
SUBSTITUTE SENATE BILL 6008

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Rasmussen; by request of Department of Social and Health Services)

READ FIRST TIME 02/28/05.

1 AN ACT Relating to guardianship of dependent children; amending RCW
2 13.34.030, 13.34.110, 13.34.145, 13.34.230, 13.34.231, 13.34.232,
3 13.34.233, 13.34.236, and 13.32A.030; reenacting and amending RCW
4 74.15.020; adding new sections to chapter 13.34 RCW; creating a new
5 section; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that guardianship can
8 be an appropriate permanent plan for some children who have been found
9 to be dependent children under chapter 13.34 RCW and who cannot live
10 with their parents. The legislature intends to strengthen stability
11 and permanency for children by recognizing the value of a guardianship
12 placement with relatives or other long-term caregivers, dismissal of
13 dependencies, elimination of the need for continued governmental
14 intervention in family life, and provision of support to the
15 guardianship.

16 **Sec. 2.** RCW 13.34.030 and 2003 c 227 s 2 are each amended to read
17 as follows:

18 For purposes of this chapter:

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

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

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

19 (~~(4) ("Dependency guardian" means the person, nonprofit~~
20 ~~corporation, or Indian tribe appointed by the court pursuant to this~~
21 ~~chapter for the limited purpose of assisting the court in the~~
22 ~~supervision of the dependency.~~

23 ~~(5))~~ "Dependent child" means any child who:

24 (a) Has been abandoned;

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

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

31 ~~((6))~~ (5) "Developmental disability" means a disability
32 attributable to mental retardation, cerebral palsy, epilepsy, autism,
33 or another neurological or other condition of an individual found by
34 the secretary to be closely related to mental retardation or to require
35 treatment similar to that required for individuals with mental
36 retardation, which disability originates before the individual attains
37 age eighteen, which has continued or can be expected to continue

1 indefinitely, and which constitutes a substantial handicap to the
2 individual.

3 ~~((+7))~~ (6) "Guardian" means the person or agency that: (a) Has
4 been appointed as the guardian of a child in a legal proceeding (~~either~~
5 ~~than~~), including a guardian appointed in a proceeding under this
6 chapter; and (b) has the legal right to custody of the child pursuant
7 to such appointment. (~~The term "guardian" shall not include a~~
8 "dependency guardian" appointed pursuant to a proceeding under this
9 chapter.

10 ~~(+8))~~ (7) "Guardian ad litem" means a person, appointed by the
11 court to represent the best interests of a child in a proceeding under
12 this chapter, or in any matter which may be consolidated with a
13 proceeding under this chapter. A "court-appointed special advocate"
14 appointed by the court to be the guardian ad litem for the child, or to
15 perform substantially the same duties and functions as a guardian ad
16 litem, shall be deemed to be guardian ad litem for all purposes and
17 uses of this chapter.

18 ~~((+9))~~ (8) "Guardian ad litem program" means a court-authorized
19 volunteer program, which is or may be established by the superior court
20 of the county in which such proceeding is filed, to manage all aspects
21 of volunteer guardian ad litem representation for children alleged or
22 found to be dependent. Such management shall include but is not
23 limited to: Recruitment, screening, training, supervision, assignment,
24 and discharge of volunteers.

25 ~~((+10))~~ (9) "Guardianship" means a guardianship, established
26 pursuant to this chapter, appointing a person to serve as the legal
27 guardian and custodian of a child who has been a dependent child under
28 this chapter.

29 (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 (12) "Preventive services" means preservation services, as defined
9 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) "Sibling" means a child's birth brother, birth sister,
19 adoptive brother, adoptive sister, half-brother, or half-sister, or as
20 defined by the law or custom of the Indian child's tribe for an Indian
21 child as defined in 25 U.S.C. Sec. 1903(4).

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

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

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

34 (c) If removal is recommended, a full description of the reasons
35 why the child cannot be protected adequately in the home, including a
36 description of any previous efforts to work with the parents and the
37 child in the home; the in-home treatment programs that have been
38 considered and rejected; the preventive services that have been offered

1 or provided and have failed to prevent the need for out-of-home
2 placement, unless the health, safety, and welfare of the child cannot
3 be protected adequately in the home; and the parents' attitude toward
4 placement of the child;

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

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

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

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

16 (1) Any dependency guardianship established under RCW 13.34.232 and
17 in place on the effective date of this act shall remain in effect,
18 notwithstanding the provisions of this act.

19 (2) The department of social and health services is authorized to
20 review the child's situation with the dependency guardian to mutually
21 determine the need for continued department involvement in the
22 dependency guardianship.

23 (3) The dependency guardian and the department may move the court
24 to modify a dependency guardianship established prior to the effective
25 date of this act and convert it to a guardianship under this chapter.
26 If both the dependency guardian and the department agree that the
27 dependency guardianship should be converted, and the court finds that
28 it is in the best interests of the child, the court shall grant the
29 motion.

30 **Sec. 4.** RCW 13.34.110 and 2001 c 332 s 7 are each amended to read
31 as follows:

32 (1) The court shall hold a fact-finding hearing on the petition
33 and, unless the court dismisses the petition, shall make written
34 findings of fact, stating the reasons therefor. The rules of evidence
35 shall apply at the fact-finding hearing and the parent, guardian, or
36 legal custodian of the child shall have all of the rights provided in

1 RCW 13.34.090(1). The petitioner shall have the burden of establishing
2 by a preponderance of the evidence that the child is dependent within
3 the meaning of RCW 13.34.030.

