

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 6217**

56th Legislature  
2000 Regular Session

Passed by the Senate March 6, 2000  
YEAS 44 NAYS 0

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**President of the Senate**

Passed by the House February 29, 2000  
YEAS 97 NAYS 0

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**Speaker of the  
House of Representatives**

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6217** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 6217

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AS AMENDED BY THE HOUSE

Passed Legislature - 2000 Regular Session

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

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

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

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

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

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

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

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

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

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

1 that the child's health, safety, and welfare will be seriously  
2 endangered if not taken into custody.

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

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

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

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

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

35 (b) Whenever a child is taken into (~~such~~) custody pursuant to  
36 this section, the supervising agency may authorize evaluations of the  
37 child's physical or emotional condition, routine medical and dental  
38 examination and care, and all necessary emergency care. In no case may

1 a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050,  
2 or 26.44.050 be detained in a secure detention facility. No child may  
3 be held longer than seventy-two hours, excluding Saturdays, Sundays and  
4 holidays, after such child is taken into custody unless a court order  
5 has been entered for continued shelter care. The child and his or her  
6 parent, guardian, or custodian shall be informed that they have a right  
7 to a shelter care hearing. The court shall hold a shelter care hearing  
8 within seventy-two hours after the child is taken into custody,  
9 excluding Saturdays, Sundays, and holidays. If a parent, guardian, or  
10 legal custodian desires to waive the shelter care hearing, the court  
11 shall determine, on the record and with the parties present, ~~((that))~~  
12 whether such waiver is knowing and voluntary.

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

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

32 "NOTICE

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

37 ~~1. A court hearing will be held before a judge within 72 hours of~~  
38 ~~the time your child is taken into custody. You should call the court~~



1 at \_\_\_\_\_ (insert appropriate phone number here) \_\_\_\_\_ for specific  
2 information about the date, time, and location of the court hearing.

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

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

14 4. If your hearing occurs before a court commissioner, you have the  
15 right to have the decision of the court commissioner reviewed by a  
16 superior court judge. To obtain that review, you must, within ten days  
17 after the entry of the decision of the court commissioner, file with  
18 the court a motion for revision of the decision, as provided in RCW  
19 2.24.050.

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

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

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

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

36 (3) If child protective services is not required to give notice  
37 under subsection (2) of this section, the juvenile court counselor  
38 assigned to the matter shall make all reasonable efforts to advise the  
39 parents, guardian, or legal custodian of the time and place of any

1 shelter care hearing, request that they be present, and inform them of  
2 their basic rights as provided in RCW 13.34.090.

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

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

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

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

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

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

38 (8) The court shall release a child alleged to be dependent to the  
39 care, custody, and control of the child's parent, guardian, or legal

1 custodian unless the court finds there is reasonable cause to believe  
2 that:

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

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

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

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

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

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

37 The court shall consider whether nonconformance with any conditions  
38 resulted from circumstances beyond the control of the parent and give

1 ~~weight to that fact before ordering return of the child to shelter~~  
2 ~~care.~~

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

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

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

19 (1) The written notice of custody and rights required by RCW  
20 13.34.060 shall be in substantially the following form:

21 "NOTICE

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

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

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

1 a court-appointed lawyer you must contact:           (explain local  
2 procedure)\_\_\_\_\_.

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

6         4. If your hearing occurs before a court commissioner, you have the  
7 right to have the decision of the court commissioner reviewed by a  
8 superior court judge. To obtain that review, you must, within ten days  
9 after the entry of the decision of the court commissioner, file with  
10 the court a motion for revision of the decision, as provided in RCW  
11 2.24.050.

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

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

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

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

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

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

1 at the shelter care hearing, the petitioner shall testify at the  
2 hearing or state in a declaration:

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

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

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

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

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

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

36 At the commencement of the shelter care hearing the court shall  
37 advise the parties of basic rights as provided in RCW 13.34.090 and  
38 appoint counsel pursuant to RCW 13.34.090 if the parent or guardian is

1 indigent unless counsel has been retained by the parent or guardian or  
2 the court finds that the right to counsel has been expressly and  
3 voluntarily waived in court.

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

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

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

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

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

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

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

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

1 person is known or can be ascertained, the court shall order the  
2 supervising agency or the department of social and health services to  
3 make reasonable efforts to advise the parent, guardian, or legal  
4 custodian of the status of the case, including the date and time of any  
5 subsequent hearings, and their rights under RCW 13.34.090.

