

ESSB 6642 - H COMM AMD

By Committee on Children & Family Services

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 13.34.067 and 2001 c 332 s 1 are each amended to
4 read as follows:

5 (1) Following shelter care and no later than ~~((twenty-~~
6 ~~five))~~thirty days prior to fact-finding, the department, ~~((upon the~~
7 ~~parent's request or counsel for the parent's request,))~~ shall
8 facilitate a case conference as required in the shelter care order
9 to develop and specify in a written service agreement the
10 expectations of both the department and the parent regarding ~~((the~~
11 ~~care and placement of the child))~~voluntary services for the
12 parent.

13 The department shall invite to the case conference the parent,
14 counsel for the parent, ~~((the foster parent or other out-of-home~~
15 ~~care provider))~~, caseworker, counsel for the state, guardian ad
16 litem, counsel for the child, ~~((counselor, or other relevant health~~
17 ~~care provider,))~~ and any other person ~~((connected to the~~
18 ~~development and well-being of the child))~~agreed upon by the
19 parties. Once the shelter care order is entered, the department is
20 not required to provide additional notice of the case conference to
21 any participants in the case conference.

22 The ~~((initial))~~ written service agreement expectations must
23 correlate with the court's findings at the shelter care hearing.
24 The written service agreement must set forth specific ~~((criteria~~
25 ~~that enables the court to measure the performance of both the~~
26 ~~department and the parent, and must be updated throughout the~~
27 ~~dependency process to reflect changes in expectations. The service~~
28 ~~agreement must serve as the unifying document for all expectations~~
29 ~~established in the department's various case planning and case~~
30 ~~management documents and the findings and orders of the court~~

1 ~~during dependency proceedings)) services to be provided to the~~
2 ~~parent.~~

3 ~~((The court shall review the written service agreement at each~~
4 ~~stage of the dependency proceedings and evaluate the performance of~~
5 ~~both the department and the parent for consistent, measurable~~
6 ~~progress in complying with the expectations identified in the~~
7 ~~agreement.))~~

8 The case conference agreement must be agreed to and signed by
9 the parties. The court shall not consider the content of the
10 discussions at the case conference at the time of the fact-finding
11 hearing for the purposes of establishing that the child is a
12 dependent child, and the court shall not consider any documents or
13 written materials presented at the case conference but not
14 incorporated into the case conference agreement, unless the
15 documents or written materials were prepared for purposes other
16 than or as a result of the case conference and are otherwise
17 admissible under the rules of evidence.

18 (2) At any other stage in a dependency proceeding, the
19 department, upon the parent's request, shall facilitate a case
20 conference.

21 **Sec. 2.** RCW 13.34.062 and 2001 c 332 s 2 are each amended to
22 read as follows:

23 (1) The written notice of custody and rights required by RCW
24 13.34.060 shall be in substantially the following form:

25 "NOTICE

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

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

35 2. You have the right to have a lawyer represent you at the
36 hearing. Your right to representation continues after the shelter
37 care hearing. You have the right to records the department intends

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

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

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

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

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

21 5. You (~~((may request that the department facilitate))~~) have a
22 right to a case conference facilitated by the department to develop
23 a written service agreement following the shelter care hearing.
24 The service agreement may not conflict with the court's order of
25 shelter care. You may request that a multidisciplinary team,
26 family group conference, or prognostic staffing(~~(, or case~~
27 ~~conference))~~) be convened for your child's case. You may
28 participate in these processes with your counsel present."

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

35 If after making reasonable efforts to provide notification,
36 child protective services is unable to determine the whereabouts of
37 the parents, guardian, or legal custodian, the notice shall be

1 delivered or sent to the last known address of the parent,
2 guardian, or legal custodian.

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

10 (3) Reasonable efforts to advise and to give notice, as
11 required in RCW 13.34.060(2) and subsections (1) and (2) of this
12 section, shall include, at a minimum, investigation of the
13 whereabouts of the parent, guardian, or legal custodian. If such
14 reasonable efforts are not successful, or the parent, guardian, or
15 legal custodian does not appear at the shelter care hearing, the
16 petitioner shall testify at the hearing or state in a declaration:

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

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

22 (4) The court shall hear evidence regarding notice given to,
23 and efforts to notify, the parent, guardian, or legal custodian and
24 shall examine the need for shelter care. The court shall hear
25 evidence regarding the efforts made to place the child with a
26 relative. The court shall make an express finding as to whether
27 the notice required under RCW 13.34.060(2) and subsections (1) and
28 (2) of this section was given to the parent, guardian, or legal
29 custodian. All parties have the right to present testimony to the
30 court regarding the need or lack of need for shelter care. Hearsay
31 evidence before the court regarding the need or lack of need for
32 shelter care must be supported by sworn testimony, affidavit, or
33 declaration of the person offering such evidence.

34 (5) A shelter care order issued pursuant to RCW 13.34.065 shall
35 include the requirement for a case conference as provided in RCW
36 13.34.067. The order shall include notice to all parties and
37 establish the date, time, and location of the case conference which
38 shall be no later than 30 days prior to the fact-finding hearing.