4 (2)(a) The parent, guardian, or legal custodian of the child may
5 waive his or her right to a fact-finding hearing by stipulating or
6 agreeing to the entry of an order of dependency establishing that the
7 child is dependent within the meaning of RCW 13.34.030. The parent,
8 guardian, or legal custodian may also stipulate or agree to an order of
9 disposition pursuant to RCW 13.34.130 at the same time. Any stipulated
10 or agreed order of dependency or disposition must be signed by the
11 parent, guardian, or legal custodian and his or her attorney, unless
12 the parent, guardian, or legal custodian has waived his or her right to
13 an attorney in open court, and by the petitioner and the attorney,
14 guardian ad litem, or court-appointed special advocate for the child,
15 if any. If the department of social and health services is not the
16 petitioner and is required by the order to supervise the placement of
17 the child or provide services to any party, the department must also
18 agree to and sign the order.

19 (b) Entry of any stipulated or agreed order of dependency or
20 disposition is subject to approval by the court. The court shall
21 receive and review a social study before entering a stipulated or
22 agreed order and shall consider whether the order is consistent with
23 the allegations of the dependency petition and the problems that
24 necessitated the child's placement in out-of-home care. No social file
25 or social study may be considered by the court in connection with the
26 fact-finding hearing or prior to factual determination, except as
27 otherwise admissible under the rules of evidence.

28 (c) Prior to the entry of any stipulated or agreed order of
29 dependency, the parent, guardian, or legal custodian of the child and
30 his or her attorney must appear before the court and the court within
31 available resources must inquire and establish on the record that:

32 (i) The parent, guardian, or legal custodian understands the terms
33 of the order or orders he or she has signed, including his or her
34 responsibility to participate in remedial services as provided in any
35 disposition order;

36 (ii) The parent, guardian, or legal custodian understands that
37 entry of the order starts a process that could result in the filing of
38 a petition to terminate his or her relationship with the child within

1 the time frames required by state and federal law if he or she fails to
2 comply with the terms of the dependency or disposition orders or fails
3 to substantially remedy the problems that necessitated the child's
4 placement in out-of-home care;

5 (iii) The parent, guardian, or legal custodian understands that the
6 entry of the stipulated or agreed order of dependency is an admission
7 that the child is dependent within the meaning of RCW 13.34.030 and
8 shall have the same legal effect as a finding by the court that the
9 child is dependent by at least a preponderance of the evidence, and
10 that the parent, guardian, or legal custodian shall not have the right
11 in any subsequent proceeding for termination of parental rights or
12 (~~dependency~~) guardianship pursuant to this chapter or nonparental
13 custody pursuant to chapter 26.10 RCW to challenge or dispute the fact
14 that the child was found to be dependent; and

15 (iv) The parent, guardian, or legal custodian knowingly and
16 willingly stipulated and agreed to and signed the order or orders,
17 without duress, and without misrepresentation or fraud by any other
18 party.

19 If a parent, guardian, or legal custodian fails to appear before
20 the court after stipulating or agreeing to entry of an order of
21 dependency, the court may enter the order upon a finding that the
22 parent, guardian, or legal custodian had actual notice of the right to
23 appear before the court and chose not to do so. The court may require
24 other parties to the order, including the attorney for the parent,
25 guardian, or legal custodian, to appear and advise the court of the
26 parent's, guardian's, or legal custodian's notice of the right to
27 appear and understanding of the factors specified in this subsection.
28 A parent, guardian, or legal custodian may choose to waive his or her
29 presence at the in-court hearing for entry of the stipulated or agreed
30 order of dependency by submitting to the court through counsel a
31 completed stipulated or agreed dependency fact-finding/disposition
32 statement in a form determined by the Washington state supreme court
33 pursuant to General Rule GR 9.

34 (3) Immediately after the entry of the findings of fact, the court
35 shall hold a disposition hearing, unless there is good cause for
36 continuing the matter for up to fourteen days. If good cause is shown,
37 the case may be continued for longer than fourteen days. Notice of the
38 time and place of the continued hearing may be given in open court. If

1 notice in open court is not given to a party, that party shall be
2 notified by certified mail of the time and place of any continued
3 hearing. Unless there is reasonable cause to believe the health,
4 safety, or welfare of the child would be jeopardized or efforts to
5 reunite the parent and child would be hindered, the court shall direct
6 the department to notify those adult persons who: (a) Are related by
7 blood or marriage to the child in the following degrees: Parent,
8 grandparent, brother, sister, stepparent, stepbrother, stepsister,
9 uncle, or aunt; (b) are known to the department as having been in
10 contact with the family or child within the past twelve months; and (c)
11 would be an appropriate placement for the child. Reasonable cause to
12 dispense with notification to a parent under this section must be
13 proved by clear, cogent, and convincing evidence.

14 The parties need not appear at the fact-finding or dispositional
15 hearing if the parties, their attorneys, the guardian ad litem, and
16 court-appointed special advocates, if any, are all in agreement.

17 **Sec. 5.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read
18 as follows:

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

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

1 appropriate and if the child is age sixteen or older and the provisions
2 of subsection (2) of this section are met.

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

5 (c) Permanency planning goals should be achieved at the earliest
6 possible date, preferably before the child has been in out-of-home care
7 for fifteen months. In cases where parental rights have been
8 terminated, the child is legally free for adoption, and adoption has
9 been identified as the primary permanency planning goal, it shall be a
10 goal to complete the adoption within six months following entry of the
11 termination order.

12 (d) For purposes related to permanency planning:

13 (i) "Guardianship" means (~~(a dependency)~~) guardianship(~~(, a legal~~
14 ~~guardianship pursuant to chapter 11.88 RCW)~~) pursuant to RCW 13.34.232,
15 or equivalent laws of another state or a federally recognized Indian
16 tribe.

17 (ii) (~~("Permanent custody order" means a custody order entered~~
18 ~~pursuant to chapter 26.10 RCW.~~

19 ~~(iii))~~ "Permanent legal custody" or "permanent custody order"
20 means legal custody pursuant to chapter 26.10 RCW or equivalent laws of
21 another state or of a federally recognized Indian tribe.

