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ENGROSSED SUBSTITUTE SENATE BILL 5779

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State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Children & Family Services & Corrections  
(originally sponsored by Senators Stevens, Hargrove, Kohl-Welles,  
McAuliffe, Winsley and Oke)

READ FIRST TIME 02/24/03.

1 AN ACT Relating to sibling relationships for dependent children;  
2 amending RCW 13.34.030, 13.34.130, 13.34.136, 13.34.138, 13.34.200, and  
3 13.34.210; reenacting and amending RCW 13.34.145; and creating a new  
4 section.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
7 recognize the importance of emotional ties formed by siblings with each  
8 other, especially in those circumstances which warrant court  
9 intervention into family relationships. It is the intent of the  
10 legislature to encourage the courts and public agencies which deal with  
11 families to acknowledge and give thoughtful consideration to the  
12 quality and nature of sibling relationships when intervening in family  
13 relationships. It is not the intent of the legislature to create legal  
14 obligations or responsibilities between siblings and other family  
15 members whether by blood or marriage, step families, foster families,  
16 or adopted families that do not already exist. Neither is it the  
17 intent of the legislature to mandate sibling placement, contact, or  
18 visitation if there is reasonable cause to believe that the health,  
19 safety, or welfare of a child or siblings would be jeopardized.

1 Finally, it is not the intent of the legislature to manufacture or  
2 anticipate family relationships which do not exist at the time of the  
3 court intervention, or to disrupt already existing positive family  
4 relationships.

5 **Sec. 2.** RCW 13.34.030 and 2002 c 52 s 3 are each amended to read  
6 as follows:

7 For purposes of this chapter:

8 (1) "Abandoned" means when the child's parent, guardian, or other  
9 custodian has expressed, either by statement or conduct, an intent to  
10 forego, for an extended period, parental rights or responsibilities  
11 despite an ability to exercise such rights and responsibilities. If  
12 the court finds that the petitioner has exercised due diligence in  
13 attempting to locate the parent, no contact between the child and the  
14 child's parent, guardian, or other custodian for a period of three  
15 months creates a rebuttable presumption of abandonment, even if there  
16 is no expressed intent to abandon.

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

19 (3) "Current placement episode" means the period of time that  
20 begins with the most recent date that the child was removed from the  
21 home of the parent, guardian, or legal custodian for purposes of  
22 placement in out-of-home care and continues until: (a) The child  
23 returns home; (b) an adoption decree, a permanent custody order, or  
24 guardianship order is entered; or (c) the dependency is dismissed,  
25 whichever occurs first.

26 (4) "Dependency guardian" means the person, nonprofit corporation,  
27 or Indian tribe appointed by the court pursuant to this chapter for the  
28 limited purpose of assisting the court in the supervision of the  
29 dependency.

30 (5) "Dependent child" means any child who:

31 (a) Has been abandoned;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (14) "Sibling" means a child's birth brother, birth sister,  
21 adoptive brother, adoptive sister, half-brother, or half-sister, or as  
22 defined by the law or custom of the Indian child's tribe for an Indian  
23 child as defined in 25 U.S.C. Sec. 1903(4).

24 (15) "Social study" means a written evaluation of matters relevant  
25 to the disposition of the case and shall contain the following  
26 information:

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

29 (b) A description of the specific services and activities, for both  
30 the parents and child, that are needed in order to prevent serious harm  
31 to the child; the reasons why such services and activities are likely  
32 to be useful; the availability of any proposed services; and the  
33 agency's overall plan for ensuring that the services will be delivered.  
34 The description shall identify the services chosen and approved by the  
35 parent;

36 (c) If removal is recommended, a full description of the reasons  
37 why the child cannot be protected adequately in the home, including a  
38 description of any previous efforts to work with the parents and the

1 child in the home; the in-home treatment programs that have been  
2 considered and rejected; the preventive services that have been offered  
3 or provided and have failed to prevent the need for out-of-home  
4 placement, unless the health, safety, and welfare of the child cannot  
5 be protected adequately in the home; and the parents' attitude toward  
6 placement of the child;

