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SENATE BILL 6702

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State of Washington 57th Legislature

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By Senators Stevens, Hargrove, Long, Costa, Franklin, Kohl-Welles, Carlson, Hewitt, Kastama, Johnson, Shin, Swecker, Hale, Rossi, Oke, Zarelli, McCaslin, Horn, Thibaudeau, West, Deccio, Rasmussen, Parlette, Sheahan, Benton, McDonald, Roach, T. Sheldon, Hochstatter, Honeyford, Morton, Finkbeiner and Winsley

Read first time 01/28/2002. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to protecting sibling relationships; and amending  
2 RCW 13.34.025, 13.34.060, 13.34.065, 13.34.130, 13.34.260, and  
3 74.13.065.

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

5 **Sec. 1.** RCW 13.34.025 and 2001 c 256 s 2 are each amended to read  
6 as follows:

7 The department of social and health services shall develop methods  
8 for coordination of services to parents and children in child  
9 dependency cases. To the maximum extent possible under current funding  
10 levels, the department must:

11 (1) Coordinate and integrate services to children and families,  
12 using service plans and activities that address the children's and  
13 families' multiple needs, including ensuring that siblings have regular  
14 visits with each other, as appropriate. Assessment criteria should  
15 screen for multiple needs;

16 (2) Develop treatment plans for the individual needs of the client  
17 in a manner that minimizes the number of contacts the client is  
18 required to make; and

1 (3) Access training for department staff to increase skills across  
2 disciplines to assess needs for mental health, substance abuse,  
3 developmental disabilities, and other areas.

4 **Sec. 2.** RCW 13.34.060 and 2000 c 122 s 4 are each amended to read  
5 as follows:

6 (1) A child taken into custody pursuant to RCW 13.34.050 or  
7 26.44.050 shall be immediately placed in shelter care. A child taken  
8 by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070  
9 shall be placed in shelter care only when permitted under RCW  
10 13.34.055.

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

28 (b) Whenever a child is taken into custody pursuant to this  
29 section, the supervising agency may authorize evaluations of the  
30 child's physical or emotional condition, routine medical and dental  
31 examination and care, and all necessary emergency care. In no case may  
32 a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050,  
33 or 26.44.050 be detained in a secure detention facility. No child may  
34 be held longer than seventy-two hours, excluding Saturdays, Sundays and  
35 holidays, after such child is taken into custody unless a court order  
36 has been entered for continued shelter care. The child and his or her  
37 parent, guardian, or custodian shall be informed that they have a right  
38 to a shelter care hearing. The court shall hold a shelter care hearing

1 within seventy-two hours after the child is taken into custody,  
2 excluding Saturdays, Sundays, and holidays. If a parent, guardian, or  
3 legal custodian desires to waive the shelter care hearing, the court  
4 shall determine, on the record and with the parties present, whether  
5 such waiver is knowing and voluntary.

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

23 **Sec. 3.** RCW 13.34.065 and 2001 c 332 s 3 are each amended to read  
24 as follows:

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

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

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

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

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

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

5 If the court does not release the child to his or her parent,  
6 guardian, or legal custodian, and the child was initially placed with  
7 a relative pursuant to RCW 13.34.060(1), the court shall order  
8 continued placement with a relative, unless there is reasonable cause  
9 to believe the health, safety, or welfare of the child would be  
10 jeopardized. Unless there is reasonable cause to believe that the  
11 health, safety, or welfare of the child would be jeopardized or that  
12 the efforts to reunite the parent and child will be hindered, the court  
13 shall order appropriate visitation between the child and his or her  
14 siblings. If the child was not initially placed with a relative, and  
15 the court does not release the child to his or her parent, guardian, or  
16 legal custodian, the supervising agency shall make reasonable efforts  
17 to locate a relative pursuant to RCW 13.34.060(1). If a relative is  
18 not available, the court shall order continued shelter care or order  
19 placement with another suitable person, and the court shall set forth  
20 its reasons for the order. The court shall enter a finding as to  
21 whether RCW 13.34.060(2) and subsections (1) and (2) of this section  
22 have been complied with. If actual notice was not given to the parent,  
23 guardian, or legal custodian and the whereabouts of such person is  
24 known or can be ascertained, the court shall order the supervising  
25 agency or the department of social and health services to make  
26 reasonable efforts to advise the parent, guardian, or legal custodian  
27 of the status of the case, including the date and time of any  
28 subsequent hearings, and their rights under RCW 13.34.090.

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

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

37 (4) If a child is returned home from shelter care a second time in  
38 the case, or if the supervisor of the caseworker deems it necessary,  
39 the multidisciplinary team may be reconvened.

1 (5) If a child is returned home from shelter care a second time in  
2 the case a law enforcement officer must be present and file a report to  
3 the department.

4 **Sec. 4.** RCW 13.34.130 and 2000 c 122 s 15 are each amended to read  
5 as follows:

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

12 (1) The court shall order visitation for the child with his or her  
13 siblings unless the court finds that there is reasonable cause to  
14 believe that the health, safety, or welfare of the child would be  
15 jeopardized or that the efforts to reunite the parent and child will be  
16 hindered.