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

34 (3) A permanency planning hearing shall be held in all cases where
35 the child has remained in out-of-home care for at least nine months and
36 an adoption decree, guardianship order, or permanent custody order has
37 not previously been entered. The hearing shall take place no later

1 than twelve months following commencement of the current placement
2 episode.

3 (4) Whenever a child is removed from the home of a ((~~dependency~~
4 ~~guardian or~~)) long-term relative or foster care provider, and the child
5 is not returned to the home of the parent, guardian, or legal custodian
6 but is placed in out-of-home care, a permanency planning hearing shall
7 take place no later than twelve months, as provided in subsection (3)
8 of this section, following the date of removal unless, prior to the
9 hearing, the child returns to the home of the ((~~dependency guardian~~
10 ~~or~~)) long-term care provider, the child is placed in the home of the
11 parent, guardian, or legal custodian, an adoption decree, guardianship
12 order, or a permanent custody order is entered, or the dependency is
13 dismissed.

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

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

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

35 (ii) Modify the permanency plan, and order implementation of the
36 modified plan; and

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

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

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

8 (8) The juvenile court may hear a petition for permanent legal
9 custody when: (a) The court has ordered implementation of a permanency
10 plan that includes permanent legal custody; and (b) the party pursuing
11 the permanent legal custody is the party identified in the permanency
12 plan as the prospective legal custodian. During the pendency of such
13 proceeding, the court shall conduct review hearings and further
14 permanency planning hearings as provided in this chapter. ~~((At the
15 conclusion of the legal guardianship or permanent legal custody
16 proceeding, a juvenile court hearing shall be held for the purpose of
17 determining whether dependency should be dismissed.))~~ If a
18 ~~((guardianship or))~~ permanent custody order has been entered, the
19 dependency shall be dismissed.

20 (9) Continued juvenile court jurisdiction under this chapter shall
21 not be a barrier to the entry of an order establishing a ~~((legal))~~
22 guardianship or permanent legal custody when the requirements of
23 subsection (8) of this section are met.

24 (10) Following the first permanency planning hearing, the court
25 shall hold a further permanency planning hearing in accordance with
26 this section at least once every twelve months until a permanency
27 planning goal is achieved or the dependency is dismissed, whichever
28 occurs first.

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

35 (12) Nothing in this chapter may be construed to limit the ability
36 of the agency that has custody of the child to file a petition for
37 termination of parental rights or a guardianship petition at any time
38 following the establishment of dependency. Upon the filing of such a

1 petition, a fact-finding hearing shall be scheduled and held in
2 accordance with this chapter unless the agency requests dismissal of
3 the petition prior to the hearing or unless the parties enter an agreed
4 order terminating parental rights, establishing a guardianship, or
5 otherwise resolving the matter.

6 (13) The approval of a permanency plan that does not contemplate
7 return of the child to the parent does not relieve the supervising
8 agency of its obligation to provide reasonable services, under this
9 chapter, intended to effectuate the return of the child to the parent,
10 including but not limited to, visitation rights. The court shall
11 consider the child's relationships with siblings in accordance with RCW
12 13.34.130.

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

16 **Sec. 6.** RCW 13.34.230 and 1981 c 195 s 1 are each amended to read
17 as follows:

18 Any party to a dependency proceeding, including the supervising
19 agency, may file a petition in juvenile court requesting that a
20 guardianship be (~~created~~) established as to a dependent child. The
21 petition shall conform to the requirements of RCW 13.34.040, shall be
22 served upon the parties as provided in RCW 13.34.070(8), and shall
23 allege all applicable requirements of RCW 13.34.231. The proposed
24 guardian and department of social and health services shall receive
25 notice of any guardianship proceedings and have the right to intervene
26 in the proceedings.

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

29 (1) Every guardianship petition filed in proceedings under RCW
30 13.34.231 shall contain a statement alleging whether the child is or
31 may be an Indian child as defined in 25 U.S.C. Sec. 1903. If the child
32 is an Indian child as defined under the Indian child welfare act, the
33 provisions of that act shall apply.

34 (2) Every order or decree entered in any proceeding under this
35 chapter shall contain a finding that the Indian child welfare act does
36 or does not apply. Where there is a finding that the Indian child

1 welfare act does apply, the decree or order must also contain a finding
2 that all notice requirements and evidentiary requirements under the
3 Indian child welfare act have been satisfied.

4 **Sec. 8.** RCW 13.34.231 and 2000 c 122 s 29 are each amended to read
5 as follows:

6 (1) At the hearing on a ~~((dependency))~~ guardianship petition, all
7 parties have the right to present evidence and cross examine witnesses.
8 The rules of evidence apply to the conduct of the hearing.

9 (2) A guardianship shall be established if the court finds by a
10 preponderance of the evidence that:

11 ~~((+1))~~ (a) The child has been found to be a dependent child under
12 RCW 13.34.030;

13 ~~((+2))~~ (b) A dispositional order has been entered pursuant to RCW
14 13.34.130;

15 ~~((+3))~~ (c) The child has been removed or will, at the time of the
16 hearing, have been removed from the custody of the parent for a period
17 of at least six months pursuant to a finding of dependency under RCW
18 13.34.030;

19 ~~((+4))~~ (d) The services ordered under RCW 13.34.130 and 13.34.136
20 have been offered or provided and all necessary services, reasonably
21 available, capable of correcting the parental deficiencies within the
22 foreseeable future have been offered or provided;

23 ~~((+5))~~ (e) There is little likelihood that conditions will be
24 remedied so that the child can be returned to the parent in the near
25 future; ~~((and~~

26 ~~+6) A))~~ (f) The child has been in the home of the proposed guardian
27 for a period of at least six months;

28 (g) The proposed guardian has signed a statement acknowledging the
29 guardian's rights and responsibilities toward the child and the
30 guardian's understanding and acceptance that the guardianship is
31 commitment to care for the child until the child reaches age eighteen;

32 (h) Guardianship is a more reasonable or appropriate option for the
33 child than adoption, and guardianship, rather than termination of the
34 parent-child relationship or continuation of efforts to return the
35 child to the custody of the parent, would be in the best interest of
36 the child.