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

9 (e) A description of the steps that will be taken to minimize the  
10 harm to the child that may result if separation occurs including an  
11 assessment of the child's relationship and emotional bond with any  
12 siblings, and the agency's plan to provide ongoing contact between the  
13 child and the child's siblings if appropriate; and

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

16 **Sec. 3.** RCW 13.34.130 and 2002 c 52 s 5 are each amended to read  
17 as follows:

18 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has  
19 been proven by a preponderance of the evidence that the child is  
20 dependent within the meaning of RCW 13.34.030 after consideration of  
21 the social study prepared pursuant to RCW 13.34.110 and after a  
22 disposition hearing has been held pursuant to RCW 13.34.110, the court  
23 shall enter an order of disposition pursuant to this section.

24 (1) The court shall order one of the following dispositions of the  
25 case:

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

33 (b) Order the child to be removed from his or her home and into the  
34 custody, control, and care of a relative or the department or a  
35 licensed child placing agency for placement in a foster family home or  
36 group care facility licensed pursuant to chapter 74.15 RCW or in a home  
37 not required to be licensed pursuant to chapter 74.15 RCW. Unless

1 there is reasonable cause to believe that the health, safety, or  
2 welfare of the child would be jeopardized or that efforts to reunite  
3 the parent and child will be hindered, such child shall be placed with  
4 a person who is: (i) Related to the child as defined in RCW  
5 74.15.020(2)(a) with whom the child has a relationship and is  
6 comfortable; and (ii) willing and available to care for the child.

7 (2) Placement of the child with a relative under this subsection  
8 shall be given preference by the court. An order for out-of-home  
9 placement may be made only if the court finds that reasonable efforts  
10 have been made to prevent or eliminate the need for removal of the  
11 child from the child's home and to make it possible for the child to  
12 return home, specifying the services that have been provided to the  
13 child and the child's parent, guardian, or legal custodian, and that  
14 preventive services have been offered or provided and have failed to  
15 prevent the need for out-of-home placement, unless the health, safety,  
16 and welfare of the child cannot be protected adequately in the home,  
17 and that:

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

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

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

26 (3) If the court has ordered a child removed from his or her home  
27 pursuant to subsection (1)(b) of this section, the court shall consider  
28 whether it is in ~~((the))~~ a child's best interest to be placed with,  
29 have contact with, or have visits with siblings. ~~((The court must  
30 consider ordering that such contact or visits take place))~~

31 (a) There shall be a presumption that such placement, contact, or  
32 visits are in the best interests of the child provided that:

33 ~~((+a))~~ (i) The court has jurisdiction over all siblings subject to  
34 the order of placement, contact, or visitation pursuant to petitions  
35 filed under this chapter or the parents of a child for whom there is no  
36 jurisdiction are willing to agree; and

37 ~~((b) Contact or visitation is in the best interests of each child~~  
38 ~~covered by the court's order; and~~

1       ~~(e)~~) (ii) There is no reasonable cause to believe that the health,  
2 safety, or welfare of any child subject to the order of placement,  
3 contact, or visitation would be jeopardized or that efforts to reunite  
4 the parent and child would be hindered by such placement, contact, or  
5 visitation. In no event shall parental visitation time be reduced in  
6 order to provide sibling visitation.

7       (b) The court may also order placement, contact, or visitation of  
8 a child with a step-brother or step-sister provided that in addition to  
9 the factors in (a) of this subsection, the child has a relationship and  
10 is comfortable with the step-sibling.

11       (4) If the court has ordered a child removed from his or her home  
12 pursuant to subsection (1)(b) of this section, the court may order that  
13 a petition seeking termination of the parent and child relationship be  
14 filed if the requirements of RCW 13.34.132 are met.

