

SHB 1624 - H AMD 292

By Representative Kagi

ADOPTED AS AMENDED 3/12/2007

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

3 "NEW SECTION. **Sec. 1** A new section is added to chapter 13.34
4 RCW to read as follows:

5 (1) A child may petition the juvenile court to reinstate the
6 previously terminated parental rights of his or her parent under
7 the following circumstances:

8 (a) The child must have been found to be a dependent child
9 under this chapter;

10 (b) The child must be at least twelve years of age at the time
11 the petition to reinstate parental rights is filed;

12 (c) At least three years have passed from the date of entry of
13 an order for the termination of parental rights;

14 (d) The child's permanent plan is adoption and the child has
15 not been adopted;

16 (e) The petition is signed by the child, unless the court
17 finds good cause not to require the child's signature; and

18 (f) The petition alleges facts demonstrating the parent is fit
19 and that reinstatement of parental rights is in the best interest
20 of the child.

21 (2) Upon the filing of a petition to reinstate parental
22 rights, the juvenile court shall order that a hearing be held. The
23 court shall give prior notice, or cause prior notice to be given,
24 to the department, the child's attorney, the child, the child's
25 foster parent, and the child's tribe, if applicable. The court
26 shall also order the department to give prior notice of the hearing
27 to the child's former parent or parents whose parental rights were
28 terminated and to any parent of the child whose parental rights
29 were not terminated.

30 (3) The juvenile court shall conditionally grant the petition
31 if it finds the following by clear and convincing evidence:

1 (a) The parental deficiencies which led to the termination of
2 parental rights have been addressed to a degree that assures the
3 court that the reinstatement of parental rights will not present a
4 risk to the child's health, welfare, or safety;

5 (b) The parent is currently able to care for the child such
6 that placement of the child with the parent will not present a risk
7 to the child's health, welfare, or safety;

8 (c) The child is no longer likely to be adopted; and

9 (d) That reinstatement of parental rights is in the child's
10 best interest.

11 (4)(a) If the court conditionally grants the petition under
12 subsection (3) of this section, the case will be continued for one
13 year. During this period, the child shall be placed in the custody
14 of the parent. The department shall develop a permanency plan for
15 the child reflecting the plan to be reunification. The department
16 shall provide transition services to the family as appropriate. The
17 court shall conduct a minimum of two review hearings to determine
18 the status of the case and the well-being of the child.

19 (b) If the child must be removed from the parent due to abuse
20 or neglect allegations, the court shall dismiss the petition for
21 reinstatement of parental rights if the court finds the allegations
22 have been proven by a preponderance of the evidence.

23 (c) If the child has been successfully placed with the parent
24 for one year, the court order reinstating parental rights remains
25 in effect and the court shall dismiss the dependency if the court
26 finds that dismissal of the dependency is in the best interests of
27 the child and will not present a risk to the child's health,
28 welfare, or safety.

29 (5) A child seeking to petition under this section shall be
30 provided counsel prior to the filing of the petition.

31 (6) The child's former parent or parents have the right to be
32 represented by counsel, and if indigent, to have counsel appointed
33 for him or her by the court after the petition for reinstatement of
34 parental rights has been filed. Unless waived in court, counsel
35 shall be provided to the child's parent if such person (a) has
36 appeared in the proceeding or requested the court to appoint
37 counsel and (b) is financially unable to obtain counsel because of
38 indigency.

39 (7) A proceeding to reinstate parental rights is a separate

1 action from the termination of parental rights proceeding and does
2 not vacate the original termination of parental rights. An order
3 granted under this section reinstates the parental rights to the
4 child. This reinstatement is a recognition that the situation of
5 the parent and child have changed since the time of the termination
6 of parental rights and reunification is now appropriate.

7 NEW SECTION. **Sec. 2** Sections 1 through 5 of this act are
8 retroactive and apply to any child who is under the jurisdiction of
9 the juvenile court at the time of the hearing regardless of the
10 date parental rights were terminated.

11 **Sec. 3** RCW 13.34.200 and 2003 c 227 s 7 are each amended to
12 read as follows:

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

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

30 (3) An order terminating the parent-child relationship shall
31 include a statement addressing the status of the child's sibling
32 relationships and the nature and extent of sibling placement,
33 contact, or visits.