1 (3) In determining whether the guardianship is in the best interest
2 of the child, the court shall consider the following factors:

3 (a) The nature of the relationship between the child and the
4 child's parent or parents;

5 (b) The relationship of the proposed guardian to the child;

6 (c) The nature of the child's relationships with siblings and the
7 extent to which a guardianship will allow or facilitate maintaining
8 such relationships;

9 (d) The child's preference, if expressed, for the guardianship;

10 (e) The ability of the proposed guardian to meet the familial and
11 cultural needs of the child;

12 (f) The position of the child's tribe regarding the proposed
13 guardianship, if the child is an Indian child as defined in 25 U.S.C.
14 Sec. 1903.

15 (4)(a) The court may not establish a guardianship for a child who
16 is under the age of twelve years or who has no legal parent unless the
17 court, in addition to making the findings set forth in this section,
18 determines that exceptional circumstances exist. Exceptional
19 circumstances may include, but are not limited to:

20 (i) The child has special needs, and a suitable guardian is willing
21 to accept custody of the child under this chapter; or

22 (ii) Establishment of a guardianship will allow the child to be
23 placed with or maintain contact with siblings to an extent unlikely to
24 be achieved through other permanency options.

25 (b) A finding of exceptional circumstances is not required for such
26 child, in addition to the other requirements set forth in this section,
27 if the proposed guardian is a person who has made a commitment to
28 provide for the long-term care of the child and: (i) Is related to the
29 child as described in RCW 74.15.020(2); (ii) has been a long-term care
30 giver to the child and has acted as a parent figure to the child and is
31 viewed by the child as a parent figure; or (iii) has been identified by
32 the child's family and the child, if the child is age twelve years old,
33 or older, as the preferred guardian.

34 **Sec. 9.** RCW 13.34.232 and 1994 c 288 s 7 are each amended to read
35 as follows:

36 (1) If the court has made a finding under RCW 13.34.231, it shall

1 enter an order establishing a ~~((dependency))~~ guardianship for the child
2 and shall dismiss the dependency. The order shall:

3 (a) Appoint a person ~~((or agency))~~ to serve as ~~((dependency))~~ legal
4 guardian ~~((for the limited purpose of assisting the court to supervise~~
5 ~~the dependency))~~ of the child;

6 (b) Specify the ~~((dependency))~~ guardian's rights and
7 responsibilities concerning the care, custody, and control of the
8 child~~((A dependency guardian shall not have the authority to consent~~
9 ~~to the child's adoption));~~

10 (c) Specify the ~~((dependency))~~ guardian's authority, if any, to
11 receive, invest, and expend funds, benefits, or property belonging to
12 the child; and

13 (d) Specify an appropriate frequency and type of ~~((visitation))~~
14 contact between the parent and the child~~((; and~~

15 ~~(e) Specify the need for any continued involvement of the~~
16 ~~supervising agency and the nature of that involvement, if any))~~ and
17 between the child and the child's siblings.

18 (2) ~~((Unless the court specifies otherwise in the guardianship~~
19 ~~order,))~~ The ~~((dependency))~~ guardian shall maintain the physical and
20 legal custody of the child and have the following rights and duties:

21 (a) Protect, discipline, and educate the child;

22 (b) Provide food, clothing, shelter, education as required by
23 law~~((, and routine health care for the child));~~

24 (c) Consent to necessary health and surgical care and sign a
25 release of health care information to appropriate authorities, pursuant
26 to law;

27 (d) Consent to social and school activities of the child; ~~((and))~~

28 (e) If the child has independent funds or other valuable property
29 under the control of the guardian, the guardian shall provide an annual
30 written accounting to the court regarding receipt and expenditure by
31 the ~~((dependency))~~ guardian of any such funds~~((, benefits,))~~ or
32 property ~~((belonging to the child and expenditures made therefrom)).~~
33 However, the guardian shall not be required to account for any routine
34 benefit funds received on behalf of the child from a public social
35 service agency; and

36 (f) Notify the court of a change of address of the guardian or
37 child. However, unless specifically ordered by the court, the notice

1 requirements and standards for relocation set forth in chapter 26.09
2 RCW shall not apply to guardianships established pursuant to this
3 chapter.

4 (3) As used in this section, the term "health care" includes, but
5 is not limited to, medical, dental, psychological, and psychiatric care
6 and treatment.

7 ~~(4) ((The child shall remain dependent for the duration of the~~
8 ~~guardianship. While the guardianship remains in effect, the dependency~~
9 ~~guardian shall be a party to any dependency proceedings pertaining to~~
10 ~~the child.~~

11 ~~(5))~~ The guardianship shall remain in effect only until the child
12 is eighteen years of age or until the court terminates the guardianship
13 order, whichever occurs sooner.

14 (5) The court shall not have the authority, in a guardianship
15 proceeding, to order the department of social and health services to
16 supervise or to provide services to the guardian and/or the child.

17 (6) Letters of guardianship shall be issued to the guardian upon
18 the filing of the order appointing the guardian pursuant to this
19 chapter.

20 **Sec. 10.** RCW 13.34.233 and 2000 c 122 s 30 are each amended to
21 read as follows:

22 (1) Any party, including the guardian, may ~~((request))~~ apply to the
23 court ((under RCW 13.34.150)) to modify or terminate a ((dependency))
24 guardianship order. ((Notice of any motion to modify or terminate the
25 guardianship shall be served on all other parties, including any agency
26 that was responsible for supervising the child's placement at the time
27 the guardianship petition was filed. Notice in all cases shall be
28 served upon the department. If the department was not previously a
29 party to the guardianship proceeding, the department shall nevertheless
30 have the right to: (a) Initiate a proceeding to modify or terminate a
31 guardianship; and (b) intervene at any stage of such a proceeding)) If
32 the applicant is represented by counsel, counsel shall move for an
33 order to show cause why the relief should not be granted, pursuant to
34 this section. If the applicant is not represented by counsel, he or
35 she may move for an order to show cause, or may deliver a written
36 request to the clerk of the court. The written request must contain

1 the reasons that justify a modification or termination of the
2 guardianship order.