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

32       **Sec. 4.** RCW 13.34.136 and 2002 c 52 s 6 are each amended to read  
33 as follows:

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

36       (a) A permanency plan of care that shall identify one of the  
37 following outcomes as a primary goal and may identify additional

1 outcomes as alternative goals: Return of the child to the home of the  
2 child's parent, guardian, or legal custodian; adoption; guardianship;  
3 permanent legal custody; long-term relative or foster care, until the  
4 child is age eighteen, with a written agreement between the parties and  
5 the care provider; successful completion of a responsible living skills  
6 program; or independent living, if appropriate and if the child is age  
7 sixteen or older. The department shall not discharge a child to an  
8 independent living situation before the child is eighteen years of age  
9 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

10 (b) Unless the court has ordered, pursuant to RCW 13.34.130(~~(+3)~~)  
11 (4), that a termination petition be filed, a specific plan as to where  
12 the child will be placed, what steps will be taken to return the child  
13 home, what steps the agency will take to promote existing appropriate  
14 sibling relationships and/or facilitate placement together or contact  
15 in accordance with the best interests of each child, and what actions  
16 the agency will take to maintain parent-child ties. All aspects of the  
17 plan shall include the goal of achieving permanence for the child.

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

22 (ii) The agency shall encourage the maximum (~~(parent-child)~~) parent  
23 and child and sibling contact possible, including regular visitation  
24 and participation by the parents in the care of the child while the  
25 child is in placement. Visitation may be limited or denied only if the  
26 court determines that such limitation or denial is necessary to protect  
27 the 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 has  
35 existing contracts to purchase. It shall report to the court if it is  
36 unable to provide such services; and

37 (c) If the court has ordered, pursuant to RCW 13.34.130(~~(+3)~~) (4),  
38 that a termination petition be filed, a specific plan as to where the



1 child will be placed, what steps will be taken to achieve permanency  
2 for the child, services to be offered or provided to the child, and, if  
3 visitation would be in the best interests of the child, a  
4 recommendation to the court regarding visitation between parent and  
5 child pending a fact-finding hearing on the termination petition. The  
6 agency shall not be required to develop a plan of services for the  
7 parents or provide services to the parents if the court orders a  
8 termination petition be filed. However, reasonable efforts to ensure  
9 visitation and contact between siblings shall be made unless there is  
10 reasonable cause to believe the health, safety, or welfare of the child  
11 or siblings would be jeopardized.

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

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

20 **Sec. 5.** RCW 13.34.138 and 2001 c 332 s 5 are each amended to read  
21 as follows:

22 (1) Except for children whose cases are reviewed by a citizen  
23 review board under chapter 13.70 RCW, the status of all children found  
24 to be dependent shall be reviewed by the court at least every six  
25 months from the beginning date of the placement episode or the date  
26 dependency is established, whichever is first, at a hearing in which it  
27 shall be determined whether court supervision should continue. The  
28 initial review hearing shall be an in-court review and shall be set six  
29 months from the beginning date of the placement episode or no more than  
30 ninety days from the entry of the disposition order, whichever comes  
31 first. The initial review hearing may be a permanency planning hearing  
32 when necessary to meet the time frames set forth in RCW 13.34.145(3) or  
33 13.34.134. The review shall include findings regarding the agency and  
34 parental completion of disposition plan requirements, and if necessary,  
35 revised permanency time limits. This review shall consider both the  
36 agency's and parent's efforts that demonstrate consistent measurable  
37 progress over time in meeting the disposition plan requirements. The

1 requirements for the initial review hearing, including the in-court  
2 requirement, shall be accomplished within existing resources. The  
3 supervising agency shall provide a foster parent, preadoptive parent,  
4 or relative with notice of, and their right to an opportunity to be  
5 heard in, a review hearing pertaining to the child, but only if that  
6 person is currently providing care to that child at the time of the  
7 hearing. This section shall not be construed to grant party status to  
8 any person who has been provided an opportunity to be heard.

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

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

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

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

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

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

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

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

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

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

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

3 (2) The court's ability to order housing assistance under RCW  
4 13.34.130 and this section is: (a) Limited to cases in which  
5 homelessness or the lack of adequate and safe housing is the primary  
6 reason for an out-of-home placement; and (b) subject to the  
7 availability of funds appropriated for this specific purpose.

8 (3) The court shall consider the child's relationship with siblings  
9 in accordance with RCW 13.34.130(3).