34
35 NEW SECTION. **Sec. 4** A new section is added to chapter 43.20A
36 RCW to read as follows:

37 The state or a person, individually or in a representative

1 capacity for the state, who is involved in the delivery of child
2 welfare services or child protective services through the
3 children's administration of the department of social and health
4 services, is not liable for selecting one of two or more
5 alternative courses of action even though the course of action
6 chosen results in a poor outcome if the person exercised reasonable
7 care and skill in arriving at the judgment to follow the particular
8 course of action.

9 NEW SECTION. **Sec. 5** Nothing in sections 1 through 5 of this
10 act may be construed to limit the application of other statutes
11 specifying a liability standard for the state's employees and
12 agents.

13 NEW SECTION. **Sec. 6.** The legislature recognizes that the
14 2005 Washington state court improvement project re-assessment found
15 that Washington statutes fail to consistently address the health
16 and safety of children in care. Statutory language does not stress
17 the safety and welfare of the child as the paramount concerns.
18 Additionally, the lack of clarity in the statutes undermines the
19 effectiveness of the hearings and, ultimately, the safety and
20 welfare of the child. The legislature intends to clarify the
21 purpose of the court hearings and the roles and responsibilities of
22 the parties.

23 The legislature finds that an investment of time into quality
24 court hearings results in better decisions for children and their
25 families and preserves the resources of the court and the child
26 welfare system. The legislature intends to clearly state that court
27 hearings should always strive to be independent, thorough, and
28 timely inquiries into the status of the case to ensure the
29 department of social and health services is responding to the needs
30 of the family and child in a prompt manner and that the case is
31 progressing appropriately. The legislature encourages the courts to
32 develop clearer, stronger oversight and leadership roles within the
33 courts to achieve safe, timely permanency for children. The court
34 is encouraged to engage all parties to question whether the case is
35 progressing and, if not, to assist in problem-solving to ensure
36 progress is made towards permanency for the child.

1 **Sec. 7.** RCW 13.34.060 and 2002 c 52 s 4 are each amended to
2 read as follows:

3 (1) A child taken into custody pursuant to RCW 13.34.050 or
4 26.44.050 shall be immediately placed in shelter care. A child
5 taken by a relative of the child in violation of RCW 9A.40.060 or
6 9A.40.070 shall be placed in shelter care only when permitted under
7 RCW 13.34.055. No child may be held longer than seventy-two hours,
8 excluding Saturdays, Sundays, and holidays, after such child is
9 taken into custody unless a court order has been entered for
10 continued shelter care. In no case may a child who is taken into
11 custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be
12 detained in a secure detention facility.

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

30 ~~((b))~~ (3) Whenever a child is taken into custody pursuant to
31 this section, the supervising agency may authorize evaluations of
32 the child's physical or emotional condition and educational and
33 developmental status, routine medical and dental examination and
34 care, and all necessary emergency care. ~~((In no case may a child~~
35 ~~who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or~~
36 ~~26.44.050 be detained in a secure detention facility. No child may~~
37 ~~be held longer than seventy-two hours, excluding Saturdays, Sundays~~
38 ~~and holidays, after such child is taken into custody unless a court~~
39 ~~order has been entered for continued shelter care. The child and~~

1 ~~his or her parent, guardian, or custodian shall be informed that~~
2 ~~they have a right to a shelter care hearing. The court shall hold~~
3 ~~a shelter care hearing within seventy-two hours after the child is~~
4 ~~taken into custody, excluding Saturdays, Sundays, and holidays. If~~
5 ~~a parent, guardian, or legal custodian desires to waive the shelter~~
6 ~~care hearing, the court shall determine, on the record and with the~~
7 ~~parties present, whether such waiver is knowing and voluntary.~~

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

26 **Sec. 8.** RCW 13.34.062 and 2004 c 147 s 2 are each amended to
27 read as follows:

28 (1)(a) Whenever a child is taken into custody by child
29 protective services pursuant to a court order issued under RCW
30 13.34.050 or when child protective services is notified that a
31 child has been taken into custody pursuant to RCW 26.44.050 or
32 26.44.056, child protective services shall make reasonable efforts
33 to inform the parent, guardian, or legal custodian of the fact that
34 the child has been taken into custody, the reasons why the child
35 was taken into custody, and their legal rights under this title,
36 including the right to a shelter care hearing, as soon as possible.

37 (b) In no event shall the notice required by this section be
38 provided to the parent, guardian, or legal custodian more than

1 twenty-four hours after the child has been taken into custody or
2 twenty-four hours after child protective services has been notified
3 that the child has been taken into custody.

