize evaluations of the
35 child’s physical or emotional condition, routine medical and dental
36 examination and care, and all necessary emergency care. In no case may
37 a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050,
38 or 26.44.050 be detained in a secure detention facility. No child may

1 be held longer than seventy-two hours, excluding Saturdays, Sundays and
2 holidays, after such child is taken into custody unless a court order
3 has been entered for continued shelter care. The child and his or her
4 parent, guardian, or custodian shall be informed that they have a right
5 to a shelter care hearing. The court shall hold a shelter care hearing
6 within seventy-two hours after the child is taken into custody,
7 excluding Saturdays, Sundays, and holidays. If a parent, guardian, or
8 legal custodian desires to waive the shelter care hearing, the court
9 shall determine, on the record and with the parties present, ~~((that))~~
10 whether such waiver is knowing and voluntary.

11 (2) Whenever a child is taken into custody by child protective
12 services pursuant to a court order issued under RCW 13.34.050 or when
13 child protective services is notified that a child has been taken into
14 custody pursuant to RCW 26.44.050 or 26.44.056, child protective
15 services shall make reasonable efforts to inform the parents, guardian,
16 or legal custodian of the fact that the child has been taken into
17 custody, the reasons why the child was taken into custody, and their
18 legal rights under this title as soon as possible and in no event
19 ~~((longer))~~ shall notice be provided more than twenty-four hours after
20 the child has been taken into custody or twenty-four hours after child
21 protective services has been notified that the child has been taken
22 into custody. The notice of custody and rights may be given by any
23 means reasonably certain of notifying the parents including, but not
24 limited to, written, telephone, or in person oral notification. If the
25 initial notification is provided by a means other than writing, child
26 protective services shall make reasonable efforts to also provide
27 written notification.

28 ~~((The written notice of custody and rights shall be in~~
29 ~~substantially the following form:~~

30 "NOTICE

31 ~~Your child has been placed in temporary custody under the~~
32 ~~supervision of Child Protective Services (or other person or agency).~~
33 ~~You have important legal rights and you must take steps to protect your~~
34 ~~interests.~~

35 1. ~~A court hearing will be held before a judge within 72 hours of~~
36 ~~the time your child is taken into custody. You should call the court~~
37 ~~at (insert appropriate phone number here) for specific~~
38 ~~information about the date, time, and location of the court hearing.~~

1 2. You have the right to have a lawyer represent you at the
2 hearing. You have the right to records the department intends to rely
3 upon. A lawyer can look at the files in your case, talk to child
4 protective services and other agencies, tell you about the law, help
5 you understand your rights, and help you at hearings. If you cannot
6 afford a lawyer, the court will appoint one to represent you. To get
7 a court appointed lawyer you must contact: _____(explain local
8 procedure)_____.

9 3. At the hearing, you have the right to speak on your own behalf,
10 to introduce evidence, to examine witnesses, and to receive a decision
11 based solely on the evidence presented to the judge.

12 4. If your hearing occurs before a court commissioner, you have the
13 right to have the decision of the court commissioner reviewed by a
14 superior court judge. To obtain that review, you must, within ten days
15 after the entry of the decision of the court commissioner, file with
16 the court a motion for revision of the decision, as provided in RCW
17 2.24.050.

18 You should be present at this hearing. If you do not come, the
19 judge will not hear what you have to say.

20 You may call the Child Protective Services' caseworker for more
21 information about your child. The caseworker's name and telephone
22 number are: _____(insert name and telephone number)_____."

23 Upon receipt of the written notice, the parent, guardian, or legal
24 custodian shall acknowledge such notice by signing a receipt prepared
25 by child protective services. If the parent, guardian, or legal
26 custodian does not sign the receipt, the reason for lack of a signature
27 shall be written on the receipt. The receipt shall be made a part of
28 the court's file in the dependency action.

29 If after making reasonable efforts to provide notification, child
30 protective services is unable to determine the whereabouts of the
31 parents, guardian, or legal custodian, the notice shall be delivered or
32 sent to the last known address of the parent, guardian, or legal
33 custodian.

34 (3) If child protective services is not required to give notice
35 under subsection (2) of this section, the juvenile court counselor
36 assigned to the matter shall make all reasonable efforts to advise the
37 parents, guardian, or legal custodian of the time and place of any
38 shelter care hearing, request that they be present, and inform them of
39 their basic rights as provided in RCW 13.34.090.

1 ~~(4) Reasonable efforts to advise and to give notice, as required in~~
2 ~~subsections (2) and (3) of this section, shall include, at a minimum,~~
3 ~~investigation of the whereabouts of the parent, guardian, or legal~~
4 ~~custodian. If such reasonable efforts are not successful, or the~~
5 ~~parent, guardian, or legal custodian does not appear at the shelter~~
6 ~~care hearing, the juvenile court counselor or caseworker shall testify~~
7 ~~at the hearing or state in a declaration:~~

8 ~~(a) The efforts made to investigate the whereabouts of, and to~~
9 ~~advise, the parent, guardian, or legal custodian; and~~

10 ~~(b) Whether actual advice of rights was made, to whom it was made,~~
11 ~~and how it was made, including the substance of any oral communication~~
12 ~~or copies of written materials used.~~

13 ~~(5) At the commencement of the shelter care hearing the court shall~~
14 ~~advise the parties of their basic rights as provided in RCW 13.34.090~~
15 ~~and shall appoint counsel pursuant to RCW 13.34.090 if counsel has not~~
16 ~~been retained by the parent or guardian and if the parent or guardian~~
17 ~~is indigent, unless the court finds that the right to counsel has been~~
18 ~~expressly and voluntarily waived in court.~~

19 ~~(6) The court shall hear evidence regarding notice given to, and~~
20 ~~efforts to notify, the parent, guardian, or legal custodian and shall~~
21 ~~examine the need for shelter care. The court shall hear evidence~~
22 ~~regarding the efforts made to place the child with a relative. The~~
23 ~~court shall make an express finding as to whether the notice required~~
24 ~~under subsections (2) and (3) of this section was given to the parent,~~
25 ~~guardian, or legal custodian. All parties have the right to present~~
26 ~~testimony to the court regarding the need or lack of need for shelter~~
27 ~~care. Hearsay evidence before the court regarding the need or lack of~~
28 ~~need for shelter care must be supported by sworn testimony, affidavit,~~
29 ~~or declaration of the person offering such evidence.~~

30 ~~(7) The juvenile court probation counselor shall submit a~~
31 ~~recommendation to the court as to the further need for shelter care,~~
32 ~~except that such recommendation shall be submitted by the department of~~
33 ~~social and health services in cases where the petition alleging~~
34 ~~dependency has been filed by the department of social and health~~
35 ~~services, unless otherwise ordered by the court.~~

36 ~~(8) The court shall release a child alleged to be dependent to the~~
37 ~~care, custody, and control of the child's parent, guardian, or legal~~
38 ~~custodian unless the court finds there is reasonable cause to believe~~
39 ~~that:~~

1 ~~(a) After consideration of the specific services that have been~~
2 ~~provided, reasonable efforts have been made to prevent or eliminate the~~
3 ~~need for removal of the child from the child's home and to make it~~
4 ~~possible for the child to return home; and~~

5 ~~(b)(i) The child has no parent, guardian, or legal custodian to~~
6 ~~provide supervision and care for such child; or~~

7 ~~(ii) The release of such child would present a serious threat of~~
8 ~~substantial harm to such child; or~~

9 ~~(iii) The parent, guardian, or custodian to whom the child could be~~
10 ~~released is alleged to have violated RCW 9A.40.060 or 9A.40.070.~~

11 ~~If the court does not release the child to his or her parent,~~
12 ~~guardian, or legal custodian, and the child was initially placed with~~
13 ~~a relative pursuant to subsection (1) of this section, the court shall~~
14 ~~order continued placement with a relative, unless there is reasonable~~
15 ~~cause to believe the safety or welfare of the child would be~~
16 ~~jeopardized. If the child was not initially placed with a relative,~~
17 ~~and the court does not release the child to his or her parent,~~
18 ~~guardian, or legal custodian, the supervising agency shall make~~
19 ~~reasonable efforts to locate a relative pursuant to subsection (1) of~~
20 ~~this section. If a relative is not available, the court shall order~~
21 ~~continued shelter care or order placement with another suitable person,~~
22 ~~and the court shall set forth its reasons for the order. The court~~
23 ~~shall enter a finding as to whether subsections (2) and (3) of this~~
24 ~~section have been complied with. If actual notice was not given to the~~
25 ~~parent, guardian, or legal custodian and the whereabouts of such person~~
26 ~~is known or can be ascertained, the court shall order the supervising~~
27 ~~agency or the department of social and health services to make~~
28 ~~reasonable efforts to advise the parent, guardian, or legal custodian~~
29 ~~of the status of the case, including the date and time of any~~
30 ~~subsequent hearings, and their rights under RCW 13.34.090.~~

31 ~~(9) An order releasing the child on any conditions specified in~~
32 ~~this section may at any time be amended, with notice and hearing~~
33 ~~thereon, so as to return the child to shelter care for failure of the~~
34 ~~parties to conform to the conditions originally imposed.~~

35 ~~The court shall consider whether nonconformance with any conditions~~
36 ~~resulted from circumstances beyond the control of the parent and give~~
37 ~~weight to that fact before ordering return of the child to shelter~~
38 ~~care.~~

1 ~~(10) A shelter care order issued pursuant to this section may be~~
2 ~~amended at any time with notice and hearing thereon. The shelter care~~
3 ~~decision of placement shall be modified only upon a showing of change~~
4 ~~in circumstances. No child may be detained for longer than thirty days~~
5 ~~without an order, signed by the judge, authorizing continued shelter~~
6 ~~care.~~

7 ~~(11) Any parent, guardian, or legal custodian who for good cause is~~
8 ~~unable to attend the initial shelter care hearing may request that a~~
9 ~~subsequent shelter care hearing be scheduled. The request shall be~~
10 ~~made to the clerk of the court where the petition is filed prior to the~~
11 ~~initial shelter care hearing. The hearing shall be held within~~
12 ~~seventy two hours of the request, excluding Saturdays, Sundays, and~~
13 ~~holidays. The clerk shall notify all other parties of the hearing by~~
14 ~~any reasonable means.))~~

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

17 (1) The written notice of custody and rights required by RCW
18 13.34.060 shall be in substantially the following form:

19 "NOTICE

20 Your child has been placed in temporary custody under the
21 supervision of Child Protective Services (or other person or agency).
22 You have important legal rights and you must take steps to protect your
23 interests.

24 1. A court hearing will be held before a judge within 72 hours of
25 the time your child is taken into custody excluding Saturdays, Sundays,
26 and holidays. You should call the court at (insert appropriate
27 phone number here) for specific information about the date, time,
28 and location of the court hearing.