10 **Sec. 6.** RCW 13.34.145 and 2000 c 135 s 4 and 2000 c 122 s 20 are  
11 each reenacted and amended to read as follows:

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

19 (a) Whenever a child is placed in out-of-home care pursuant to RCW  
20 13.34.130, the agency that has custody of the child shall provide the  
21 court with a written permanency plan of care directed towards securing  
22 a safe, stable, and permanent home for the child as soon as possible.  
23 The plan shall identify one of the following outcomes as the primary  
24 goal and may also identify additional outcomes as alternative goals:  
25 Return of the child to the home of the child's parent, guardian, or  
26 legal custodian; adoption; guardianship; permanent legal custody; long-  
27 term relative or foster care, until the child is age eighteen, with a  
28 written agreement between the parties and the care provider; a  
29 responsible living skills program; and independent living, if  
30 appropriate and if the child is age sixteen or older and the provisions  
31 of subsection (2) of this section are met.

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

34 (c) Permanency planning goals should be achieved at the earliest  
35 possible date, preferably before the child has been in out-of-home care  
36 for fifteen months. In cases where parental rights have been  
37 terminated, the child is legally free for adoption, and adoption has

1 been identified as the primary permanency planning goal, it shall be a  
2 goal to complete the adoption within six months following entry of the  
3 termination order.

4 (d) For purposes related to permanency planning:

5 (i) "Guardianship" means a dependency guardianship, a legal  
6 guardianship pursuant to chapter 11.88 RCW, or equivalent laws of  
7 another state or a federally recognized Indian tribe.

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

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

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

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

31 (4) Whenever a child is removed from the home of a dependency  
32 guardian or long-term relative or foster care provider, and the child  
33 is not returned to the home of the parent, guardian, or legal custodian  
34 but is placed in out-of-home care, a permanency planning hearing shall  
35 take place no later than twelve months, as provided in subsection (3)  
36 of this section, following the date of removal unless, prior to the  
37 hearing, the child returns to the home of the dependency guardian or  
38 long-term care provider, the child is placed in the home of the parent,

1 guardian, or legal custodian, an adoption decree, guardianship order,  
2 or a permanent custody order is entered, or the dependency is  
3 dismissed.

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

8 (6) At the permanency planning hearing, the court shall enter  
9 findings as required by RCW 13.34.138 and shall review the permanency  
10 plan prepared by the agency. If the child has resided in the home of  
11 a foster parent or relative for more than six months prior to the  
12 permanency planning hearing, the court shall also enter a finding  
13 regarding whether the foster parent or relative was informed of the  
14 hearing as required in RCW 74.13.280 and 13.34.138. If a goal of long-  
15 term foster or relative care has been achieved prior to the permanency  
16 planning hearing, the court shall review the child's status to  
17 determine whether the placement and the plan for the child's care  
18 remain appropriate. In cases where the primary permanency planning  
19 goal has not been achieved, the court shall inquire regarding the  
20 reasons why the primary goal has not been achieved and determine what  
21 needs to be done to make it possible to achieve the primary goal. In  
22 all cases, the court shall:

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

25 (ii) Modify the permanency plan, and order implementation of the  
26 modified plan; and

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

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

32 (7) If the court orders the child returned home, casework  
33 supervision shall continue for at least six months, at which time a  
34 review hearing shall be held pursuant to RCW 13.34.138, and the court  
35 shall determine the need for continued intervention.

36 (8) The juvenile court may hear a petition for permanent legal  
37 custody when: (a) The court has ordered implementation of a permanency  
38 plan that includes permanent legal custody; and (b) the party pursuing

1 the permanent legal custody is the party identified in the permanency  
2 plan as the prospective legal custodian. During the pendency of such  
3 proceeding, the court shall conduct review hearings and further  
4 permanency planning hearings as provided in this chapter. At the  
5 conclusion of the legal guardianship or permanent legal custody  
6 proceeding, a juvenile court hearing shall be held for the purpose of  
7 determining whether dependency should be dismissed. If a guardianship  
8 or permanent custody order has been entered, the dependency shall be  
9 dismissed.

10 (9) Continued juvenile court jurisdiction under this chapter shall  
11 not be a barrier to the entry of an order establishing a legal  
12 guardianship or permanent legal custody when the requirements of  
13 subsection (8) of this section are met.