4 (2)(a) The notice of custody and rights may be given by any
5 means reasonably certain of notifying the parents including, but
6 not limited to, written, telephone, or in person oral notification.
7 If the initial notification is provided by a means other than
8 writing, child protective services shall make reasonable efforts to
9 also provide written notification.

10 (b) The written notice of custody and rights required by ((RCW
11 13.34.060)) this section shall be in substantially the following form:

12 "NOTICE

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

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

22 2. You have the right to have a lawyer represent you at the
23 hearing. Your right to representation continues after the shelter
24 care hearing. You have the right to records the department
25 intends to rely upon. A lawyer can look at the files in your
26 case, talk to child protective services and other agencies, tell
27 you about the law, help you understand your rights, and help you
28 at hearings. If you cannot afford a lawyer, the court will
29 appoint one to represent you. To get a court-appointed lawyer you
30 must contact: (explain local procedure).

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

34 4. If your hearing occurs before a court commissioner, you
35 have the right to have the decision of the court commissioner
36 reviewed by a superior court judge. To obtain that review, you

1 must, within ten days after the entry of the decision of the
2 court commissioner, file with the court a motion for revision of
3 the decision, as provided in RCW 2.24.050.

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

6 You may call the Child Protective Services' caseworker for
7 more information about your child. The caseworker's name and
8 telephone number are: (insert name and telephone number).

9 5. You have a right to a case conference to develop a
10 written service agreement following the shelter care hearing. The
11 service agreement may not conflict with the court's order of
12 shelter care. You may request that a multidisciplinary team,
13 family group conference, or prognostic staffing be convened for
14 your child's case. You may participate in these processes with
15 your counsel present."

16 Upon receipt of the written notice, the parent, guardian, or
17 legal custodian shall acknowledge such notice by signing a
18 receipt prepared by child protective services. If the parent,
19 guardian, or legal custodian does not sign the receipt, the
20 reason for lack of a signature shall be written on the receipt.
21 The receipt shall be made a part of the court's file in the
22 dependency action.

23 If after making reasonable efforts to provide notification,
24 child protective services is unable to determine the whereabouts
25 of the parents, guardian, or legal custodian, the notice shall be
26 delivered or sent to the last known address of the parent,
27 guardian, or legal custodian.

28 ~~((+2))~~ (3) If child protective services is not required to
29 give notice under ~~((RCW 13.34.060(2) and subsection (1) of))~~ this
30 section, the juvenile court counselor assigned to the matter
31 shall make all reasonable efforts to advise the parents,
32 guardian, or legal custodian of the time and place of any shelter
33 care hearing, request that they be present, and inform them of
34 their basic rights as provided in RCW 13.34.090.

35 ~~((+3))~~ (4) Reasonable efforts to advise and to give notice,
36 as required in ~~((RCW 13.34.060(2) and subsections (1) and (2)~~
37 ~~of))~~ this section, shall include, at a minimum, investigation of
38 the whereabouts of the parent, guardian, or legal custodian. If

1 such reasonable efforts are not successful, or the parent,
2 guardian, or legal custodian does not appear at the shelter care
3 hearing, the petitioner shall testify at the hearing or state in
4 a declaration:

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

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

10 ~~((4) The court shall hear evidence regarding notice given
11 to, and efforts to notify, the parent, guardian, or legal
12 custodian and shall examine the need for shelter care. The court
13 shall hear evidence regarding the efforts made to place the child
14 with a relative. The court shall make an express finding as to
15 whether the notice required under RCW 13.34.060(2) and
16 subsections (1) and (2) of this section was given to the parent,
17 guardian, or legal custodian. All parties have the right to
18 present testimony to the court regarding the need or lack of need
19 for shelter care. Hearsay evidence before the court regarding the
20 need or lack of need for shelter care must be supported by sworn
21 testimony, affidavit, or declaration of the person offering such evidence~~

22 ~~—— (5)(a) A shelter care order issued pursuant to RCW 13.34.065
23 shall include the requirement for a case conference as provided
24 in RCW 13.34.067. However, if the parent is not present at the
25 shelter care hearing, or does not agree to the case conference,
26 the court shall not include the requirement for the case
27 conference in the shelter care order.~~

28 ~~—— (b) If the court orders a case conference, the shelter care
29 order shall include notice to all parties and establish the date,
30 time, and location of the case conference which shall be no later
31 than thirty days prior to the fact-finding hearing.~~