29 2. You have the right to have a lawyer represent you at the
30 hearing. You have the right to records the department intends to rely
31 upon. A lawyer can look at the files in your case, talk to child
32 protective services and other agencies, tell you about the law, help
33 you understand your rights, and help you at hearings. If you cannot
34 afford a lawyer, the court will appoint one to represent you. To get
35 a court-appointed lawyer you must contact: (explain local
36 procedure).

1 3. At the hearing, you have the right to speak on your own behalf,
2 to introduce evidence, to examine witnesses, and to receive a decision
3 based solely on the evidence presented to the judge.

4 4. If your hearing occurs before a court commissioner, you have the
5 right to have the decision of the court commissioner reviewed by a
6 superior court judge. To obtain that review, you must, within ten days
7 after the entry of the decision of the court commissioner, file with
8 the court a motion for revision of the decision, as provided in RCW
9 2.24.050.

10 You should be present at any shelter care hearing. If you do not
11 come, the judge will not hear what you have to say.

12 You may call the Child Protective Services' caseworker for more
13 information about your child. The caseworker's name and telephone
14 number are: (insert name and telephone number) ."

15 Upon receipt of the written notice, the parent, guardian, or legal
16 custodian shall acknowledge such notice by signing a receipt prepared
17 by child protective services. If the parent, guardian, or legal
18 custodian does not sign the receipt, the reason for lack of a signature
19 shall be written on the receipt. The receipt shall be made a part of
20 the court's file in the dependency action.

21 If after making reasonable efforts to provide notification, child
22 protective services is unable to determine the whereabouts of the
23 parents, guardian, or legal custodian, the notice shall be delivered or
24 sent to the last known address of the parent, guardian, or legal
25 custodian.

26 (2) If child protective services is not required to give notice
27 under RCW 13.34.060(2) and subsection (1) of this section, the juvenile
28 court counselor assigned to the matter shall make all reasonable
29 efforts to advise the parents, guardian, or legal custodian of the time
30 and place of any shelter care hearing, request that they be present,
31 and inform them of their basic rights as provided in RCW 13.34.090.

32 (3) Reasonable efforts to advise and to give notice, as required in
33 RCW 13.34.060(2) and subsections (1) and (2) of this section, shall
34 include, at a minimum, investigation of the whereabouts of the parent,
35 guardian, or legal custodian. If such reasonable efforts are not
36 successful, or the parent, guardian, or legal custodian does not appear
37 at the shelter care hearing, the petitioner shall testify at the
38 hearing or state in a declaration:

1 (a) The efforts made to investigate the whereabouts of, and to
2 advise, the parent, guardian, or legal custodian; and

3 (b) Whether actual advice of rights was made, to whom it was made,
4 and how it was made, including the substance of any oral communication
5 or copies of written materials used.

6 (4) The court shall hear evidence regarding notice given to, and
7 efforts to notify, the parent, guardian, or legal custodian and shall
8 examine the need for shelter care. The court shall hear evidence
9 regarding the efforts made to place the child with a relative. The
10 court shall make an express finding as to whether the notice required
11 under RCW 13.34.060(2) and subsections (1) and (2) of this section was
12 given to the parent, guardian, or legal custodian. All parties have
13 the right to present testimony to the court regarding the need or lack
14 of need for shelter care. Hearsay evidence before the court regarding
15 the need or lack of need for shelter care must be supported by sworn
16 testimony, affidavit, or declaration of the person offering such
17 evidence.

18 (5) A shelter care order issued pursuant to section 7 of this act
19 may be amended at any time with notice and hearing thereon. The
20 shelter care decision of placement shall be modified only upon a
21 showing of change in circumstances. No child may be placed in shelter
22 care for longer than thirty days without an order, signed by the judge,
23 authorizing continued shelter care.

24 (6) Any parent, guardian, or legal custodian who for good cause is
25 unable to attend the initial shelter care hearing may request that a
26 subsequent shelter care hearing be scheduled. The request shall be
27 made to the clerk of the court where the petition is filed prior to the
28 initial shelter care hearing. Upon the request of the parent, the
29 court shall schedule the hearing within seventy-two hours of the
30 request, excluding Saturdays, Sundays, and holidays. The clerk shall
31 notify all other parties of the hearing by any reasonable means.

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

34 At the commencement of the shelter care hearing the court shall
35 advise the parties of basic rights as provided in RCW 13.34.090 and
36 appoint counsel pursuant to RCW 13.34.090 if the parent or guardian is
37 indigent unless counsel has been retained by the parent or guardian or

1 the court finds that the right to counsel has been expressly and
2 voluntarily waived in court.

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

5 (1) The juvenile court probation counselor shall submit a
6 recommendation to the court as to the further need for shelter care
7 unless the petition has been filed by the department, in which case the
8 recommendation shall be submitted by the department.

9 (2) The court shall release a child alleged to be dependent to the
10 care, custody, and control of the child's parent, guardian, or legal
11 custodian unless the court finds there is reasonable cause to believe
12 that:

13 (a) After consideration of the specific services that have been
14 provided, reasonable efforts have been made to prevent or eliminate the
15 need for removal of the child from the child's home and to make it
16 possible for the child to return home; and

17 (b)(i) The child has no parent, guardian, or legal custodian to
18 provide supervision and care for such child; or

19 (ii) The release of such child would present a serious threat of
20 substantial harm to such child; or

21 (iii) The parent, guardian, or custodian to whom the child could be
22 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

23 If the court does not release the child to his or her parent,
24 guardian, or legal custodian, and the child was initially placed with
25 a relative pursuant to RCW 13.34.060(1), the court shall order
26 continued placement with a relative, unless there is reasonable cause
27 to believe the health, safety, or welfare of the child would be
28 jeopardized. If the child was not initially placed with a relative,
29 and the court does not release the child to his or her parent,
30 guardian, or legal custodian, the supervising agency shall make
31 reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).
32 If a relative is not available, the court shall order continued shelter
33 care or order placement with another suitable person, and the court
34 shall set forth its reasons for the order. The court shall enter a
35 finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of
36 this section have been complied with. If actual notice was not given
37 to the parent, guardian, or legal custodian and the whereabouts of such
38 person is known or can be ascertained, the court shall order the

1 supervising agency or the department of social and health services to
2 make reasonable efforts to advise the parent, guardian, or legal
3 custodian of the status of the case, including the date and time of any
4 subsequent hearings, and their rights under RCW 13.34.090.

5 (3) An order releasing the child on any conditions specified in
6 this section may at any time be amended, with notice and hearing
7 thereon, so as to return the child to shelter care for failure of the
8 parties to conform to the conditions originally imposed.

9 The court shall consider whether nonconformance with any conditions
10 resulted from circumstances beyond the control of the parent and give
11 weight to that fact before ordering return of the child to shelter
12 care.

13 **Sec. 8.** RCW 13.34.070 and 1993 c 358 s 1 are each amended to read
14 as follows:

15 (1) Upon the filing of the petition, the clerk of the court shall
16 issue a summons, one directed to the child, if the child is twelve or
17 more years of age, and another to the parents, guardian, or custodian,
18 and such other persons as appear to the court to be proper or necessary
19 parties to the proceedings, requiring them to appear personally before
20 the court at the time fixed to hear the petition. If the child is
21 developmentally disabled and not living at home, the notice shall be
22 given to the child's custodian as well as to the child's parent. The
23 developmentally disabled child shall not be required to appear unless
24 requested by the court. ((Where)) When the custodian is summoned, the
25 parent or guardian or both shall also be served with a summons. The
26 fact-finding hearing on the petition shall be held no later than
27 seventy-five days after the filing of the petition, unless exceptional
28 reasons for a continuance are found. The party requesting the
29 continuance shall have the burden of proving by a preponderance of the
30 evidence that exceptional circumstances ((~~do~~)) exist. To ensure that
31 the hearing on the petition occurs within the seventy-five day time
32 limit, the court shall schedule and hear the matter on an expedited
33 basis.

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

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

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

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

7 (6) If it appears from affidavit or sworn statement presented to
8 the judge that there is probable cause for the issuance of a warrant of
9 arrest or that the child needs to be taken into custody pursuant to RCW
10 13.34.050, the judge may endorse upon the summons an order that an
11 officer serving the summons shall at once take the child into custody
12 and take him or her to the place of shelter designated by the court.

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

18 NOTICE:

19 VIOLATION OF THIS ORDER
20 IS SUBJECT TO PROCEEDING
21 FOR CONTEMPT OF COURT
22 PURSUANT TO RCW 13.34.070.

23 (8) If a party to be served with a summons can be found within the
24 state, the summons shall be served upon the party personally as soon as
25 possible following the filing of the petition, but in no case later
26 than fifteen court days before the fact-finding hearing, or such time
27 as set by the court. If the party is within the state and cannot be
28 personally served, but the party's address is known or can with
29 reasonable diligence be ascertained, the summons may be served upon the
30 party by mailing a copy ((thereof)) by certified mail as soon as
31 possible following the filing of the petition, but in no case later
32 than fifteen court days before the hearing, or such time as set by the
33 court. If a party other than the child is without the state but can be
34 found or the address is known, or can with reasonable diligence be
35 ascertained, service of the summons may be made either by delivering a
36 copy ((thereof)) to the party personally or by mailing a copy thereof
37 to the party by certified mail at least ten court days before the fact-
38 finding hearing, or such time as set by the court.

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

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

12 **Sec. 9.** RCW 13.34.080 and 1990 c 246 s 3 are each amended to read
13 as follows:

14 (~~(In a dependency case where it appears by the petition or verified~~
15 ~~statement, that the person standing in the position of natural or legal~~
16 ~~guardian of the person of any child, is a nonresident of this state, or~~
17 ~~that the name or place of residence or whereabouts of such person is~~
18 ~~unknown, as well as in all cases where, after due diligence, the~~
19 ~~officer has been unable to make service of the summons or notice~~
20 ~~provided for in RCW 13.34.070, and a copy of the notice has been~~
21 ~~deposited in the post office, postage prepaid, directed to such person~~
22 ~~at his last known place of residence,)) (1) The court shall direct the
23 clerk to publish notice in a legal newspaper printed in the county,
24 qualified to publish summons, once a week for three consecutive weeks,
25 with the first publication of the notice to be at least twenty-five
26 days prior to the date fixed for the hearing when it appears by the
27 petition or verified statement that:~~

28 (a)(i) The parent or guardian is a nonresident of this state; or

29 (ii) The name or place of residence or whereabouts of the parent or
30 guardian is unknown; and

31 (b) After due diligence, the person attempting service of the
32 summons or notice provided for in RCW 13.34.070 has been unable to make
33 service, and a copy of the notice has been deposited in the post
34 office, postage prepaid, directed to such person at his or her last
35 known place of residence. If the parent, guardian, or legal custodian
36 is believed to be a resident of another state or a county other than
37 the county in which the petition has been filed, notice also shall be

1 published in the county in which the parent, guardian, or legal
2 custodian is believed to reside.