3 (2) By the next judicial day after receipt of an unrepresented
4 person's request to modify or terminate a guardianship order, the clerk
5 shall deliver the request to the court. The court may: (a) Direct the
6 clerk to schedule a hearing; (b) appoint a guardian ad litem to
7 investigate the issues raised by the application or take any emergency
8 action the court deems necessary to protect the juvenile who is the
9 subject of the guardianship until a hearing can be held; or (c) deny
10 the application without scheduling a hearing, if it appears, based on
11 documents in the court file, that the application is frivolous. Prior
12 to denying an application without a hearing, the court may request a
13 response from any party. Any denial of an application without a
14 hearing shall be in writing with the reasons for denial explained. A
15 copy of the order shall be mailed by the clerk to the applicant, to the
16 guardian, and to any other person or agency entitled to notice. Unless
17 within thirty days after receiving the request from the clerk the court
18 directs otherwise, the clerk shall schedule a hearing on the request
19 and mail notice to the guardian, the child if the child is age twelve
20 or older, the applicant, the department, and any other person entitled
21 to receive notice. The court shall hold a hearing on the motion before
22 modifying or terminating the guardianship.

23 (3) The terms of a guardianship order may be modified only if the
24 court finds, by a preponderance of the evidence and upon the basis of
25 facts that have arisen since the entry of the guardianship order, that
26 a substantial change in circumstances has occurred and that the
27 modification is in the best interest of the child.

28 (4) The guardianship may be ~~((modified or))~~ terminated ~~((upon the~~
29 ~~motion of any party or the department))~~ only if the court finds, by a
30 preponderance of the evidence and upon the basis of facts that have
31 arisen since entry of the guardianship order, that ~~((there has been))~~
32 a substantial change ~~((of))~~ in circumstances ~~((subsequent to the~~
33 ~~establishment of the guardianship))~~ has occurred and that ~~((it))~~ the
34 termination is in the ~~((child's))~~ best interest ~~((to modify or~~
35 ~~terminate the guardianship. The court shall hold a hearing on the~~
36 ~~motion before modifying or terminating a guardianship))~~ of the child
37 and is necessary to serve the best interests of the child.

1 ~~((3) Upon entry of an order terminating the guardianship, the~~
2 ~~dependency guardian shall not have any rights or responsibilities with~~
3 ~~respect to the child and shall not have legal standing to participate~~
4 ~~as a party in further dependency proceedings pertaining to the child.~~
5 ~~The court may allow the child's dependency guardian to attend~~
6 ~~dependency review proceedings pertaining to the child for the sole~~
7 ~~purpose of providing information about the child to the court.~~

8 (4)) (5) The court may only terminate a guardianship on the
9 application of a parent who is seeking a return of custody of the
10 child, if it finds by a preponderance of the evidence and on the basis
11 of facts that have arisen since the guardianship was established that:

12 (a) The parent has substantially and successfully addressed the
13 parenting deficiencies identified by the court in the dependency
14 action, or the circumstances of the parent have changed, and the child
15 would no longer be at risk of harm to the child's health, welfare, and
16 safety if returned to the care and custody of the parent;

17 (b) The child, if age twelve or older, agrees to the return to the
18 parent; and

19 (c) Termination of the guardianship and return of the child to the
20 care and custody of the parent is in the best interests of the child.

21 The court must also consider other relevant factors including but
22 not limited to the length and stability of the guardianship, the
23 strength of the relationship between the child and the guardian, the
24 amount and nature of parent-child contact during the guardianship, and
25 the wishes of the guardian.

26 If the court finds that an application by a parent to terminate a
27 guardianship has been made in bad faith, the court shall assess the
28 attorneys' fees and court costs against the parent.

29 (6) The court may terminate a guardianship on the stipulation of
30 the child, if the child is age twelve or older, the child's guardian,
31 and a parent of the child who is seeking to regain custody of the child
32 if it finds by a preponderance of the evidence and on the basis of
33 facts that have arisen since the guardianship was established that:

34 (a) The parent has substantially and successfully addressed the
35 parenting deficiencies identified by the court in the dependency
36 action, or the circumstances of the parent have changed, and the child
37 would no longer be at risk of harm to the child's health, welfare, and
38 safety if returned to the care and custody of the parent;

1 (b) The guardian of the child agrees that the parent is presently
2 able to provide appropriate care for the child and agrees to the return
3 of the child to the parent's care and custody;

4 (c) The child if age twelve or older agrees to the return to the
5 parent; and

6 (d) Termination of the guardianship and return of the child to the
7 care and custody of the parent is in the best interests of the child.

8 (7) At any time during a proceeding for modification or termination
9 of a guardianship order, the court may, on its own motion or on the
10 motion of any party, appoint a guardian ad litem or attorney for the
11 child to represent and be an advocate for the best interests of the
12 child.