32 ~~—— (c) The court may order a conference or meeting as an
33 alternative to the case conference required under RCW 13.34.067
34 so long as the conference or meeting ordered by the court meets
35 all requirements under RCW 13.34.067, including the requirement
36 of a written agreement specifying the services to be provided to
37 the parent.~~

38 ~~—— (6) A shelter care order issued pursuant to RCW 13.34.065
39 may be amended at any time with notice and hearing thereon. The~~

1 ~~shelter care decision of placement shall be modified only upon a~~
2 ~~showing of change in circumstances. No child may be placed in~~
3 ~~shelter care for longer than thirty days without an order, signed~~
4 ~~by the judge, authorizing continued shelter care.~~

5 ~~— (7) Any parent, guardian, or legal custodian who for good~~
6 ~~cause is unable to attend the initial shelter care hearing may~~
7 ~~request that a subsequent shelter care hearing be scheduled. The~~
8 ~~request shall be made to the clerk of the court where the~~
9 ~~petition is filed prior to the initial shelter care hearing. Upon~~
10 ~~the request of the parent, the court shall schedule the hearing~~
11 ~~within seventy-two hours of the request, excluding Saturdays,~~
12 ~~Sundays, and holidays. The clerk shall notify all other parties~~
13 ~~of the hearing by any reasonable means.))~~

14 **Sec. 9.** RCW 13.34.065 and 2001 c 332 s 3 are each amended to
15 read as follows:

16 (1)(a) When a child is taken into custody, the court shall
17 hold a shelter care hearing within seventy-two hours, excluding
18 Saturdays, Sundays, and holidays. The primary purpose of the
19 shelter care hearing is to determine whether the child can be
20 immediately and safely returned home while the adjudication of
21 the dependency is pending.

22 (b) Any parent, guardian, or legal custodian who for good
23 cause is unable to attend the shelter care hearing may request
24 that a subsequent shelter care hearing be scheduled. The request
25 shall be made to the clerk of the court where the petition is
26 filed prior to the initial shelter care hearing. Upon the request
27 of the parent, the court shall schedule the hearing within
28 seventy-two hours of the request, excluding Saturdays, Sundays,
29 and holidays. The clerk shall notify all other parties of the
30 hearing by any reasonable means.

31 (2)(a) The ((juvenile court probation counselor)) department
32 of social and health services shall submit a recommendation to
33 the court as to the further need for shelter care ((unless the
34 petition has been filed by the department, in which case the
35 recommendation shall be submitted by the department)) in all
36 cases in which it is the petitioner. In all other cases, the
37 recommendation shall be submitted by the juvenile court probation
38 counselor.

1 (b) All parties have the right to present testimony to the
2 court regarding the need or lack of need for shelter care.

3 (c) Hearsay evidence before the court regarding the need or
4 lack of need for shelter care must be supported by sworn
5 testimony, affidavit, or declaration of the person offering such evidence

6 (3)(a) At the commencement of the hearing, the court shall
7 notify the parent, guardian, or custodian of the following:

8 (i) The parent, guardian, or custodian has the right to a
9 shelter care hearing;

10 (ii) The nature of the shelter care hearing and the
11 proceedings that will follow; and

12 (iii) If the parent, guardian, or custodian is not
13 represented by counsel, the right to be represented. If the
14 parent, guardian, or custodian is indigent, the court shall
15 appoint counsel as provided in RCW 13.34.090.

16 (b) If a parent, guardian, or legal custodian desires to
17 waive the shelter care hearing, the court shall determine, on the
18 record and with the parties present, whether such waiver is
19 knowing and voluntary. Regardless of whether the court accepts
20 the parental waiver of the shelter care hearing, the court must
21 make the finding required under subsection (4) of this section.