3 ~~((Additionally,))~~ (2) Publication may proceed simultaneously with
4 efforts to provide ~~((personal))~~ service in person or ~~((service))~~ by
5 mail ~~((for good cause shown))~~, when the court determines there is
6 reason to believe that ~~((personal))~~ service in person or ~~((service))~~ by
7 mail will not be successful. ~~((Such))~~ Notice shall be directed to the
8 parent, parents, or other person claiming the right to the custody of
9 the child, if their names are known~~((, or))~~. If their names are
10 unknown, the phrase "To whom it may concern" shall be used ~~((and))~~,
11 apply to, and be binding upon, ~~((any such))~~ those persons whose names
12 are unknown. The name of the court, the name of the child (or children
13 if of one family), the date of the filing of the petition, the date of
14 hearing, and the object of the proceeding in general terms shall be set
15 forth~~((, and the whole shall be subscribed by the clerk))~~. There shall
16 be filed with the clerk an affidavit showing due publication of the
17 notice~~((, and))~~. The cost of publication shall be paid by the county
18 at a rate not ~~((to exceed))~~ greater than the rate paid ~~((by the~~
19 ~~county))~~ for other legal notices. The publication of notice shall be
20 deemed equivalent to personal service upon all persons, known or
21 unknown, who have been designated as provided in this section.

22 **Sec. 10.** RCW 13.34.090 and 1998 c 328 s 3 and 1998 c 141 s 1 are
23 each reenacted and amended to read as follows:

24 (1) Any party has a right to be represented by an attorney in all
25 proceedings under this chapter, to introduce evidence, to be heard in
26 his or her own behalf, to examine witnesses, to receive a decision
27 based solely on the evidence adduced at the hearing, and to an unbiased
28 fact-finder.

29 (2) At all stages of a proceeding in which a child is alleged to be
30 dependent ~~((as defined in RCW 13.34.030(4)))~~, the child's parent,
31 guardian, or legal custodian has the right to be represented by
32 counsel, and if indigent, to have counsel appointed for him or her by
33 the court. Unless waived in court, counsel shall be provided to the
34 child's parent, guardian, or legal custodian, if such person (a) has
35 appeared in the proceeding or requested the court to appoint counsel
36 and (b) is financially unable to obtain counsel because of indigency
37 ~~((as defined in chapter 10.101 RCW))~~.

1 (3) If a party to an action under this chapter is represented by
2 counsel, no order shall be provided to that party for his or her
3 signature without prior notice and provision of the order to counsel.

4 (4) Copies of department of social and health services or
5 supervising agency records to which parents have legal access pursuant
6 to chapter 13.50 RCW shall be given to the child's parent, guardian,
7 legal custodian, or his or her legal counsel, prior to any shelter care
8 hearing and within fifteen days after the department or supervising
9 agency receives a written request for such records from the parent,
10 guardian, legal custodian, or his or her legal counsel. These records
11 shall be provided to the child's parents, guardian, legal custodian, or
12 legal counsel a reasonable period of time prior to the shelter care
13 hearing in order to allow an opportunity to review the records prior to
14 the hearing. These records shall be legible and shall be provided at
15 no expense to the parents, guardian, legal custodian, or his or her
16 counsel. When the records are served on legal counsel, legal counsel
17 shall have the opportunity to review the records with the parents and
18 shall review the records with the parents prior to the shelter care
19 hearing.

20 **Sec. 11.** RCW 13.34.110 and 1995 c 313 s 1 and 1995 c 311 s 27 are
21 each reenacted and amended to read as follows:

22 The court shall hold a fact-finding hearing on the petition and,
23 unless the court dismisses the petition, shall make written findings of
24 fact, stating the reasons therefor(~~(, and after it has announced its~~
25 ~~findings of fact shall hold a hearing to consider disposition of the~~
26 ~~case immediately following the fact-finding hearing or at a continued~~
27 ~~hearing within fourteen days or longer for good cause shown)).~~
28 Immediately after the entry of the findings of fact, the court shall
29 hold a disposition hearing, unless there is good cause for continuing
30 the matter. If good cause is shown, the case may be continued. Notice
31 of the time and place of the continued hearing may be given in open
32 court. If notice in open court is not given to a party, that party
33 shall be notified by certified mail of the time and place of any
34 continued hearing. Unless there is reasonable cause to believe the
35 health, safety, or welfare of the child would be jeopardized or efforts
36 to reunite the parent and child would be hindered, the court shall
37 direct the department to notify those adult persons who: (1) Are
38 related by blood or marriage to the child in the following degrees:

1 Parent, grandparent, brother, sister, stepparent, stepbrother,
2 stepsister, uncle, or aunt; (2) are known to the department as having
3 been in contact with the family or child within the past twelve months;
4 and (3) would be an appropriate placement for the child. Reasonable
5 cause to dispense with notification to a parent under this section must
6 be proved by clear, cogent, and convincing evidence.

7 The parties need not appear at the fact-finding or dispositional
8 hearing if the parties, their attorneys, the guardian ad litem, and
9 court-appointed special advocates, if any, are all in agreement. The
10 court shall receive and review a social study before entering an order
11 based on agreement. No social file or social study may be considered
12 by the court in connection with the fact-finding hearing or prior to
13 factual determination, except as otherwise admissible under the rules
14 of evidence. ((Notice of the time and place of the continued hearing
15 may be given in open court. If notice in open court is not given to a
16 party, that party shall be notified by mail of the time and place of
17 any continued hearing.

18 All hearings may be conducted at any time or place within the
19 limits of the county, and such cases may not be heard in conjunction
20 with other business of any other division of the superior court. The
21 general public shall be excluded, and only such persons may be admitted
22 who are found by the judge to have a direct interest in the case or in
23 the work of the court. Unless the court states on the record the
24 reasons to disallow attendance, the court shall allow a child's
25 relatives and, if a child resides in foster care, the child's foster
26 parent, to attend all hearings and proceedings pertaining to the child
27 for the sole purpose of providing oral and written information about
28 the child and the child's welfare to the court.

29 Stenographic notes or any device which accurately records the
30 proceedings may be required as provided in other civil cases pursuant
31 to RCW 2.32.200.))

32 NEW SECTION. Sec. 12. A new section is added to chapter 13.34 RCW
33 to read as follows:

34 All hearings may be conducted at any time or place within the
35 limits of the county, and such cases may not be heard in conjunction
36 with other business of any other division of the superior court. The
37 public shall be excluded, and only such persons may be admitted who are
38 found by the judge to have a direct interest in the case or in the work

1 of the court. Unless the court states on the record the reasons to
2 disallow attendance, the court shall allow a child's relatives and, if
3 a child resides in foster care, the child's foster parent, to attend
4 all hearings and proceedings pertaining to the child for the sole
5 purpose of providing oral and written information about the child and
6 the child's welfare to the court.

7 Stenographic notes or any device which accurately records the
8 proceedings may be required as provided in other civil cases pursuant
9 to RCW 2.32.200.

10 **Sec. 13.** RCW 13.34.120 and 1998 c 328 s 4 are each amended to read
11 as follows:

12 ~~((1))~~ To aid the court in its decision on disposition, a social
13 study~~((, consisting of a written evaluation of matters relevant to the~~
14 ~~disposition of the case,))~~ shall be made by the person or agency filing
15 the petition. A parent may submit a counselor's or health care
16 provider's evaluation of the parent, which shall either be included in
17 the social study or considered in conjunction with the social study.
18 The study shall include all social ~~((records))~~ files and may also
19 include facts relating to the child's cultural heritage, and shall be
20 made available to the court. The court shall consider the social file,
21 social study, guardian ad litem report, the court-appointed special
22 advocate's report, if any, and any reports filed by a party at the
23 disposition hearing in addition to evidence produced at the fact-
24 finding hearing. At least ten working days before the disposition
25 hearing, the department shall mail to the parent and his or her
26 attorney a copy of the agency's social study and proposed service plan,
27 which shall be in writing or in a form understandable to the parents or
28 custodians. In addition, the department shall provide an opportunity
29 for parents to review and comment on the plan at the ~~((community~~
30 ~~service))~~ local office closest to the parents' residence. If the
31 parents disagree with the agency's plan or any part thereof, the
32 parents shall submit to the court at least twenty-four hours before the
33 hearing, in writing, or signed oral statement, an alternative plan to
34 correct the problems which led to the finding of dependency. This
35 section shall not interfere with the right of the parents or custodians
36 to submit oral arguments regarding the disposition plan at the hearing.

37 ~~((2) In addition to the requirements set forth in subsection (1)~~
38 ~~of this section, a predisposition study to the court in cases of~~

1 dependency alleged pursuant to RCW 13.34.030(4) (b) or (c) shall
2 contain the following information:

3 (a) A statement of the specific harm or harms to the child that
4 intervention is designed to alleviate;

5 (b) A description of the specific programs, for both the parents
6 and child, that are needed in order to prevent serious harm to the
7 child; the reasons why such programs are likely to be useful; the
8 availability of any proposed services; and the agency's overall plan
9 for ensuring that the services will be delivered. The description
10 shall identify services chosen and approved by the parent;

11 (c) If removal is recommended, a full description of the reasons
12 why the child cannot be protected adequately in the home, including a
13 description of any previous efforts to work with the parents and the
14 child in the home; the in-home treatment programs which have been
15 considered and rejected; the preventive services that have been offered
16 or provided and have failed to prevent the need for out-of-home
17 placement, unless the health, safety, and welfare of the child cannot
18 be protected adequately in the home; and the parents' attitude toward
19 placement of the child;

20 (d) A statement of the likely harms the child will suffer as a
21 result of removal. This section should include an exploration of the
22 nature of the parent-child attachment and the meaning of separation and
23 loss to both the parents and the child;

24 (e) A description of the steps that will be taken to minimize harm
25 to the child that may result if separation occurs; and

26 (f) Behavior that will be expected before determination that
27 supervision of the family or placement is no longer necessary.))

28 NEW SECTION. **Sec. 14.** A new section is added to chapter 13.34 RCW
29 to read as follows:

30 If the most recent date that a child was removed from the home of
31 the parent, guardian, or legal custodian for purposes of placement in
32 out-of-home care occurred prior to the filing of a dependency petition
33 or after filing but prior to entry of a disposition order, such time
34 periods shall be included when calculating the length of the child's
35 current placement episode.

36 **Sec. 15.** RCW 13.34.130 and 1999 c 267 s 16, 1999 c 267 s 9, and
37 1999 c 173 s 3 are each reenacted and amended to read as follows:

1 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
2 been proven by a preponderance of the evidence that the child is
3 dependent within the meaning of RCW 13.34.030(~~(+)~~) after consideration
4 of the (~~(predisposition report)~~) social study prepared pursuant to RCW
5 13.34.110 and after a disposition hearing has been held pursuant to RCW
6 13.34.110, the court shall enter an order of disposition pursuant to
7 this section.