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

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

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

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

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

36 (3) The summons shall advise the parties of the right to counsel.  
37 The summons shall also inform the child's parent, guardian, or legal



1 custodian of his or (~~{her}~~) her right to appointed counsel, if  
2 indigent, and of the procedure to use to secure appointed counsel.

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

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

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

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

20 NOTICE:

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

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

1 to the party by certified mail at least ten court days before the fact-  
2 finding hearing, or such time as set by the court.

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

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

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

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

30 (a)(i) The parent or guardian is a nonresident of this state; or  
31 (ii) The name or place of residence or whereabouts of the parent or  
32 guardian is unknown; and

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

1 the county in which the petition has been filed, notice also shall be  
2 published in the county in which the parent, guardian, or legal  
3 custodian is believed to reside.

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

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

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

30 (2) At all stages of a proceeding in which a child is alleged to be  
31 dependent ~~((as defined in RCW 13.34.030(4)))~~, the child's parent,  
32 guardian, or legal custodian has the right to be represented by  
33 counsel, and if indigent, to have counsel appointed for him or her by  
34 the court. Unless waived in court, counsel shall be provided to the  
35 child's parent, guardian, or legal custodian, if such person (a) has  
36 appeared in the proceeding or requested the court to appoint counsel  
37 and (b) is financially unable to obtain counsel because of indigency  
38 ~~((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 for up to fourteen days. If good cause is shown, the case  
31 may be continued for longer than fourteen days. Notice of the time and  
32 place of the continued hearing may be given in open court. If notice  
33 in open court is not given to a party, that party shall be notified by  
34 certified mail of the time and place of any continued hearing. Unless  
35 there is reasonable cause to believe the health, safety, or welfare of  
36 the child would be jeopardized or efforts to reunite the parent and  
37 child would be hindered, the court shall direct the department to  
38 notify those adult persons who: (1) Are related by blood or marriage

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

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

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

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

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

35 All hearings may be conducted at any time or place within the  
36 limits of the county, and such cases may not be heard in conjunction  
37 with other business of any other division of the superior court. The  
38 public shall be excluded, and only such persons may be admitted who are

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

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

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

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

1       (~~(2)~~ In addition to the requirements set forth in subsection (1)  
2 of this section, a predisposition study to the court in cases of  
3 dependency alleged pursuant to RCW 13.34.030(4) (b) or (c) shall  
4 contain the following information:

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

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

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

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

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

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

30       NEW SECTION. Sec. 14. A new section is added to chapter 13.34 RCW  
31 to read as follows:

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

1       **Sec. 15.** RCW 13.34.130 and 1999 c 267 s 16, 1999 c 267 s 9, and  
2 1999 c 173 s 3 are each reenacted and amended to read as follows:

3       If, after a fact-finding hearing pursuant to RCW 13.34.110, it has  
4 been proven by a preponderance of the evidence that the child is  
5 dependent within the meaning of RCW 13.34.030(~~(+)~~) after consideration  
6 of the (~~(predisposition report)~~) social study prepared pursuant to RCW  
7 13.34.110 and after a disposition hearing has been held pursuant to RCW  
8 13.34.110, the court shall enter an order of disposition pursuant to  
9 this section.

10       (1) The court shall order one of the following dispositions of the  
11 case:

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

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

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



1 prevent the need for out-of-home placement, unless the health, safety,  
2 and welfare of the child cannot be protected adequately in the home,  
3 and that:

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

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

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

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

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

30 ~~(i) Conviction of the parent of rape of the child in the first,~~  
31 ~~second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and~~  
32 ~~9A.44.079;~~

33 ~~(ii) Conviction of the parent of criminal mistreatment of the child~~  
34 ~~in the first or second degree as defined in RCW 9A.42.020 and~~  
35 ~~9A.42.030;~~

36 ~~(iii) Conviction of the parent of one of the following assault~~  
37 ~~crimes, when the child is the victim: Assault in the first or second~~  
38 ~~degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child~~  
39 ~~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; successful completion of a responsible living skills  
32 program; or independent living, if appropriate and if the child is age  
33 sixteen or older. The department shall not discharge a child to an  
34 independent living situation before the child is eighteen years of age  
35 unless the child becomes emancipated pursuant to chapter 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 (~~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 social  
36 worker, 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))~~ twelve  
15 months following commencement of the placement episode, a permanency  
16 planning 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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