22 (4) At the shelter care hearing the court shall examine the
23 need for shelter care and inquire into the status of the case.
24 The paramount consideration for the court shall be the health,
25 welfare, and safety of the child. At a minimum, the court shall
26 inquire into the following:

27 (a) Whether the notice required under RCW 13.34.062 was given
28 to all known parents, guardians, or legal custodians of the
29 child. The court shall make an express finding as to whether the
30 notice required under RCW 13.34.062 was given to the parent,
31 guardian, or legal custodian. If actual notice was not given to
32 the parent, guardian, or legal custodian and the whereabouts of
33 such person is known or can be ascertained, the court shall order
34 the supervising agency or the department of social and health
35 services to make reasonable efforts to advise the parent,
36 guardian, or legal custodian of the status of the case, including
37 the date and time of any subsequent hearings, and their rights
38 under RCW 13.34.090;

39 (b) Whether the child can be safely returned home while the

1 adjudication of the dependency is pending;

2 (c) What efforts have been made to place the child with a relative;

3 (d) What services were provided to the family to prevent or
4 eliminate the need for removal of the child from the child's home;

5 (e) Is the placement proposed by the agency the least
6 disruptive and most family-like setting that meets the needs of
7 the child;

8 (f) Whether it is in the best interest of the child to remain
9 enrolled in the school, developmental program, or child care the
10 child was in prior to placement;

11 (g) Appointment of a guardian ad litem or attorney;

12 (h) Whether the child is or may be an Indian child as defined
13 in 25 U.S.C. Sec. 1903, whether the provisions of the Indian
14 child welfare act apply, and whether there is compliance with the
15 Indian child welfare act, including notice to the child's tribe;

16 (i) Whether restraining orders, or orders expelling an
17 allegedly abusive parent from the home, will allow the child to
18 safely remain in the home;

19 (j) Whether any orders for examinations, evaluations, or
20 immediate services are needed;

21 (k) The terms and conditions for parental and sibling
22 visitation.

23 ~~((+2))~~ (5)(a) The court shall release a child alleged to be
24 dependent to the care, custody, and control of the child's
25 parent, guardian, or legal custodian unless the court finds there
26 is reasonable cause to believe that:

27 ~~((+a))~~ (i) After consideration of the specific services
28 that have been provided, reasonable efforts have been made to
29 prevent or eliminate the need for removal of the child from the
30 child's home and to make it possible for the child to return
31 home; and

32 ~~((+b)(i))~~ (ii)(A) The child has no parent, guardian, or
33 legal custodian to provide supervision and care for such child; or

34 ~~((+ii))~~ (B) The release of such child would present a
35 serious threat of substantial harm to such child; or

36 ~~((+iii))~~ (C) The parent, guardian, or custodian to whom the
37 child could be released has been charged with violating RCW
38 9A.40.060 or 9A.40.070.

39 (b) If the court does not release the child to his or her

1 parent, guardian, or legal custodian, and the child was initially
2 placed with a relative pursuant to RCW 13.34.060(1), the court
3 shall order continued placement with a relative, unless there is
4 reasonable cause to believe the health, safety, or welfare of the
5 child would be jeopardized or that the efforts to reunite the
6 parent and child will be hindered. The relative must be willing
7 and available to:

8 (i) Care for the child and be able to meet any special needs
9 of the child;

10 (ii) Facilitate the child's visitation with siblings, if such
11 visitation is part of the supervising agency's plan or is ordered
12 by the court; and

13 (iii) Cooperate with the department in providing necessary
14 background checks and home studies.

15 (c) If the child was not initially placed with a relative,
16 and the court does not release the child to his or her parent,
17 guardian, or legal custodian, the supervising agency shall make
18 reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

19 (d) If a relative is not available, the court shall order
20 continued shelter care or order placement with another suitable
21 person, and the court shall set forth its reasons for the order.

22 ~~((The court shall enter a finding as to whether RCW 13.34.060(2)~~
23 ~~and subsections (1) and (2) of this section have been complied~~
24 ~~with. If actual notice was not given to the parent, guardian, or~~
25 ~~legal custodian and the whereabouts of such person is known or~~
26 ~~can be ascertained, the court shall order the supervising agency~~
27 ~~or the department of social and health services to make~~
28 ~~reasonable efforts to advise the parent, guardian, or legal~~
29 ~~custodian of the status of the case, including the date and time~~
30 ~~of any subsequent hearings, and their rights under RCW 13.34.090.~~

31 ~~—(3))~~ If the court orders placement of the child with a
32 person not related to the child and not licensed to provide
33 foster care, the placement is subject to all terms and conditions
34 of this section that apply to relative placements.

35 (e) Any placement with a relative, or other person approved
36 by the court pursuant to this section, shall be contingent upon
37 cooperation with the agency case plan and compliance with court
38 orders related to the care and supervision of the child
39 including, but not limited to, court orders regarding parent-

1 child contacts, sibling contacts, and any other conditions
2 imposed by the court. Noncompliance with the case plan or court
3 order is grounds for removal of the child from the home of the
4 relative or other person, subject to review by the court.