8 (1) The court shall order one of the following dispositions of the
9 case:

10 (a) Order a disposition other than removal of the child from his or
11 her home, which shall provide a program designed to alleviate the
12 immediate danger to the child, to mitigate or cure any damage the child
13 has already suffered, and to aid the parents so that the child will not
14 be endangered in the future. In (~~(selecting a program)~~) determining
15 the disposition, the court should choose those services, including
16 housing assistance, that least interfere with family autonomy(~~(+)~~
17 ~~provided that the services)~~) and are adequate to protect the child.

18 (b) Order (~~(that)~~) the child to be removed from his or her home and
19 (~~(ordered)~~) into the custody, control, and care of a relative or the
20 department (~~(of social and health services)~~) or a licensed child
21 placing agency for placement in a foster family home or group care
22 facility licensed pursuant to chapter 74.15 RCW or in a home not
23 required to be licensed pursuant to chapter 74.15 RCW. Unless there is
24 reasonable cause to believe that the health, safety, or welfare of the
25 child would be jeopardized or that efforts to reunite the parent and
26 child will be hindered, such child shall be placed with a person who
27 is: (i) Related to the child as defined in RCW 74.15.020(2)(a) (~~(and)~~)
28 with whom the child has a relationship and is comfortable(~~(+)~~)i and
29 (~~(who is)~~) (ii) willing and available to care for the child.

30 (2) Placement of the child with a relative under this subsection
31 shall be given preference by the court. An order for out-of-home
32 placement may be made only if the court finds that reasonable efforts
33 have been made to prevent or eliminate the need for removal of the
34 child from the child's home and to make it possible for the child to
35 return home, specifying the services that have been provided to the
36 child and the child's parent, guardian, or legal custodian, and that
37 preventive services have been offered or provided and have failed to
38 prevent the need for out-of-home placement, unless the health, safety,

1 and welfare of the child cannot be protected adequately in the home,
2 and that:

3 ~~((i))~~ (a) There is no parent or guardian available to care for
4 such child;

5 ~~((ii))~~ (b) The parent, guardian, or legal custodian is not
6 willing to take custody of the child; or

7 ~~((iii))~~ (c) The court finds, by clear, cogent, and convincing
8 evidence, a manifest danger exists that the child will suffer serious
9 abuse or neglect if the child is not removed from the home and an order
10 under RCW 26.44.063 would not protect the child from danger(~~(i~~ or

11 ~~(iv) The extent of the child's disability is such that the parent,~~
12 ~~guardian, or legal custodian is unable to provide the necessary care~~
13 ~~for the child and the parent, guardian, or legal custodian has~~
14 ~~determined that the child would benefit from placement outside of the~~
15 ~~home)).~~

16 ~~((2))~~ (3) If the court has ordered a child removed from his or
17 her home pursuant to subsection (1)(b) of this section, the court may
18 order that a petition seeking termination of the parent and child
19 relationship be filed if the ~~((court finds:—(a) Termination is~~
20 ~~recommended by the supervising agency; (b) termination is in the best~~
21 ~~interests of the child; and (c) that because of the existence of~~
22 ~~aggravated circumstances, reasonable efforts to unify the family are~~
23 ~~not required.—— Notwithstanding the existence of aggravated~~
24 ~~circumstances, reasonable efforts may be required if the court or~~
25 ~~department determines it is in the best interest of the child. In~~
26 ~~determining whether aggravated circumstances exist by clear, cogent,~~
27 ~~and convincing evidence, the court shall consider one or more of the~~
28 ~~following:~~

29 ~~(i) Conviction of the parent of rape of the child in the first,~~
30 ~~second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and~~
31 ~~9A.44.079;~~

32 ~~(ii) Conviction of the parent of criminal mistreatment of the child~~
33 ~~in the first or second degree as defined in RCW 9A.42.020 and~~
34 ~~9A.42.030;~~

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

1 ~~(iv) Conviction of the parent of murder, manslaughter, or homicide~~
2 ~~by abuse of the child's other parent, sibling, or another child;~~
3 ~~(v) Conviction of the parent of attempting, soliciting, or~~
4 ~~conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of~~
5 ~~this subsection;~~
6 ~~(vi) A finding by a court that a parent is a sexually violent~~
7 ~~predator as defined in RCW 71.09.020;~~
8 ~~(vii) Failure of the parent to complete available treatment ordered~~
9 ~~under this chapter or the equivalent laws of another state, where such~~
10 ~~failure has resulted in a prior termination of parental rights to~~
11 ~~another child and the parent has failed to effect significant change in~~
12 ~~the interim. In the case of a parent of an Indian child, as defined in~~
13 ~~the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. Sec. 1903), the~~
14 ~~court shall also consider tribal efforts to assist the parent in~~
15 ~~completing treatment and make it possible for the child to return home;~~
16 ~~(viii) An infant under three years of age has been abandoned as~~
17 ~~defined in RCW 13.34.030(4)(a);~~
18 ~~(ix) The mother has given birth to three or more drug-affected~~
19 ~~infants, resulting in the department filing a petition under section~~
20 ~~23, chapter 314, Laws of 1998;~~
21 ~~(x) Conviction of the parent of a sex offense under chapter 9A.44~~
22 ~~RCW or incest under RCW 9A.64.020 when the child is born of the~~
23 ~~offense.~~
24 ~~(3) If reasonable efforts are not ordered under subsection (2) of~~
25 ~~this section a permanency planning hearing shall be held within thirty~~
26 ~~days. Reasonable efforts shall be made to place the child in a timely~~
27 ~~manner in accordance with the permanency plan, and to complete whatever~~
28 ~~steps are necessary to finalize the permanent placement of the child.~~
29 ~~(4) Whenever a child is ordered removed from the child's home, the~~
30 ~~agency charged with his or her care shall provide the court with:~~
31 ~~(a) A permanency plan of care that shall identify one of the~~
32 ~~following outcomes as a primary goal and may identify additional~~
33 ~~outcomes as alternative goals: Return of the child to the home of the~~
34 ~~child's parent, guardian, or legal custodian; adoption; guardianship;~~
35 ~~permanent legal custody; long term relative or foster care, until the~~
36 ~~child is age eighteen, with a written agreement between the parties and~~
37 ~~the care provider; and independent living, if appropriate and if the~~
38 ~~child is age sixteen or older; or a responsible living skills program.~~
39 ~~Whenever a permanency plan identifies independent living as a goal, the~~

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

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

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

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

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

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

37 (c) If the court has ordered, pursuant to subsection (2) of this
38 section, that a termination petition be filed, a specific plan as to
39 where the child will be placed, what steps will be taken to achieve

1 permanency for the child, services to be offered or provided to the
2 child, and, if visitation would be in the best interests of the child,
3 a recommendation to the court regarding visitation between parent and
4 child pending a fact-finding hearing on the termination petition. The
5 agency shall not be required to develop a plan of services for the
6 parents or provide services to the parents.

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

13 (6)) requirements of section 16 of this act are met.

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

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

1 parent, preadoptive parent, or relative with notice of, and their right
2 to an opportunity to be heard in, a review hearing pertaining to the
3 child, but only if that person is currently providing care to that
4 child at the time of the hearing. This section shall not be construed
5 to grant party status to any person who has been provided an
6 opportunity to be heard.

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

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

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

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

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

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

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

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

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

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

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

1 ~~(8) The court's ability to order housing assistance under this~~
2 ~~section is: (a) Limited to cases in which homelessness or the lack of~~
3 ~~adequate and safe housing is the primary reason for an out of home~~
4 ~~placement; and (b) subject to the availability of funds appropriated~~
5 ~~for this specific purpose.)~~)

6 NEW SECTION. Sec. 16. A new section is added to chapter 13.34 RCW
7 to read as follows:

8 A court may order that a petition seeking termination of the parent
9 and child relationship be filed if the following requirements are met:

10 (1) The court has removed the child from his or her home pursuant
11 to RCW 13.34.130;

12 (2) Termination is recommended by the supervising agency;

13 (3) Termination is in the best interests of the child; and

14 (4) Because of the existence of aggravated circumstances,
15 reasonable efforts to unify the family are not required.
16 Notwithstanding the existence of aggravated circumstances, reasonable
17 efforts may be required if the court or department determines it is in
18 the best interests of the child. In determining whether aggravated
19 circumstances exist by clear, cogent, and convincing evidence, the
20 court shall consider one or more of the following:

21 (a) Conviction of the parent of rape of the child in the first,
22 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
23 9A.44.079;

24 (b) Conviction of the parent of criminal mistreatment of the child
25 in the first or second degree as defined in RCW 9A.42.020 and
26 9A.42.030;

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

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

33 (e) Conviction of the parent of attempting, soliciting, or
34 conspiring to commit a crime listed in (a), (b), (c), or (d) of this
35 subsection;

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

1 (g) Failure of the parent to complete available treatment ordered
2 under this chapter or the equivalent laws of another state, where such
3 failure has resulted in a prior termination of parental rights to
4 another child and the parent has failed to effect significant change in
5 the interim. In the case of a parent of an Indian child, as defined in
6 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. Sec. 1903), the
7 court shall also consider tribal efforts to assist the parent in
8 completing treatment and make it possible for the child to return home;

9 (h) An infant under three years of age has been abandoned;

10 (i) Conviction of the parent, when a child has been born of the
11 offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B) incest
12 under RCW 9A.64.020.

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

15 If reasonable efforts are not ordered under section 16 of this act,
16 a permanency planning hearing shall be held within thirty days of the
17 court order to file a petition to terminate parental rights.
18 Reasonable efforts shall be made to place the child in a timely manner
19 in accordance with the permanency plan, and to complete whatever steps
20 are necessary to finalize the permanent placement of the child.

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

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

25 (a) A permanency plan of care that shall identify one of the
26 following outcomes as a primary goal and may identify additional
27 outcomes as alternative goals: Return of the child to the home of the
28 child's parent, guardian, or legal custodian; adoption; guardianship;
29 permanent legal custody; long-term relative or foster care, until the
30 child is age eighteen, with a written agreement between the parties and
31 the care provider; or independent living, if appropriate and if the
32 child is age sixteen or older. The department shall not discharge a
33 child to an independent living situation before the child is eighteen
34 years of age unless the child becomes emancipated pursuant to chapter
35 13.64 RCW;

36 (b) Unless the court has ordered, pursuant to RCW 13.34.130(3),
37 that a termination petition be filed, a specific plan as to where the

1 child will be placed, what steps will be taken to return the child
2 home, and what actions the agency will take to maintain parent-child
3 ties. All aspects of the plan shall include the goal of achieving
4 permanence for the child.

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

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

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

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

24 (c) If the court has ordered, pursuant to RCW 13.34.130(3), that a
25 termination petition be filed, a specific plan as to where the child
26 will be placed, what steps will be taken to achieve permanency for the
27 child, services to be offered or provided to the child, and, if
28 visitation would be in the best interests of the child, a
29 recommendation to the court regarding visitation between parent and
30 child pending a fact-finding hearing on the termination petition. The
31 agency shall not be required to develop a plan of services for the
32 parents or provide services to the parents if the court orders a
33 termination petition be filed.