13 (8) Upon entry of an order terminating the guardianship, the
14 ((child shall remain dependent and the)) court shall either return the
15 child to the child's parent or order the child into the custody,
16 control, and care of ((the department or a licensed child placing
17 agency for placement in a foster home or group care facility licensed
18 pursuant to chapter 74.15 RCW or in a home not required to be licensed
19 pursuant to such chapter)) a substitute guardian. The court shall not
20 place a child in the custody of the child's parent unless the court
21 finds that reasons for removal as set forth in RCW 13.34.130 no longer
22 exist and that such placement is in the child's best interest. ((The
23 court shall thereafter conduct reviews as provided in RCW 13.34.138
24 and, where applicable, shall hold a permanency planning hearing in
25 accordance with RCW 13.34.145.)) The court shall have the authority to
26 place a child in shelter care or other out-of-home care licensed by the
27 department under chapter 74.15 RCW only if a dependency petition has
28 been filed pursuant to RCW 13.34.040 and is currently pending before
29 the court. The court may request that the department file a dependency
30 petition on behalf of the child.

31 **Sec. 11.** RCW 13.34.236 and 1994 c 288 s 10 are each amended to
32 read as follows:

33 (1) Any suitable person over the age of twenty-one years who is not
34 otherwise disqualified by this section(~~(, any nonprofit corporation, or~~
35 ~~any Indian tribe)) may be appointed the ((dependency)) guardian of a
36 child under RCW 13.34.232. ~~((No person is qualified to serve as a~~~~

1 ~~dependency guardian unless the person meets the minimum requirements to~~
2 ~~care for children as provided in RCW 74.15.030.)~~

3 (2) Before the court may establish a guardianship of a child, the
4 department, a private agency licensed under the provisions of chapter
5 74.15 RCW or other state's licensing authority, or the child's tribe if
6 the child is an Indian child, shall have available in its files or
7 shall complete a home study approving the proposed guardian. The home
8 study shall include a criminal history background check under RCW
9 74.15.030 of those persons age sixteen and older residing in the
10 proposed guardian's home. The department shall be required to complete
11 the home study only if the department currently is providing services
12 to the child.

13 (3) The court shall not approve a guardianship until the child has
14 resided with the proposed guardian for a minimum of six months and the
15 department or supervising private agency has recommended that the
16 guardianship be established and, if the child is an Indian child, the
17 child's tribe does not object to the establishment of the guardianship.

18 (4) If the preferences of a child's parent were not considered
19 under RCW 13.34.260 as they relate to the proposed ((dependency))
20 guardian, the court shall consider such preferences before appointing
21 the ((dependency)) guardian.

22 **Sec. 12.** RCW 13.32A.030 and 2000 c 123 s 2 are each amended to
23 read as follows:

24 As used in this chapter the following terms have the meanings
25 indicated unless the context clearly requires otherwise:

26 (1) "Abuse or neglect" means the injury, sexual abuse, sexual
27 exploitation, negligent treatment, or maltreatment of a child by any
28 person under circumstances which indicate that the child's health,
29 welfare, and safety is harmed, excluding conduct permitted under RCW
30 9A.16.100. An abused child is a child who has been subjected to child
31 abuse or neglect as defined in this section.

32 (2) "Administrator" means the individual who has the daily
33 administrative responsibility of a crisis residential center, or his or
34 her designee.

35 (3) "At-risk youth" means a juvenile:

36 (a) Who is absent from home for at least seventy-two consecutive
37 hours without consent of his or her parent;

1 (b) Who is beyond the control of his or her parent such that the
2 child's behavior endangers the health, safety, or welfare of the child
3 or any other person; or

4 (c) Who has a substance abuse problem for which there are no
5 pending criminal charges related to the substance abuse.

6 (4) "Child," "juvenile," and "youth" mean any unemancipated
7 individual who is under the chronological age of eighteen years.

8 (5) "Child in need of services" means a juvenile:

9 (a) Who is beyond the control of his or her parent such that the
10 child's behavior endangers the health, safety, or welfare of the child
11 or other person;

12 (b) Who has been reported to law enforcement as absent without
13 consent for at least twenty-four consecutive hours on two or more
14 separate occasions from the home of either parent, a crisis residential
15 center, an out-of-home placement, or a court-ordered placement; and

16 (i) Has exhibited a serious substance abuse problem; or

17 (ii) Has exhibited behaviors that create a serious risk of harm to
18 the health, safety, or welfare of the child or any other person; or

19 (c)(i) Who is in need of: (A) Necessary services, including food,
20 shelter, health care, clothing, or education; or (B) services designed
21 to maintain or reunite the family;

22 (ii) Who lacks access to, or has declined to utilize, these
23 services; and

24 (iii) Whose parents have evidenced continuing but unsuccessful
25 efforts to maintain the family structure or are unable or unwilling to
26 continue efforts to maintain the family structure.

27 (6) "Child in need of services petition" means a petition filed in
28 juvenile court by a parent, child, or the department seeking
29 adjudication of placement of the child.

30 (7) "Crisis residential center" means a secure or semi-secure
31 facility established pursuant to chapter 74.13 RCW.

32 (8) "Custodian" means the person or entity who has the legal right
33 to the custody of the child.

34 (9) "Department" means the department of social and health
35 services.

36 (10) "Extended family member" means an adult who is a grandparent,
37 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin

1 with whom the child has a relationship and is comfortable, and who is
2 willing and available to care for the child.

3 (11) "Guardian" means that person or agency that (a) has been
4 appointed as the guardian of a child in a legal proceeding (~~other than~~
5 ~~a proceeding under chapter 13.34 RCW~~), and (b) has the right to legal
6 custody of the child pursuant to such appointment. (~~The term~~
7 ~~"guardian" does not include a "dependency guardian" appointed pursuant~~
8 ~~to a proceeding under chapter 13.34 RCW.~~)

9 (12) "Multidisciplinary team" means a group formed to provide
10 assistance and support to a child who is an at-risk youth or a child in
11 need of services and his or her parent. The team shall include the
12 parent, a department case worker, a local government representative
13 when authorized by the local government, and when appropriate, members
14 from the mental health and substance abuse disciplines. The team may
15 also include, but is not limited to, the following persons: Educators,
16 law enforcement personnel, probation officers, employers, church
17 persons, tribal members, therapists, medical personnel, social service
18 providers, placement providers, and extended family members. The team
19 members shall be volunteers who do not receive compensation while
20 acting in a capacity as a team member, unless the member's employer
21 chooses to provide compensation or the member is a state employee.