14 (10) Following the first permanency planning hearing, the court  
15 shall hold a further permanency planning hearing in accordance with  
16 this section at least once every twelve months until a permanency  
17 planning goal is achieved or the dependency is dismissed, whichever  
18 occurs first.

19 (11) Except as provided in RCW 13.34.235, the status of all  
20 dependent children shall continue to be reviewed by the court at least  
21 once every six months, in accordance with RCW 13.34.138, until the  
22 dependency is dismissed. Prior to the second permanency planning  
23 hearing, the agency that has custody of the child shall consider  
24 whether to file a petition for termination of parental rights.

25 (12) Nothing in this chapter may be construed to limit the ability  
26 of the agency that has custody of the child to file a petition for  
27 termination of parental rights or a guardianship petition at any time  
28 following the establishment of dependency. Upon the filing of such a  
29 petition, a fact-finding hearing shall be scheduled and held in  
30 accordance with this chapter unless the agency requests dismissal of  
31 the petition prior to the hearing or unless the parties enter an agreed  
32 order terminating parental rights, establishing guardianship, or  
33 otherwise resolving the matter.

34 (13) The approval of a permanency plan that does not contemplate  
35 return of the child to the parent does not relieve the supervising  
36 agency of its obligation to provide reasonable services, under this  
37 chapter, intended to effectuate the return of the child to the parent,

1 including but not limited to, visitation rights. The court shall  
2 consider the child's relationships with siblings in accordance with RCW  
3 13.34.130.

4 (14) Nothing in this chapter may be construed to limit the  
5 procedural due process rights of any party in a termination or  
6 guardianship proceeding filed under this chapter.

7 **Sec. 7.** RCW 13.34.200 and 2000 c 122 s 27 are each amended to read  
8 as follows:

9 (1) Upon the termination of parental rights pursuant to RCW  
10 13.34.180, all rights, powers, privileges, immunities, duties, and  
11 obligations, including any rights to custody, control, visitation, or  
12 support existing between the child and parent shall be severed and  
13 terminated and the parent shall have no standing to appear at any  
14 further legal proceedings concerning the child: PROVIDED, That any  
15 support obligation existing prior to the effective date of the order  
16 terminating parental rights shall not be severed or terminated. The  
17 rights of one parent may be terminated without affecting the rights of  
18 the other parent and the order shall so state.

19 (2) An order terminating the parent and child relationship shall  
20 not disentitle a child to any benefit due the child from any third  
21 person, agency, state, or the United States, nor shall any action under  
22 this chapter be deemed to affect any rights and benefits that an Indian  
23 child derives from the child's descent from a member of a federally  
24 recognized Indian tribe.

25 (3) An order terminating the parent-child relationship shall  
26 include a statement addressing the status of the child's sibling  
27 relationships and the nature and extent of sibling placement, contact,  
28 or visits.

29 **Sec. 8.** RCW 13.34.210 and 2000 c 122 s 28 are each amended to read  
30 as follows:

31 If, upon entering an order terminating the parental rights of a  
32 parent, there remains no parent having parental rights, the court shall  
33 commit the child to the custody of the department or to a licensed  
34 child-placing agency willing to accept custody for the purpose of  
35 placing the child for adoption. If an adoptive home has not been  
36 identified, the department or agency shall place the child in a

1 licensed foster home, or take other suitable measures for the care and  
2 welfare of the child. The custodian shall have authority to consent to  
3 the adoption of the child consistent with chapter 26.33 RCW, the  
4 marriage of the child, the enlistment of the child in the armed forces  
5 of the United States, necessary surgical and other medical treatment  
6 for the child, and to consent to such other matters as might normally  
7 be required of the parent of the child.

8 If a child has not been adopted within six months after the date of  
9 the order and a guardianship of the child under RCW 13.34.231 or  
10 chapter 11.88 RCW, or a permanent custody order under chapter 26.10  
11 RCW, has not been entered by the court, the court shall review the case  
12 every six months until a decree of adoption is entered except for those  
13 cases which are reviewed by a citizen review board under chapter 13.70  
14 RCW. The supervising agency shall take reasonable steps to ensure that  
15 the child maintains relationships with siblings as provided in RCW  
16 13.34.130(3) and shall report to the court the status and extent of  
17 such relationships.

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