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

1 NEW SECTION. **Sec. 19.** A new section is added to chapter 13.34 RCW
2 to read as follows:

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

18 (a) A child shall not be returned home at the review hearing unless
19 the court finds that a reason for removal as set forth in RCW 13.34.130
20 no longer exists. The parents, guardian, or legal custodian shall
21 report to the court the efforts they have made to correct the
22 conditions which led to removal. If a child is returned, casework
23 supervision shall continue for a period of six months, at which time
24 there shall be a hearing on the need for continued intervention.

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

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

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

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

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

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

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

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

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

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

11 (2) The court's ability to order housing assistance under RCW
12 13.34.130 and this section is: (a) Limited to cases in which
13 homelessness or the lack of adequate and safe housing is the primary
14 reason for an out-of-home placement; and (b) subject to the
15 availability of funds appropriated for this specific purpose.

16 **Sec. 20.** RCW 13.34.145 and 1999 c 267 s 17 are each amended to
17 read as follows:

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

25 (a) Whenever a child is placed in out-of-home care pursuant to RCW
26 13.34.130, the agency that has custody of the child shall provide the
27 court with a written permanency plan of care directed towards securing
28 a safe, stable, and permanent home for the child as soon as possible.
29 The plan shall identify one of the following outcomes as the primary
30 goal and may also identify additional outcomes as alternative goals:
31 Return of the child to the home of the child's parent, guardian, or
32 legal custodian; adoption; guardianship; permanent legal custody; long-
33 term relative or foster care, until the child is age eighteen, with a
34 written agreement between the parties and the care provider; a
35 responsible living skills program; and independent living, if
36 appropriate and if the child is age sixteen or older and the provisions
37 of subsection (2) of this section are met.

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

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

10 (d) For purposes related to permanency planning:

11 (i) "Guardianship" means a dependency guardianship (~~pursuant to~~
12 ~~this chapter~~), a legal guardianship pursuant to chapter 11.88 RCW, or
13 equivalent laws of another state or a federally recognized Indian
14 tribe.

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

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

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

32 (3) A permanency planning hearing shall be held in all cases where
33 the child has remained in out-of-home care for at least nine months and
34 an adoption decree, guardianship order, or permanent custody order has
35 not previously been entered. The hearing shall take place no later
36 than twelve months following commencement of the current placement
37 episode.

38 (4) Whenever a child is removed from the home of a dependency
39 guardian or long-term relative or foster care provider, and the child

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

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

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

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

32 (ii) Modify the permanency plan, and order implementation of the
33 modified plan; and

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

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

1 (7) If the court orders the child returned home, casework
2 supervision shall continue for at least six months, at which time a
3 review hearing shall be held pursuant to ~~((RCW 13.34.130(7)))~~ section
4 19 of this act, and the court shall determine the need for continued
5 intervention.

6 (8) Continued juvenile court jurisdiction under this chapter shall
7 not be a barrier to the entry of an order establishing a legal
8 guardianship or permanent legal custody when~~((7))~~: (a) The court has
9 ordered implementation of a permanency plan that includes legal
10 guardianship or permanent legal custody~~((7))~~; and (b) the party
11 pursuing the legal guardianship or permanent legal custody is the party
12 identified in the permanency plan as the prospective legal guardian or
13 custodian. During the pendency of such proceeding, ~~((juvenile))~~ the
14 court shall conduct review hearings and further permanency planning
15 hearings as provided in this chapter. At the conclusion of the legal
16 guardianship or permanent legal custody proceeding, a juvenile court
17 hearing shall be held for the purpose of determining whether dependency
18 should be dismissed. If a guardianship or permanent custody order has
19 been entered, the dependency shall be dismissed.

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

25 (10) Except as ~~((otherwise))~~ provided in RCW 13.34.235, the status
26 of all dependent children shall continue to be reviewed by the court at
27 least once every six months, in accordance with ~~((RCW 13.34.130(7)))~~
28 section 19 of this act, until the dependency is dismissed. Prior to
29 the second permanency planning hearing, the agency that has custody of
30 the child shall consider whether to file a petition for termination of
31 parental rights.

32 (11) Nothing in this chapter may be construed to limit the ability
33 of the agency that has custody of the child to file a petition for
34 termination of parental rights or a guardianship petition at any time
35 following the establishment of dependency. Upon the filing of such a
36 petition, a fact-finding hearing shall be scheduled and held in
37 accordance with this chapter unless the agency requests dismissal of
38 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 **Sec. 21.** RCW 13.34.165 and 1998 c 296 s 38 are each amended to
12 read as follows:

13 (1) Failure by a party to comply with an order entered under this
14 chapter is civil contempt of court as provided in RCW 7.21.030(2)(e).

15 (2) The maximum term of (~~imprisonment~~) confinement that may be
16 imposed as a remedial sanction for contempt of court under this section
17 is confinement for up to seven days.

18 (3) A child (~~imprisoned~~) held for contempt under this section
19 shall be confined only in a secure juvenile detention facility operated
20 by or pursuant to a contract with a county.

21 (4) A motion for contempt may be made by a parent, juvenile court
22 personnel, or by any public agency, organization, or person having
23 custody of the child under a court order entered pursuant to this
24 chapter.

25 (5) Whenever the court finds probable cause to believe, based upon
26 consideration of a motion for contempt and the information set forth in
27 a supporting declaration, that a child has violated a placement order
28 entered under this chapter, the court may issue an order directing law
29 enforcement to pick up and take the child to detention. The order may
30 be entered ex parte without prior notice to the child or other parties.
31 Following the child's admission to detention, a detention review
32 hearing must be held in accordance with RCW 13.32A.065.

33 **Sec. 22.** RCW 13.34.170 and 1981 c 195 s 9 are each amended to read
34 as follows:

35 In any case in which (~~an order or decree of~~) the (~~juvenile~~)
36 court (~~requiring~~) has ordered a parent or parents, guardian, or other
37 person having custody of a child to pay (~~for shelter care and/or~~)

1 support ~~((of such child is))~~ under RCW 13.34.160 and the order has not
2 been complied with, the court may, upon such person or persons being
3 duly summoned or voluntarily appearing, proceed to inquire into the
4 amount due upon ~~((said))~~ the order ~~((or decree))~~ and enter judgment for
5 ~~((such))~~ that amount against the defaulting party or parties, and
6 ~~((such))~~ the judgment shall be docketed as are other judgments for the
7 payment of money.

8 In such judgments, the county in which the ~~((same are))~~ order is
9 entered shall be ~~((denominated))~~ the judgment creditor, or the state
10 may be the judgment creditor where the child is in the custody of a
11 state agency ~~((and said))~~. Judgments may be enforced by the
12 prosecuting attorney of ~~((such))~~ the county, or the attorney general
13 where the state is the judgment creditor and any moneys recovered
14 ~~((thereon))~~ shall be paid into the registry of the juvenile court and
15 shall be disbursed to such person, persons, agency, or governmental
16 department as the court ~~((shall find to be))~~ finds is entitled
17 ~~((thereto))~~ to it.

18 Such judgments shall remain ~~((as))~~ valid and enforceable
19 ~~((judgments))~~ for a period of ten years ~~((subsequent to the))~~ after the
20 date of entry ~~((thereof))~~.

21 **Sec. 23.** RCW 13.34.174 and 1993 c 412 s 5 are each amended to read
22 as follows:

23 (1) The provisions of this section shall apply when a court orders
24 a party to undergo an alcohol or substance abuse diagnostic
25 investigation and evaluation.

26 (2) The facility conducting the investigation and evaluation shall
27 make a written report to the court stating its findings and
28 recommendations including family-based services or treatment when
29 appropriate. If its findings and recommendations support treatment, it
30 shall also recommend a treatment plan setting out:

- 31 (a) Type of treatment;
- 32 (b) Nature of treatment;
- 33 (c) Length of treatment;
- 34 (d) A treatment time schedule; and
- 35 (e) Approximate cost of the treatment.

36 The affected person shall be included in developing the appropriate
37 ~~((plan of))~~ treatment plan. The ~~((plan of))~~ treatment plan must be
38 signed by ~~((the))~~ the treatment provider and the affected person.

1 The initial written progress report based on the treatment plan (~~and~~
2 ~~response to treatment~~) shall be sent to the appropriate persons six
3 weeks after initiation of treatment(~~(, and)~~). Subsequent progress
4 reports shall be provided after three months, (~~after~~) six months,
5 (~~after~~) twelve months, and thereafter every six months if treatment
6 exceeds twelve months. Reports are to be filed with the court in a
7 timely manner. Close-out of the treatment record must include summary
8 of pretreatment and posttreatment, with final outcome and disposition.
9 The report shall also include recommendations for ongoing stability and
10 decrease in destructive behavior.

11 (~~The~~) Each report (~~with the treatment plan~~) shall also be filed
12 with the court and a copy given to the person evaluated and the
13 person's counsel. A copy of the treatment plan shall also be given to
14 the department's caseworker and to the guardian ad litem. Any program
15 for chemical dependency shall meet the program requirements contained
16 in chapter 70.96A RCW.

17 (3) If the court has ordered treatment pursuant to a dependency
18 proceeding it shall also require the treatment program to provide, in
19 the reports required by subsection (2) of this section, status reports
20 to the court, the department, the supervising child-placing agency if
21 any, and the person or person's counsel regarding(~~(a)~~) the
22 person's cooperation with the treatment plan proposed(~~(b)~~) and (~~(b)~~)
23 the person's progress in treatment.

24 (4) (~~In addition,~~) If (~~the party~~) a person subject to this
25 section fails or neglects to carry out and fulfill any term or
26 condition of the treatment plan, the program or agency administering
27 the treatment shall report such breach to the court, the department,
28 the guardian ad litem, the supervising child-placing agency if any, and
29 the person or person's counsel, within twenty-four hours, together with
30 its recommendation. These reports shall be made as a declaration by
31 the person who is personally responsible for providing the treatment.

32 (5) Nothing in this chapter may be construed as allowing the court
33 to require the department to pay for the cost of any alcohol or
34 substance abuse evaluation or treatment program.

35 **Sec. 24.** RCW 13.34.176 and 1993 c 412 s 6 are each amended to read
36 as follows:

37 (1) The court (~~or the department~~), upon receiving a report under
38 RCW 13.34.174(4) or at the department's request, may schedule a show

1 cause hearing to determine whether the person is in violation of the
2 treatment conditions. All parties shall be given notice of the
3 hearing. The court shall hold the hearing within ten days of the
4 request for a hearing. At the hearing, testimony, declarations,
5 reports, or other relevant information may be presented on the person's
6 alleged failure to comply with the treatment plan and the person shall
7 have the right to present similar information on his or her own behalf.

8 (2) If the court finds that there has been a violation of the
9 treatment conditions it shall modify the dependency order, as
10 necessary, to ensure the safety of the child. The modified order shall
11 remain in effect until the party is in full compliance with the
12 treatment requirements.