5 (6)(a) A shelter care order issued pursuant to this section
6 shall include the requirement for a case conference as provided
7 in RCW 13.34.067. However, if the parent is not present at the
8 shelter care hearing, or does not agree to the case conference,
9 the court shall not include the requirement for the case
10 conference in the shelter care order.

11 (b) If the court orders a case conference, the shelter care
12 order shall include notice to all parties and establish the date,
13 time, and location of the case conference which shall be no later
14 than thirty days before the fact-finding hearing.

15 (c) The court may order another conference, case staffing, or
16 hearing as an alternative to the case conference required under
17 RCW 13.34.067 so long as the conference, case staffing, or
18 hearing ordered by the court meets all requirements under RCW
19 13.34.067, including the requirement of a written agreement
20 specifying the services to be provided to the parent.

21 (7)(a) A shelter care order issued pursuant to this section
22 may be amended at any time with notice and hearing thereon. The
23 shelter care decision of placement shall be modified only upon a
24 showing of change in circumstances. No child may be placed in
25 shelter care for longer than thirty days without an order, signed
26 by the judge, authorizing continued shelter care.

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

32 (ii) The court shall consider whether nonconformance with
33 any conditions resulted from circumstances beyond the control of
34 the parent, guardian, or legal custodian and give weight to that
35 fact before ordering return of the child to shelter care.

36 ~~((+4))~~ (8)(a) If a child is returned home from shelter care
37 a second time in the case, or if the supervisor of the caseworker
38 deems it necessary, the multidisciplinary team may be reconvened.

39 ~~((+5))~~ (b) If a child is returned home from shelter care a

1 second time in the case a law enforcement officer must be present
2 and file a report to the department.

3
4 **Sec. 10.** RCW 13.34.136 and 2004 c 146 s 1 are each amended
5 to read as follows:

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

15 (2) The agency charged with (~~his or her~~) care of the child
16 shall provide the court with a written permanency plan of care
17 directed towards securing a safe, stable, and permanent home for
18 the child as soon as possible. The permanency plan shall include:

19 (a) A permanency plan of care that shall identify one of the
20 following outcomes as a primary goal and may identify additional
21 outcomes as alternative goals: Return of the child to the home of
22 the child's parent, guardian, or legal custodian; adoption;
23 guardianship; permanent legal custody; long-term relative or
24 foster care, until the child is age eighteen, with a written
25 agreement between the parties and the care provider; successful
26 completion of a responsible living skills program; or independent
27 living, if appropriate and if the child is age sixteen or older.
28 The department shall not discharge a child to an independent
29 living situation before the child is eighteen years of age unless
30 the child becomes emancipated pursuant to chapter 13.64 RCW;

31 (b) Unless the court has ordered, pursuant to RCW
32 13.34.130(4), that a termination petition be filed, a specific
33 plan as to where the child will be placed, what steps will be
34 taken to return the child home, what steps the agency will take
35 to promote existing appropriate sibling relationships and/or
36 facilitate placement together or contact in accordance with the
37 best interests of each child, and what actions the agency will
38 take to maintain parent-child ties. All aspects of the plan shall

1 include the goal of achieving permanence for the child.

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

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

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

30 (iv) The plan should ensure the child remains enrolled in
31 the school the child was attending at the time the child entered
32 foster care whenever it is practical and in the best interest of
33 the child.

34 (v) The agency charged with supervising a child in placement
35 shall provide all reasonable services that are available within
36 the agency, or within the community, or those services which the
37 department has existing contracts to purchase. It shall report to
38 the court if it is unable to provide such services; and

1 (c) If the court has ordered, pursuant to RCW 13.34.130(4),
2 that a termination petition be filed, a specific plan as to where
3 the child will be placed, what steps will be taken to achieve
4 permanency for the child, services to be offered or provided to
5 the child, and, if visitation would be in the best interests of
6 the child, a recommendation to the court regarding visitation
7 between parent and child pending a fact-finding hearing on the
8 termination petition. The agency shall not be required to develop
9 a plan of services for the parents or provide services to the
10 parents if the court orders a termination petition be filed.
11 However, reasonable efforts to ensure visitation and contact
12 between siblings shall be made unless there is reasonable cause
13 to believe the best interests of the child or siblings would be
14 jeopardized.