22 (13) "Out-of-home placement" means a placement in a foster family
23 home or group care facility licensed pursuant to chapter 74.15 RCW or
24 placement in a home, other than that of the child's parent, guardian,
25 or legal custodian, not required to be licensed pursuant to chapter
26 74.15 RCW.

27 (14) "Parent" means the parent or parents who have the legal right
28 to custody of the child. "Parent" includes custodian or guardian.

29 (15) "Secure facility" means a crisis residential center, or
30 portion thereof, that has locking doors, locking windows, or a secured
31 perimeter, designed and operated to prevent a child from leaving
32 without permission of the facility staff.

33 (16) "Semi-secure facility" means any facility, including but not
34 limited to crisis residential centers or specialized foster family
35 homes, operated in a manner to reasonably assure that youth placed
36 there will not run away. Pursuant to rules established by the
37 department, the facility administrator shall establish reasonable hours
38 for residents to come and go from the facility such that no residents

1 are free to come and go at all hours of the day and night. To prevent
2 residents from taking unreasonable actions, the facility administrator,
3 where appropriate, may condition a resident's leaving the facility upon
4 the resident being accompanied by the administrator or the
5 administrator's designee and the resident may be required to notify the
6 administrator or the administrator's designee of any intent to leave,
7 his or her intended destination, and the probable time of his or her
8 return to the center.

9 (17) "Staff secure facility" means a structured group care facility
10 licensed under rules adopted by the department with a ratio of at least
11 one adult staff member to every two children.

12 (18) "Temporary out-of-home placement" means an out-of-home
13 placement of not more than fourteen days ordered by the court at a
14 fact-finding hearing on a child in need of services petition.

15 **Sec. 13.** RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and
16 2001 c 137 s 3 are each reenacted and amended to read as follows:

17 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
18 otherwise clearly indicated by the context thereof, the following terms
19 shall mean:

20 (1) "Agency" means any person, firm, partnership, association,
21 corporation, or facility which receives children, expectant mothers, or
22 persons with developmental disabilities for control, care, or
23 maintenance outside their own homes, or which places, arranges the
24 placement of, or assists in the placement of children, expectant
25 mothers, or persons with developmental disabilities for foster care or
26 placement of children for adoption, and shall include the following
27 irrespective of whether there is compensation to the agency or to the
28 children, expectant mothers or persons with developmental disabilities
29 for services rendered:

30 (a) "Child day-care center" means an agency which regularly
31 provides care for a group of children for periods of less than twenty-
32 four hours;

33 (b) "Child-placing agency" means an agency which places a child or
34 children for temporary care, continued care, or for adoption;

35 (c) "Community facility" means a group care facility operated for
36 the care of juveniles committed to the department under RCW 13.40.185.

1 A county detention facility that houses juveniles committed to the
2 department under RCW 13.40.185 pursuant to a contract with the
3 department is not a community facility;

4 (d) "Crisis residential center" means an agency which is a
5 temporary protective residential facility operated to perform the
6 duties specified in chapter 13.32A RCW, in the manner provided in RCW
7 74.13.032 through 74.13.036;

8 (e) "Emergency respite center" is an agency that may be commonly
9 known as a crisis nursery, that provides emergency and crisis care for
10 up to seventy-two hours to children who have been admitted by their
11 parents or guardians to prevent abuse or neglect. Emergency respite
12 centers may operate for up to twenty-four hours a day, and for up to
13 seven days a week. Emergency respite centers may provide care for
14 children ages birth through seventeen, and for persons eighteen through
15 twenty with developmental disabilities who are admitted with a sibling
16 or siblings through age seventeen. Emergency respite centers may not
17 substitute for crisis residential centers or HOPE centers, or any other
18 services defined under this section, and may not substitute for
19 services which are required under chapter 13.32A or 13.34 RCW;

20 (f) "Family day-care provider" means a child day-care provider who
21 regularly provides child day care for not more than twelve children in
22 the provider's home in the family living quarters;

23 (g) "Foster-family home" means an agency which regularly provides
24 care on a twenty-four hour basis to one or more children, expectant
25 mothers, or persons with developmental disabilities in the family abode
26 of the person or persons under whose direct care and supervision the
27 child, expectant mother, or person with a developmental disability is
28 placed;

29 (h) "Group-care facility" means an agency, other than a foster-
30 family home, which is maintained and operated for the care of a group
31 of children on a twenty-four hour basis;

32 (i) "HOPE center" means an agency licensed by the secretary to
33 provide temporary residential placement and other services to street
34 youth. A street youth may remain in a HOPE center for thirty days
35 while services are arranged and permanent placement is coordinated. No
36 street youth may stay longer than thirty days unless approved by the
37 department and any additional days approved by the department must be
38 based on the unavailability of a long-term placement option. A street

1 youth whose parent wants him or her returned to home may remain in a
2 HOPE center until his or her parent arranges return of the youth, not
3 longer. All other street youth must have court approval under chapter
4 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

5 (j) "Maternity service" means an agency which provides or arranges
6 for care or services to expectant mothers, before or during
7 confinement, or which provides care as needed to mothers and their
8 infants after confinement;

9 (k) "Responsible living skills program" means an agency licensed by
10 the secretary that provides residential and transitional living
11 services to persons ages sixteen to eighteen who are dependent under
12 chapter 13.34 RCW and who have been unable to live in his or her
13 legally authorized residence and, as a result, the minor lived outdoors
14 or in another unsafe location not intended for occupancy by the minor.
15 Dependent minors ages fourteen and fifteen may be eligible if no other
16 placement alternative is available and the department approves the
17 placement;

18 (l) "Service provider" means the entity that operates a community
19 facility.