13 **Sec. 25.** RCW 13.34.180 and 1998 c 314 s 4 are each amended to read
14 as follows:

15 (1) A petition seeking termination of a parent and child
16 relationship may be filed in juvenile court by any party to the
17 dependency proceedings concerning that child. Such petition shall
18 conform to the requirements of RCW 13.34.040, shall be served upon the
19 parties as provided in RCW 13.34.070(8), and shall allege all of the
20 following unless subsection (2) or (3) of this section applies:

21 ((+1)) (a) That the child has been found to be a dependent child
22 ((under RCW 13.34.030(4))); ((and

23 (+2)) (b) That the court has entered a dispositional order pursuant
24 to RCW 13.34.130; ((and

25 (+3)) (c) That the child has been removed or will, at the time of
26 the hearing, have been removed from the custody of the parent for a
27 period of at least six months pursuant to a finding of dependency
28 ((under RCW 13.34.030(4))); ((and

29 (+4)) (d) That the services ordered under ((RCW 13.34.130)) section
30 18 of this act have been expressly and understandably offered or
31 provided and all necessary services, reasonably available, capable of
32 correcting the parental deficiencies within the foreseeable future have
33 been expressly and understandably offered or provided; ((and

34 (+5)) (e) That there is little likelihood that conditions will be
35 remedied so that the child can be returned to the parent in the near
36 future. A parent's failure to substantially improve parental
37 deficiencies within twelve months following entry of the dispositional
38 order shall give rise to a rebuttable presumption that there is little

1 likelihood that conditions will be remedied so that the child can be
2 returned to the parent in the near future. The presumption shall not
3 arise unless the petitioner makes a showing that all necessary services
4 reasonably capable of correcting the parental deficiencies within the
5 foreseeable future have been clearly offered or provided. In
6 determining whether the conditions will be remedied the court may
7 consider, but is not limited to, the following factors:

8 ~~((a))~~ (i) Use of intoxicating or controlled substances so as to
9 render the parent incapable of providing proper care for the child for
10 extended periods of time and documented unwillingness of the parent to
11 receive and complete treatment or documented multiple failed treatment
12 attempts; or

13 ~~((b))~~ (ii) Psychological incapacity or mental deficiency of the
14 parent that is so severe and chronic as to render the parent incapable
15 of providing proper care for the child for extended periods of time,
16 and documented unwillingness of the parent to receive and complete
17 treatment or documentation that there is no treatment that can render
18 the parent capable of providing proper care for the child in the near
19 future; and

20 ~~((6))~~ (f) That continuation of the parent and child relationship
21 clearly diminishes the child's prospects for early integration into a
22 stable and permanent home~~((or))~~.

23 ~~((7))~~ (2) In lieu of the allegations in subsection~~((s))~~ (1)
24 ~~((through 6))~~ of this section, the petition may allege that the child
25 was found under such circumstances that the whereabouts of the child's
26 parent are unknown and no person has acknowledged paternity or
27 maternity and requested custody of the child within two months after
28 the child was found~~((or))~~.

29 ~~((8))~~ (3) In lieu of the allegations in subsection~~((s 2) through~~
30 ~~(6))~~ (1)(b) through (f) of this section, the petition may allege that
31 the parent has been ~~((found by a court of competent jurisdiction))~~
32 convicted of:

33 (a) ~~((To have committed, against another child of such parent,))~~
34 Murder in the first degree, murder in the second degree, or homicide by
35 abuse as defined in chapter 9A.32 RCW against another child of the
36 parent;

37 (b) ~~((To have committed, against another child of such parent,))~~
38 Manslaughter in the first degree or manslaughter in the second degree,
39 as defined in chapter 9A.32 RCW against another child of the parent;

1 (c) (~~To have attempted, conspired, or solicited~~) Attempting,
2 conspiring, or soliciting another to commit one or more of the crimes
3 listed in (a) or (b) of this subsection; or

4 (d) (~~To have committed~~) Assault in the first or second degree, as
5 defined in chapter 9A.36 RCW, against the surviving child or another
6 child of the parent.

7 (4) Notice of rights shall be served upon the parent, guardian, or
8 legal custodian with the petition and shall be in substantially the
9 following form:

10 "NOTICE

11 A petition for termination of parental rights has been filed
12 against you. You have important legal rights and you must take
13 steps to protect your interests. This petition could result in
14 permanent loss of your parental rights.

15 1. You have the right to a fact-finding hearing before
16 a judge.

17 2. You have the right to have a lawyer represent you at
18 the hearing. A lawyer can look at the files in your case, talk
19 to the department of social and health services and other
20 agencies, tell you about the law, help you understand your
21 rights, and help you at hearings. If you cannot afford a
22 lawyer, the court will appoint one to represent you. To get a
23 court-appointed lawyer you must contact: (explain local
24 procedure) .

25 3. At the hearing, you have the right to speak on your
26 own behalf, to introduce evidence, to examine witnesses, and to
27 receive a decision based solely on the evidence presented to
28 the judge.

29 You should be present at this hearing.

30 You may call (insert agency) for more information
31 about your child. The agency's name and telephone number are
32 (insert name and telephone number) ."

33 **Sec. 26.** RCW 13.34.190 and 1998 c 314 s 5 are each amended to read
34 as follows:

35 After hearings pursuant to RCW 13.34.110 or 13.34.130 , the court
36 may enter an order terminating all parental rights to a child only if
37 the court finds that:

1 (1)(a) The allegations contained in the petition as provided in RCW
2 13.34.180(1) (~~through (6)~~) are established by clear, cogent, and
3 convincing evidence; or

4 (b) (~~RCW 13.34.180 (3) and (4) may be waived because the~~
5 ~~allegations under~~) The provisions of RCW 13.34.180 (1)(~~(, (2), (5),~~
6 and (6)) (a), (b), (e), and (f) are established beyond a reasonable
7 doubt and if so, then RCW 13.34.180(1) (c) and (d) may be waived. When
8 an infant has been abandoned, as defined in RCW 13.34.030, and the
9 abandonment has been proved beyond a reasonable doubt, then RCW
10 13.34.180(1) (c) and (d) may be waived; or

11 (c) The allegation under RCW 13.34.180(~~(7)~~) (2) is established
12 beyond a reasonable doubt. In determining whether RCW 13.34.180 (~~(5)~~
13 ~~and (6)~~) (1) (e) and (f) are established beyond a reasonable doubt,
14 the court shall consider whether one or more of the aggravated
15 circumstances listed in (~~RCW 13.34.130(2)~~) section 16 of this act
16 exist; or

17 (d) The allegation under RCW 13.34.180(~~(8)~~) (3) is established
18 beyond a reasonable doubt; and

19 (2) Such an order is in the best interests of the child.

20 **Sec. 27.** RCW 13.34.200 and 1977 ex.s. c 291 s 48 are each amended
21 to read as follows:

22 (1) Upon the termination of parental rights pursuant to RCW
23 13.34.180, all rights, powers, privileges, immunities, duties, and
24 obligations, including any rights to custody, control, visitation, or
25 support existing between the child and parent shall be severed and
26 terminated and the parent shall have no standing to appear at any
27 further legal proceedings concerning the child: PROVIDED, That any
28 support obligation existing prior to the effective date of the order
29 terminating parental rights shall not be severed or terminated. The
30 rights of one parent may be terminated without affecting the rights of
31 the other parent and the order shall so state.

32 (2) An order terminating the parent and child relationship shall
33 not disentitle a child to any benefit due the child from any third
34 person, agency, state, or the United States, nor shall any action under
35 this chapter be deemed to affect any rights and benefits that (~~a~~
36 ~~native American~~) an Indian child derives from the child's descent from
37 a member of a federally recognized Indian tribe.

1 **Sec. 28.** RCW 13.34.210 and 1991 c 127 s 6 are each amended to read
2 as follows:

3 If, upon entering an order terminating the parental rights of a
4 parent, there remains no parent having parental rights, the court shall
5 commit the child to the custody of the department (~~(of social and~~
6 ~~health services)~~) or to a licensed child-placing agency willing to
7 accept custody for the purpose of placing the child for adoption(~~(, or~~
8 ~~in the absence thereof)~~). If an adoptive home has not been identified,
9 the department or agency shall place the child in a licensed foster
10 home, or take other suitable measures for the care and welfare of the
11 child. The custodian shall have authority to consent to the adoption
12 of the child consistent with chapter 26.33 RCW, the marriage of the
13 child, the enlistment of the child in the armed forces of the United
14 States, necessary surgical and other medical treatment for the child,
15 and to consent to such other matters as might normally be required of
16 the parent of the child.

17 If a child has not been adopted within six months after the date of
18 the order and a (~~(general guardian)~~) guardianship of the child under
19 RCW 13.34.231 or chapter 11.88 RCW, or a permanent custody order under
20 chapter 26.10 RCW, has not been (~~(appointed)~~) entered by the court,
21 (~~(the child shall be returned to the court for entry of further orders~~
22 ~~for his or her care, custody, and control, and, except for children~~
23 ~~whose cases are reviewed by a citizen review board under chapter 13.70~~
24 ~~RCW,)) the court shall review the case every six months (~~(thereafter)~~)~~

25 until a decree of adoption is entered except for those cases which are
26 reviewed by a citizen review board under chapter 13.70 RCW.

27 **Sec. 29.** RCW 13.34.231 and 1994 c 288 s 6 are each amended to read
28 as follows:

29 At the hearing on a dependency guardianship petition, all parties
30 have the right to present evidence and cross examine witnesses. The
31 rules of evidence apply to the conduct of the hearing. A guardianship
32 shall be established if the court finds by a preponderance of the
33 evidence that:

34 (1) The child has been found to be a dependent child under RCW
35 13.34.030;

36 (2) A dispositional order has been entered pursuant to RCW
37 13.34.130;

1 (3) The child has been removed or will, at the time of the hearing,
2 have been removed from the custody of the parent for a period of at
3 least six months pursuant to a finding of dependency under RCW
4 13.34.030;

5 (4) The services ordered under RCW 13.34.130 and section 18 of this
6 act have been offered or provided and all necessary services,
7 reasonably available, capable of correcting the parental deficiencies
8 within the foreseeable future have been offered or provided;

9 (5) There is little likelihood that conditions will be remedied so
10 that the child can be returned to the parent in the near future; and

11 (6) A guardianship, rather than termination of the parent-child
12 relationship or continuation of efforts to return the child to the
13 custody of the parent, would be in the best interest of the child.