17 (2) The court shall order one of the following dispositions of the  
18 case:

19 (a) Order a disposition other than removal of the child from his or  
20 her home, which shall provide a program designed to alleviate the  
21 immediate danger to the child, to mitigate or cure any damage the child  
22 has already suffered, and to aid the parents so that the child will not  
23 be endangered in the future. In determining the disposition, the court  
24 should choose those services, including housing assistance, that least  
25 interfere with family autonomy and are adequate to protect the child.

26 (b) Order the child to be removed from his or her home and into the  
27 custody, control, and care of a relative or the department or a  
28 licensed child placing agency for placement in a foster family home or  
29 group care facility licensed pursuant to chapter 74.15 RCW or in a home  
30 not required to be licensed pursuant to chapter 74.15 RCW. Unless  
31 there is reasonable cause to believe that the health, safety, or  
32 welfare of the child would be jeopardized or that efforts to reunite  
33 the parent and child will be hindered, such child shall be placed with  
34 a person who is: (i) Related to the child as defined in RCW  
35 74.15.020(2)(a) with whom the child has a relationship and is  
36 comfortable; and (ii) willing and available to care for the child.

37 ~~((+2))~~ (3) Placement of the child with a relative under this  
38 subsection shall be given preference by the court. An order for out-

1 of-home placement may be made only if the court finds that reasonable  
2 efforts have been made to prevent or eliminate the need for removal of  
3 the child from the child's home and to make it possible for the child  
4 to return home, specifying the services that have been provided to the  
5 child and the child's parent, guardian, or legal custodian, and that  
6 preventive services have been offered or provided and have failed to  
7 prevent the need for out-of-home placement, unless the health, safety,  
8 and welfare of the child cannot be protected adequately in the home,  
9 and that:

10 (a) There is no parent or guardian available to care for such  
11 child;

12 (b) The parent, guardian, or legal custodian is not willing to take  
13 custody of the child; or

14 (c) The court finds, by clear, cogent, and convincing evidence, a  
15 manifest danger exists that the child will suffer serious abuse or  
16 neglect if the child is not removed from the home and an order under  
17 RCW 26.44.063 would not protect the child from danger.

18 (~~(3)~~) (4) If the court has ordered a child removed from his or  
19 her home pursuant to subsection (~~(1)~~) (2)(b) of this section, the  
20 court may order that a petition seeking termination of the parent and  
21 child relationship be filed if the requirements of RCW 13.34.132 are  
22 met.

23 (~~(4)~~) (5) If there is insufficient information at the time of the  
24 disposition hearing upon which to base a determination regarding the  
25 suitability of a proposed placement with a relative, the child shall  
26 remain in foster care and the court shall direct the supervising agency  
27 to conduct necessary background investigations as provided in chapter  
28 74.15 RCW and report the results of such investigation to the court  
29 within thirty days. However, if such relative appears otherwise  
30 suitable and competent to provide care and treatment, the criminal  
31 history background check need not be completed before placement, but as  
32 soon as possible after placement. Any placements with relatives,  
33 pursuant to this section, shall be contingent upon cooperation by the  
34 relative with the agency case plan and compliance with court orders  
35 related to the care and supervision of the child including, but not  
36 limited to, court orders regarding parent-child contacts, sibling  
37 contacts, and any other conditions imposed by the court. Noncompliance  
38 with the case plan or court order shall be grounds for removal of the  
39 child from the relative's home, subject to review by the court.

1       **Sec. 5.** RCW 13.34.260 and 2000 c 122 s 32 are each amended to read  
2 as follows:

3       In an attempt to minimize the inherent intrusion in the lives of  
4 families involved in the foster care system and to maintain parental  
5 authority where appropriate, the department, absent good cause, shall  
6 follow the wishes of the natural parent regarding the placement of the  
7 child.       Preferences such as family constellation, sibling  
8 relationships, ethnicity, and religion shall be considered when  
9 matching children to foster homes. Parental authority is appropriate  
10 in areas that are not connected with the abuse or neglect that resulted  
11 in the dependency and shall be integrated through the foster care team.  
12 For purposes of this section, "foster care team" means the foster  
13 parent currently providing care, the currently assigned social worker,  
14 and the parent or parents.

15       **Sec. 6.** RCW 74.13.065 and 1995 c 311 s 26 are each amended to read  
16 as follows:

17       (1) The department, or agency responsible for supervising a child  
18 in out-of-home care, shall conduct a social study whenever a child is  
19 placed in out-of-home care under the supervision of the department or  
20 other agency. The study shall be conducted prior to placement, or, if  
21 it is not feasible to conduct the study prior to placement due to the  
22 circumstances of the case, the study shall be conducted as soon as  
23 possible following placement.

24       (2) The social study shall include, but not be limited to, an  
25 assessment of the following factors:

26       (a) The physical and emotional strengths and needs of the child;

27       (b) Emotional bonds with siblings and the need to maintain regular  
28 sibling contacts;

29       (c) The proximity of the child's placement to the child's family to  
30 aid reunification;

31       (~~(e)~~) (d) The possibility of placement with the child's relatives  
32 or extended family;

33       (~~(d)~~) (e) The racial, ethnic, cultural, and religious background  
34 of the child;

35       (~~(e)~~) (f) The least-restrictive, most family-like placement  
36 reasonably available and capable of meeting the child's needs; and

1        (~~f~~) (g) Compliance with RCW 13.34.260 regarding parental  
2 preferences for placement of their children.

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