

SB 6643 - 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 13.34.136 and 2003 c 227 s 4 are each amended to
4 read as follows:

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

8 (a) A permanency plan of care that shall identify one of the
9 following outcomes as a primary goal and may identify additional
10 outcomes as alternative goals: Return of the child to the home of
11 the child's parent, guardian, or legal custodian; adoption;
12 guardianship; permanent legal custody; long-term relative or foster
13 care, until the child is age eighteen, with a written agreement
14 between the parties and the care provider; successful completion of
15 a responsible living skills program; or independent living, if
16 appropriate and if the child is age sixteen or older. The
17 department shall not discharge a child to an independent living
18 situation before the child is eighteen years of age unless the
19 child becomes emancipated pursuant to chapter 13.64 RCW;

20 (b) Unless the court has ordered, pursuant to RCW 13.34.130(4),
21 that a termination petition be filed, a specific plan as to where
22 the child will be placed, what steps will be taken to return the
23 child home, what steps the agency will take to promote existing
24 appropriate sibling relationships and/or facilitate placement
25 together or contact in accordance with the best interests of each
26 child, and what actions the agency will take to maintain parent-
27 child ties. All aspects of the plan shall include the goal of
28 achieving permanence for the child.

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

5 (ii) Visitation is the right of the family, including the child
6 and the parent, in cases in which visitation is in the best
7 interest of the child. Early, consistent, and frequent visitation
8 is crucial for maintaining parent-child relationships and making it
9 possible for parents and children to safely reunify. The agency
10 shall encourage the maximum parent and child and sibling contact
11 possible, when it is in the best interest of the child, including
12 regular visitation and participation by the parents in the care of
13 the child while the child is in placement. Visitation shall not be
14 limited as a sanction for a parent's failure to comply with court
15 orders or services where the health, safety, or welfare of the
16 child is not at risk as a result of the visitation. Visitation may
17 be limited or denied only if the court determines that such
18 limitation or denial is necessary to protect the child's health,
19 safety, or welfare. The court and the agency should rely upon
20 community resources, relatives, foster parents, and other
21 appropriate persons to provide transportation and supervision for
22 visitation to the extent that such resources are available, and
23 appropriate, and the child's safety would not be compromised.

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

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

33 (c) If the court has ordered, pursuant to RCW 13.34.130(4),
34 that a termination petition be filed, a specific plan as to where
35 the child will be placed, what steps will be taken to achieve
36 permanency for the child, services to be offered or provided to the
37 child, and, if visitation would be in the best interests of the
38 child, a recommendation to the court regarding visitation between
39 parent and child pending a fact-finding hearing on the termination

1 petition. The agency shall not be required to develop a plan of
2 services for the parents or provide services to the parents if the
3 court orders a termination petition be filed. However, reasonable
4 efforts to ensure visitation and contact between siblings shall be
5 made unless there is reasonable cause to believe the best interests
6 of the child or siblings would be jeopardized.

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

14 (3) The court shall consider the child's relationships with the
15 child's siblings in accordance with RCW 13.34.130(3).

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

18 The court may order expert evaluations of parties to obtain
19 information regarding visitation issues or other issues in a case.
20 These evaluations shall be performed by appointed evaluators who
21 are mutually agreed upon by the court, the state, and the parents'
22 counsel, and, if the child is to be evaluated, by the
23 representative for the child. If no agreement can be reached, the
24 court shall select the expert evaluator.

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

27 The department of social and health services shall develop
28 consistent policies and protocols, based on current relevant
29 research, concerning visitation for dependent children to be
30 implemented consistently throughout the state. The department
31 shall develop the policies and protocols in consultation with
32 researchers in the field, community-based agencies, court-appointed
33 special advocates, parents' representatives, and court
34 representatives. The policies and protocols shall include, but not
35 be limited to: The structure and quality of visitations; and
36 training for caseworkers, visitation supervisors, and foster
37 parents related to visitation.

1 The policies and protocols shall be consistent with the
2 provisions of this chapter and implementation of the policies and
3 protocols shall be consistent with relevant orders of the court.

4 NEW SECTION. **Sec. 4.** The department of social and health
5 services shall report on the policies and protocols required under
6 section 3 of this act to the appropriate committees of the
7 legislature by January 1, 2005."

8 Correct the title.

EFFECT:

Provides that visitation is the right of the family, including the child and the parent, *in cases in which visitation is in the best interest of the child.*

Limits the current requirement that the agency charged with a child's care encourage the maximum parent and child and sibling contact possible to *when it is in the best interest of the child.*

Provides that reliance upon specified resources to provide transportation and supervision for visitation is limited to the extent that those resources are available, *and appropriate*, and the child's safety would not be compromised.

Eliminates the provision that supervision of visitation shall not be required except when necessary to protect the child's health, safety, or welfare.

Provides that the court may order expert evaluations of parties, to obtain information regarding visitation issues or other issues in a case, to be performed by appointed evaluators who are mutually agreed upon by the court, the state, and the parents' counsel, and, if the child is to be evaluated, by the representative for the child. If no agreement can be reached, the court shall select the expert evaluator.

Requires the Department of Social and Health Services (DSHS) to develop consistent policies and protocols, based on current relevant research, concerning visitation for dependent children to be implemented consistently throughout the state. Requires the DSHS to develop the policies and protocols in consultation with researchers in the field, community-based agencies, Court-Appointed Special Advocates, parents' representatives, and court representatives. The policies and protocols shall include, but not be limited to: the structure and quality of visitations; and training for caseworkers, visitation supervisors, and foster parents related to visitation. The policies and protocols shall also be consistent with the provisions of chapter 13.34 RCW and

implementation of the policies and protocols shall be consistent with relevant orders of the court.

Requires the DSHS to report on the policies and protocols concerning visitation for dependent children to the appropriate committees of the Legislature by January 1, 2005.