14 **Sec. 30.** RCW 13.34.233 and 1995 c 311 s 24 are each amended to
15 read as follows:

16 (1) Any party may request the court under RCW 13.34.150 to modify
17 or terminate a dependency guardianship order (~~((under RCW 13.34.150))~~).
18 Notice of any motion to modify or terminate the guardianship shall be
19 served on all other parties, including any agency that was responsible
20 for supervising the child's placement at the time the guardianship
21 petition was filed. Notice (~~((shall))~~) in all cases shall be served upon
22 the department (~~((of social and health services))~~). If the department
23 was not previously a party to the guardianship proceeding, the
24 department shall nevertheless have the right to: (a) Initiate a
25 proceeding to modify or terminate a guardianship; and (~~((the right to))~~)
26 (b) intervene at any stage of such a proceeding.

27 (2) The guardianship may be modified or terminated upon the motion
28 of any party or the department if the court finds by a preponderance of
29 the evidence that there has been a substantial change of circumstances
30 subsequent to the establishment of the guardianship and that it is in
31 the child's best interest to modify or terminate the guardianship. The
32 court shall hold a hearing on the motion before modifying or
33 terminating a guardianship.

34 (3) Upon entry of an order terminating the guardianship, the
35 dependency guardian shall not have any rights or responsibilities with
36 respect to the child and shall not have legal standing to participate
37 as a party in further dependency proceedings pertaining to the child.
38 The court may allow the child's dependency guardian to attend

1 dependency review proceedings pertaining to the child for the sole
2 purpose of providing information about the child to the court.

3 (4) Upon entry of an order terminating the guardianship, the child
4 shall remain dependent and the court shall either return the child to
5 the child's parent or order the child into the custody, control, and
6 care of the department (~~(of social and health services)~~) or a licensed
7 child-placing agency for placement in a foster home or group care
8 facility licensed pursuant to chapter 74.15 RCW or in a home not
9 required to be licensed pursuant to such chapter. The court shall not
10 place a child in the custody of the child's parent unless the court
11 finds that ~~((a))~~ reasons for removal as set forth in RCW 13.34.130 no
12 longer exist~~((s))~~ and that such placement is in the child's best
13 interest. The court shall thereafter conduct reviews as provided in
14 ~~((RCW 13.34.130(5)))~~ section 19 of this act and, where applicable,
15 shall hold a permanency planning hearing in accordance with RCW
16 13.34.145.

17 **Sec. 31.** RCW 13.34.235 and 1981 c 195 s 6 are each amended to read
18 as follows:

19 A dependency guardianship (~~((established under RCW 13.34.231 and~~
20 ~~13.34.232))~~) is not subject to the review hearing requirements of (~~((RCW~~
21 ~~13.34.130))~~) section 19 of this act unless ordered by the court under
22 RCW 13.34.232(1)(e).

23 **Sec. 32.** RCW 13.34.260 and 1990 c 284 s 25 are each amended to
24 read as follows:

25 In an attempt to minimize the inherent intrusion in the lives of
26 families involved in the foster care system and to maintain parental
27 authority where appropriate, the department, absent good cause, shall
28 follow the wishes of the natural parent regarding the placement of the
29 child. Preferences such as family constellation, ethnicity, and
30 religion shall be (~~((given consideration))~~) considered when matching
31 children to foster homes. Parental authority is appropriate in areas
32 that are not connected with the abuse or neglect that resulted in the
33 dependency and (~~((should))~~) shall be integrated through the foster care
34 team. For purposes of this section, "foster care team" means the
35 foster parent currently providing care, the currently assigned
36 caseworker, and the parent or parents.

1 **Sec. 33.** RCW 13.34.270 and 1998 c 229 s 2 are each amended to read
2 as follows:

3 (1) Whenever the department (~~(of social and health services)~~)
4 places a (~~(developmentally disabled)~~) child with a developmental
5 disability in out-of-home care pursuant to RCW 74.13.350, the
6 department shall obtain a judicial determination within one hundred
7 eighty days of the placement that continued placement is in the best
8 interests of the child. If the child's out-of-home placement ends
9 before one hundred eighty days have elapsed, no judicial determination
10 is required.

11 (2) To obtain the judicial determination, the department shall file
12 a petition alleging that there is located or residing within the county
13 a child who has a developmental disability(~~(, as defined in RCW~~
14 ~~71A.10.020,)~~) and that the child has been placed in out-of-home care
15 pursuant to RCW 74.13.350. The petition shall request that the court
16 review the child's placement, make a determination (~~(that)~~) whether
17 continued placement is in the best interests of the child, and take
18 other necessary action as provided in this section. The petition shall
19 contain the name, date of birth, and residence of the child and the
20 names and residences of the child's parent or legal guardian who has
21 agreed to the child's placement in out-of-home care. Reasonable
22 attempts shall be made by the department to ascertain and set forth in
23 the petition the identity, location, and custodial status of any parent
24 who is not a party to the placement agreement and why that parent
25 cannot assume custody of the child.

26 (3) Upon filing of the petition, the clerk of the court shall
27 schedule the petition for a hearing to be held no later than fourteen
28 calendar days after the petition has been filed. The department shall
29 provide notification of the time, date, and purpose of the hearing to
30 the parent or legal guardian who has agreed to the child's placement in
31 out-of-home care. The department shall also make reasonable attempts
32 to notify any parent who is not a party to the placement agreement, if
33 the parent's identity and location is known. Notification under this
34 section may be given by the most expedient means, including but not
35 limited to, mail, personal service, and telephone(~~(, and telegraph)~~).

36 (4) The court shall appoint a guardian ad litem for the child as
37 provided in RCW 13.34.100, unless the court for good cause finds the
38 appointment unnecessary.

1 (5) Permanency planning hearings shall be held as provided in this
2 (~~subsection~~) section. At the hearing, the court shall review whether
3 the child's best interests are served by continued out-of-home
4 placement and determine the future legal status of the child.

5 (a) For children age ten and under, a permanency planning hearing
6 shall be held in all cases where the child has remained in out-of-home
7 care for at least nine months and an adoption decree or guardianship
8 order under chapter 11.88 RCW has not previously been entered. The
9 hearing shall take place no later than twelve months following
10 commencement of the child's current placement episode.

11 (b) For children over age ten, a permanency planning hearing shall
12 be held in all cases where the child has remained in out-of-home care
13 for at least fifteen months and an adoption decree or guardianship
14 order under chapter 11.88 RCW has not previously been entered. The
15 hearing shall take place no later than eighteen months following
16 commencement of the current placement episode.

17 (c) No later than ten working days before the permanency planning
18 hearing, the department shall submit a written permanency plan to the
19 court and shall mail a copy of the plan to all parties. The plan shall
20 be directed toward securing a safe, stable, and permanent home for the
21 child as soon as possible. The plan shall identify one of the
22 following outcomes as the primary goal and may also identify additional
23 outcomes as alternative goals: Return of the child to the home of the
24 child's parent or legal guardian; adoption; guardianship; or long-term
25 out-of-home care, until the child is age eighteen, with a written
26 agreement between the parties and the child's care provider.

27 (d) If a goal of long-term out-of-home care has been achieved
28 before the permanency planning hearing, the court shall review the
29 child's status to determine whether the placement and the plan for the
30 child's care remains appropriate. In cases where the primary
31 permanency planning goal has not been achieved, the court shall inquire
32 regarding the reasons why the primary goal has not been achieved and
33 determine what needs to be done to make it possible to achieve the
34 primary goal.

35 (e) Following the first permanency planning hearing, the court
36 shall hold a further permanency planning hearing in accordance with
37 this section at least once every twelve months until a permanency
38 planning goal is achieved or the voluntary placement agreement is
39 terminated.

1 (6) Any party to the voluntary placement agreement may terminate
2 the agreement at any time. Upon termination of the agreement, the
3 child shall be returned to the care of the child's parent or legal
4 guardian, unless the child has been taken into custody pursuant to RCW
5 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW
6 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The
7 department shall notify the court upon termination of the voluntary
8 placement agreement and return of the child to the care of the child's
9 parent or legal guardian. Whenever a voluntary placement agreement is
10 terminated, an action under this section shall be dismissed.

11 (7) This section does not prevent the department from filing a
12 dependency petition if there is reason to believe that the child is a
13 dependent child as defined in RCW 13.34.030. An action filed under
14 this section shall be dismissed upon the filing of a dependency
15 petition regarding a child who is the subject of the action under this
16 section.

17 **Sec. 34.** RCW 13.34.300 and 1979 ex.s. c 201 s 3 are each amended
18 to read as follows:

19 The legislature finds that it is the responsibility of the
20 custodial parent, parents or guardian to ensure that children within
21 the custody of such individuals attend school as provided for by law.
22 To this end, while a parent's failure to cause a juvenile to attend
23 school should not alone provide a basis for a neglect petition against
24 the parent or guardian, when a neglect petition is filed on the basis
25 of other evidence, a parent or guardian's failure to take reasonable
26 steps to ensure that the juvenile attends school may be (~~used as~~
27 ~~evidence with respect~~) relevant to the question of the appropriate
28 disposition of a neglect petition.

29 **Sec. 35.** RCW 13.34.340 and 1999 c 188 s 4 are each amended to read
30 as follows:

31 For minors who cannot consent to the release of their records with
32 the department because they are not old enough to consent to treatment,
33 or, if old enough, lack the capacity to consent, or if the minor is
34 receiving treatment involuntarily with a provider the department has
35 authorized to provide mental health treatment under RCW 13.34.320, the
36 department shall disclose, upon the treating physician's request, all
37 relevant records, including the minor's passport as established under

1 RCW 74.13.285, in the department's possession that the treating
2 physician determines contain information required for treatment of the
3 minor. The treating physician shall maintain all records received from
4 the department in a manner that distinguishes the records from any
5 other records in the minor's file with the treating physician and the
6 department records may not be disclosed by the treating physician to
7 any other person or entity absent a court order except that, for
8 medical purposes only, a treating physician may disclose the department
9 records to another treating physician.

10 **Sec. 36.** RCW 13.70.003 and 1989 1st ex.s. c 17 s 1 are each
11 amended to read as follows:

12 The legislature recognizes the importance of permanency and
13 continuity to children and of fairness to parents in the provision of
14 child welfare services.

15 The legislature intends to create a citizen review board system
16 that will function in an advisory capacity to the judiciary, the
17 department, and the legislature. The purpose of the citizen review
18 board system is to:

19 (1) Provide periodic review of cases involving substitute care of
20 children in a manner that complies with case review requirements and
21 time lines imposed by federal laws pertaining to child welfare
22 services;

23 (2) Improve the quality of case review provided to children in
24 substitute care and their families; and

25 (3) Provide a means for community involvement in monitoring cases
26 of children in substitute care.

27 In order to accomplish the foregoing purposes, the citizen review
28 board system shall not be subject to the procedures and standards
29 usually applicable to judicial and administrative hearings, except as
30 otherwise specifically provided in this chapter and ((RCW 13.34.130))
31 section 19 of this act, 13.34.145, and 26.44.115. Nothing in this
32 chapter and ((RCW 13.34.130)) section 19 of this act, 13.34.145, and
33 26.44.115 shall limit the ability of the department to utilize court
34 review hearings and administrative reviews to meet the periodic review
35 requirements imposed by federal law.