20 (2) "Agency" shall not include the following:

21 (a) Persons related to the child, expectant mother, or person with
22 developmental disability in the following ways:

23 (i) Any blood relative, including those of half-blood, and
24 including first cousins, nephews or nieces, and persons of preceding
25 generations as denoted by prefixes of grand, great, or great-great;

26 (ii) Stepfather, stepmother, stepbrother, and stepsister;

27 (iii) A person who legally adopts a child or the child's parent as
28 well as the natural and other legally adopted children of such persons,
29 and other relatives of the adoptive parents in accordance with state
30 law;

31 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
32 subsection (2)(a), even after the marriage is terminated; or

33 (v) Extended family members, as defined by the law or custom of the
34 Indian child's tribe or, in the absence of such law or custom, a person
35 who has reached the age of eighteen and who is the Indian child's
36 grandparent, aunt or uncle, brother or sister, brother-in-law or
37 sister-in-law, niece or nephew, first or second cousin, or stepparent

1 who provides care in the family abode on a twenty-four-hour basis to an
2 Indian child as defined in 25 U.S.C. Sec. 1903(4);

3 (b) Persons who are legal guardians, including guardians appointed
4 under the provisions of RCW 13.34.232, of the child, expectant mother,
5 or persons with developmental disabilities;

6 (c) Persons who care for a neighbor's or friend's child or
7 children, with or without compensation, where: (i) The person
8 providing care for periods of less than twenty-four hours does not
9 conduct such activity on an ongoing, regularly scheduled basis for the
10 purpose of engaging in business, which includes, but is not limited to,
11 advertising such care; or (ii) the parent and person providing care on
12 a twenty-four-hour basis have agreed to the placement in writing and
13 the state is not providing any payment for the care;

14 (d) Parents on a mutually cooperative basis exchange care of one
15 another's children;

16 (e) A person, partnership, corporation, or other entity that
17 provides placement or similar services to exchange students or
18 international student exchange visitors or persons who have the care of
19 an exchange student in their home;

20 (f) A person, partnership, corporation, or other entity that
21 provides placement or similar services to international children who
22 have entered the country by obtaining visas that meet the criteria for
23 medical care as established by the United States immigration and
24 naturalization service, or persons who have the care of such an
25 international child in their home;

26 (g) Nursery schools or kindergartens which are engaged primarily in
27 educational work with preschool children and in which no child is
28 enrolled on a regular basis for more than four hours per day;

29 (h) Schools, including boarding schools, which are engaged
30 primarily in education, operate on a definite school year schedule,
31 follow a stated academic curriculum, accept only school-age children
32 and do not accept custody of children;

33 (i) Seasonal camps of three months' or less duration engaged
34 primarily in recreational or educational activities;

35 (j) Hospitals licensed pursuant to chapter 70.41 RCW when
36 performing functions defined in chapter 70.41 RCW, nursing homes
37 licensed under chapter 18.51 RCW and boarding homes licensed under
38 chapter 18.20 RCW;

- 1 (k) Licensed physicians or lawyers;
- 2 (l) Facilities providing care to children for periods of less than
3 twenty-four hours whose parents remain on the premises to participate
4 in activities other than employment;
- 5 (m) Facilities approved and certified under chapter 71A.22 RCW;
- 6 (n) Any agency having been in operation in this state ten years
7 prior to June 8, 1967, and not seeking or accepting moneys or
8 assistance from any state or federal agency, and is supported in part
9 by an endowment or trust fund;
- 10 (o) Persons who have a child in their home for purposes of
11 adoption, if the child was placed in such home by a licensed child-
12 placing agency, an authorized public or tribal agency or court or if a
13 replacement report has been filed under chapter 26.33 RCW and the
14 placement has been approved by the court;
- 15 (p) An agency operated by any unit of local, state, or federal
16 government or an agency, located within the boundaries of a federally
17 recognized Indian reservation, licensed by the Indian tribe;
- 18 (q) A maximum or medium security program for juvenile offenders
19 operated by or under contract with the department;
- 20 (r) An agency located on a federal military reservation, except
21 where the military authorities request that such agency be subject to
22 the licensing requirements of this chapter.
- 23 (3) "Department" means the state department of social and health
24 services.
- 25 (4) "Juvenile" means a person under the age of twenty-one who has
26 been sentenced to a term of confinement under the supervision of the
27 department under RCW 13.40.185.
- 28 (5) "Probationary license" means a license issued as a disciplinary
29 measure to an agency that has previously been issued a full license but
30 is out of compliance with licensing standards.
- 31 (6) "Requirement" means any rule, regulation, or standard of care
32 to be maintained by an agency.
- 33 (7) "Secretary" means the secretary of social and health services.
- 34 (8) "Street youth" means a person under the age of eighteen who
35 lives outdoors or in another unsafe location not intended for occupancy
36 by the minor and who is not residing with his or her parent or at his
37 or her legally authorized residence.

1 (9) "Transitional living services" means at a minimum, to the
2 extent funds are available, the following:

3 (a) Educational services, including basic literacy and
4 computational skills training, either in local alternative or public
5 high schools or in a high school equivalency program that leads to
6 obtaining a high school equivalency degree;

7 (b) Assistance and counseling related to obtaining vocational
8 training or higher education, job readiness, job search assistance, and
9 placement programs;

10 (c) Counseling and instruction in life skills such as money
11 management, home management, consumer skills, parenting, health care,
12 access to community resources, and transportation and housing options;

13 (d) Individual and group counseling; and

14 (e) Establishing networks with federal agencies and state and local
15 organizations such as the United States department of labor, employment
16 and training administration programs including the job training
17 partnership act which administers private industry councils and the job
18 corps; vocational rehabilitation; and volunteer programs.

19 NEW SECTION. **Sec. 14.** This act takes effect January 1, 2006.

--- END ---