36 **Sec. 37.** RCW 13.70.110 and 1991 c 127 s 5 are each amended to read
37 as follows:

1 (1) This section shall apply to cases where a child has been placed
2 in substitute care pursuant to a proceeding under chapter 13.34 RCW.

3 (2) Within forty-five days following commencement of the placement
4 episode, the court shall assign the child's case to a board and forward
5 to the board a copy of the dependency petition and any shelter care or
6 dependency disposition orders which have been entered in the case by
7 the court.

8 (3) The board shall review the case plan for each child whose case
9 is assigned to the board by the court. The review shall take place at
10 times set by the board. The first review shall occur within ninety
11 days following commencement of the placement episode. The second
12 review shall occur within six months following commencement of the
13 placement episode. The next review shall occur within one year after
14 commencement of the placement episode. Within eighteen months
15 following commencement of the placement episode, a permanency planning
16 hearing shall be held before the court in accordance with RCW
17 13.34.145. Thereafter, the court shall assign the child's case for a
18 board review or a court review hearing pursuant to ((RCW 13.34.130(5)))
19 section 17 of this act. A board review or a court review hearing shall
20 take place at least once every six months until the child is no longer
21 within the jurisdiction of the court or no longer in substitute care or
22 until a guardianship order or adoption decree is entered. After the
23 permanency planning hearing, a court review hearing must occur at least
24 once a year as provided in ((RCW 13.34.130)) section 19 of this act.
25 The board shall review any case where a petition to terminate parental
26 rights has been denied, and such review shall occur as soon as
27 practical but no later than forty-five days after the denial.

28 (4) The board shall prepare written findings and recommendations
29 with respect to:

30 (a) Whether reasonable efforts were made before the placement to
31 prevent or eliminate the need for removal of the child from the home,
32 including whether consideration was given to removing the alleged
33 offender, rather than the child, from the home;

34 (b) Whether reasonable efforts have been made subsequent to the
35 placement to make it possible for the child to be returned home;

36 (c) Whether the child has been placed in the least-restrictive
37 setting appropriate to the child's needs, including whether
38 consideration has been given to placement with the child's relatives;

1 (d) Whether there is a continuing need for placement and whether
2 the placement is appropriate;

3 (e) Whether there has been compliance with the case plan;

4 (f) Whether progress has been made toward alleviating the need for
5 placement;

6 (g) A likely date by which the child may be returned home or other
7 permanent plan of care may be implemented; and

8 (h) Other problems, solutions, or alternatives the board determines
9 should be explored.

10 (5) Within ten working days following the review, the board shall
11 send a copy of its findings and recommendations to the parents and
12 their attorneys, the child's custodians and their attorneys, mature
13 children and their attorneys, other attorneys or guardians ad litem
14 appointed by the court to represent children, the department and other
15 child placement agencies directly responsible for supervising the
16 child's placement, and any prosecuting attorney or attorney general
17 actively involved in the case. If the child is an Indian as defined in
18 the Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., a copy of
19 the board's findings and recommendations shall also be sent to the
20 child's Indian tribe.

21 (6) If the department is unable or unwilling to implement the board
22 recommendations, the department shall submit to the board, within ten
23 working days after receipt of the findings and recommendations, an
24 implementation report setting forth the reasons why the department is
25 unable or unwilling to implement the board's recommendations. The
26 report will also set forth the case plan which the department intends
27 to implement.

28 (7) Within forty-five days following the review, the board shall
29 either:

30 (a) Schedule the case for further review by the board; or

31 (b) Submit to the court the board's findings and recommendations
32 and the department's implementation reports, if any. If the board's
33 recommendations are different from the existing court-ordered case
34 plan, the board shall also file with the court a motion for a review
35 hearing.

36 (8) Within ten days of receipt of the board's written findings and
37 recommendations and the department's implementation report, if any, the
38 court shall review the findings and recommendations and implementation

1 reports, if any. The court may on its own motion schedule a review
2 hearing.

3 (9) Unless modified by subsequent court order, the court-ordered
4 case plan and court orders that are in effect at the time that a board
5 reviews a case shall remain in full force and effect. Board findings
6 and recommendations are advisory only and do not in any way modify
7 existing court orders or court-ordered case plans.

8 (10) The findings and recommendations of the board and the
9 department's implementation report, if any, shall become part of the
10 department's case file and the court social file pertaining to the
11 child.

12 (11) Nothing in this section shall limit or otherwise modify the
13 rights of any party to a dependency proceeding to request and receive
14 a court review hearing pursuant to the provisions of chapter 13.34 RCW
15 or applicable court rules.

16 **Sec. 38.** RCW 13.70.140 and 1993 c 505 s 4 are each amended to read
17 as follows:

18 A permanency planning hearing shall be held before the court in
19 accordance with RCW 13.34.145. Thereafter, court review hearings shall
20 occur at least once every six months, under ((RCW 13.34.130(5)))
21 section 19 of this act, until the child is no longer within the
22 jurisdiction of the court or the child returns home or a guardianship
23 order or adoption decree is entered. The court may review the case
24 more frequently upon the court's own motion or upon the request of any
25 party to the proceeding.

26 **Sec. 39.** RCW 26.44.115 and 1990 c 246 s 10 are each amended to
27 read as follows:

28 If a child is taken into custody by child protective services
29 pursuant to a court order issued under ((RCW 13.34.050)) section 5 of
30 this act, the child protective services worker shall take reasonable
31 steps to advise the parents immediately, regardless of the time of day,
32 that the child has been taken into custody, the reasons why the child
33 was taken into custody, and general information about the child's
34 placement. The department shall comply with RCW 13.34.060 when
35 providing notice under this section.

1 **Sec. 40.** RCW 74.15.030 and 1997 c 386 s 33 are each amended to
2 read as follows:

3 The secretary shall have the power and it shall be the secretary's
4 duty:

5 (1) In consultation with the children's services advisory
6 committee, and with the advice and assistance of persons representative
7 of the various type agencies to be licensed, to designate categories of
8 facilities for which separate or different requirements shall be
9 developed as may be appropriate whether because of variations in the
10 ages, sex and other characteristics of persons served, variations in
11 the purposes and services offered or size or structure of the agencies
12 to be licensed hereunder, or because of any other factor relevant
13 thereto;

14 (2) In consultation with the children's services advisory
15 committee, and with the advice and assistance of persons representative
16 of the various type agencies to be licensed, to adopt and publish
17 minimum requirements for licensing applicable to each of the various
18 categories of agencies to be licensed.

19 The minimum requirements shall be limited to:

20 (a) The size and suitability of a facility and the plan of
21 operation for carrying out the purpose for which an applicant seeks a
22 license;

23 (b) The character, suitability and competence of an agency and
24 other persons associated with an agency directly responsible for the
25 care and treatment of children, expectant mothers or developmentally
26 disabled persons. In consultation with law enforcement personnel, the
27 secretary shall investigate the conviction record or pending charges
28 and dependency record information under chapter 43.43 RCW of each
29 agency and its staff seeking licensure or relicensure. In order to
30 determine the suitability of applicants for an agency license,
31 licensees, their employees, and other persons who have unsupervised
32 access to children in care, and who have not resided in the state of
33 Washington during the three-year period before being authorized to care
34 for children shall be fingerprinted. The fingerprints shall be
35 forwarded to the Washington state patrol and federal bureau of
36 investigation for a criminal history records check. The fingerprint
37 criminal history records checks will be at the expense of the licensee
38 except that in the case of a foster family home, if this expense would
39 work a hardship on the licensee, the department shall pay the expense.

1 The licensee may not pass this cost on to the employee or prospective
2 employee, unless the employee is determined to be unsuitable due to his
3 or her criminal history record. The secretary shall use the
4 information solely for the purpose of determining eligibility for a
5 license and for determining the character, suitability, and competence
6 of those persons or agencies, excluding parents, not required to be
7 licensed who are authorized to care for children, expectant mothers,
8 and developmentally disabled persons. Criminal justice agencies shall
9 provide the secretary such information as they may have and that the
10 secretary may require for such purpose;

11 (c) The number of qualified persons required to render the type of
12 care and treatment for which an agency seeks a license;

13 (d) The safety, cleanliness, and general adequacy of the premises
14 to provide for the comfort, care and well-being of children, expectant
15 mothers or developmentally disabled persons;

16 (e) The provision of necessary care, including food, clothing,
17 supervision and discipline; physical, mental and social well-being; and
18 educational, recreational and spiritual opportunities for those served;

19 (f) The financial ability of an agency to comply with minimum
20 requirements established pursuant to chapter 74.15 RCW and RCW
21 74.13.031; and

22 (g) The maintenance of records pertaining to the admission,
23 progress, health and discharge of persons served;

24 (3) To investigate any person, including relatives by blood or
25 marriage except for parents, for character, suitability, and competence
26 in the care and treatment of children, expectant mothers, and
27 developmentally disabled persons prior to authorizing that person to
28 care for children, expectant mothers, and developmentally disabled
29 persons. However, if a child is placed with a relative under ((RCW
30 ~~13.34.060~~)) section 7 of this act or RCW 13.34.130, and if such
31 relative appears otherwise suitable and competent to provide care and
32 treatment the criminal history background check required by this
33 section need not be completed before placement, but shall be completed
34 as soon as possible after placement;

35 (4) On reports of alleged child abuse and neglect, to investigate
36 agencies in accordance with chapter 26.44 RCW, including child day-care
37 centers and family day-care homes, to determine whether the alleged
38 abuse or neglect has occurred, and whether child protective services or
39 referral to a law enforcement agency is appropriate;

1 (5) To issue, revoke, or deny licenses to agencies pursuant to
2 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the
3 category of care which an agency is authorized to render and the ages,
4 sex and number of persons to be served;

5 (6) To prescribe the procedures and the form and contents of
6 reports necessary for the administration of chapter 74.15 RCW and RCW
7 74.13.031 and to require regular reports from each licensee;

8 (7) To inspect agencies periodically to determine whether or not
9 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the
10 requirements adopted hereunder;

11 (8) To review requirements adopted hereunder at least every two
12 years and to adopt appropriate changes after consultation with the
13 child care coordinating committee and other affected groups for child
14 day-care requirements and with the children's services advisory
15 committee for requirements for other agencies; and

16 (9) To consult with public and private agencies in order to help
17 them improve their methods and facilities for the care of children,
18 expectant mothers and developmentally disabled persons.

19 NEW SECTION. **Sec. 41.** RCW 13.34.170 shall be recodified to appear
20 immediately following RCW 13.34.160.

21 NEW SECTION. **Sec. 42.** The following acts or parts of acts are
22 each repealed:

23 (1) RCW 13.34.162 (Child support schedule) and 1993 c 412 s 10 and
24 1988 c 275 s 15; and

25 (2) RCW 13.34.220 (Order terminating parent and child
26 relationship--Prevailing party to present findings, etc., to court,
27 when) and 1979 c 155 s 50.

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