15 ~~((+2))~~ (3) Permanency planning goals should be achieved at
16 the earliest possible date, preferably before the child has been
17 in out-of-home care for fifteen months. In cases where parental
18 rights have been terminated, the child is legally free for
19 adoption, and adoption has been identified as the primary
20 permanency planning goal, it shall be a goal to complete the
21 adoption within six months following entry of the termination order.

22 (4) If the court determines that the continuation of
23 reasonable efforts to prevent or eliminate the need to remove the
24 child from his or her home or to safely return the child home
25 should not be part of the permanency plan of care for the child,
26 reasonable efforts shall be made to place the child in a timely
27 manner and to complete whatever steps are necessary to finalize
28 the permanent placement of the child.

29 ~~((+3))~~ (5) The identified outcomes and goals of the
30 permanency plan may change over time based upon the circumstances
31 of the particular case.

32 (6) The court shall consider the child's relationships with
33 the child's siblings in accordance with RCW 13.34.130(3).

34 (7) For purposes related to permanency planning:

35 (a) "Guardianship" means a dependency guardianship or a legal
36 guardianship pursuant to chapter 11.88 RCW or equivalent laws of
37 another state or a federally recognized Indian tribe.

38 (b) "Permanent custody order" means a custody order entered

1 pursuant to chapter 26.10 RCW.

2 (c) "Permanent legal custody" means legal custody pursuant to
3 chapter 26.10 RCW or equivalent laws of another state or a
4 federally recognized Indian tribe.

5
6 **Sec. 11.** RCW 13.34.138 and 2005 c 512 s 3 are each amended
7 to read as follows:

8 (1) Except for children whose cases are reviewed by a
9 citizen review board under chapter 13.70 RCW, the status of all
10 children found to be dependent shall be reviewed by the court at
11 least every six months from the beginning date of the placement
12 episode or the date dependency is established, whichever is
13 first(~~(, at a~~)). The purpose of the hearing ((in which it)) shall
14 be ((determined)) to review the progress of the parties and
15 determine whether court supervision should continue.

16 (a) The initial review hearing shall be an in-court review
17 and shall be set six months from the beginning date of the
18 placement episode or no more than ninety days from the entry of
19 the disposition order, whichever comes first. The requirements
20 for the initial review hearing, including the in-court review
21 requirement, shall be accomplished within existing resources.

22 (b) The supervising agency shall provide a foster parent,
23 preadoptive parent, or relative with notice of, and his or her
24 right to an opportunity to be heard in, a review hearing
25 pertaining to the child, but only if that person is currently
26 providing care to the child at the time of the hearing. This
27 section shall not be construed to grant party status to any
28 person who has been provided an opportunity to be heard.

29 (c) The initial review hearing may be a permanency planning
30 hearing when necessary to meet the time frames set forth in RCW
31 13.34.145(~~(+3)~~)) (1)(a) or 13.34.134. ((The review shall include
32 findings regarding the agency and parental completion of
33 disposition plan requirements, and if necessary, revised
34 permanency time limits. This review shall consider both the
35 agency's and parent's efforts that demonstrate consistent
36 measurable progress over time in meeting the disposition plan
37 requirements. The requirements for the initial review hearing,
38 including the in-court requirement, shall be accomplished within

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

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

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

18 (i) (~~Whether reasonable services have been provided to or~~
19 ~~offered to the parties to facilitate reunion, specifying the~~
20 ~~services provided or offered~~) Whether the agency is making
21 reasonable efforts to provide services to the family and
22 eliminate the need for placement of the child. If additional
23 services, including housing assistance, are needed to facilitate
24 the return of the child to the child's parents, the court shall
25 order that reasonable services be offered specifying such services;

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

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

30 (iv) Whether the services set forth in the case plan and the
31 responsibilities of the parties need to be clarified or modified
32 due to the availability of additional information or changed circumstance;

33 (v) Whether there is a continuing need for placement;

34 (vi) Whether the child is in an appropriate placement which
35 adequately meets all physical, emotional, and educational needs;

36 (~~(ii)~~) (vii) Whether (the child has been placed in the
37 least-restrictive setting appropriate to the child's needs,
38 including whether consideration and)) preference has been given
39 to placement with the child's relatives;

1 ~~((iii) Whether there is a continuing need for placement and~~
2 ~~whether the placement is appropriate;~~
3 ~~(iv) Whether there has been compliance with the case plan by~~
4 ~~the child, the child's parents, and the agency supervising the placement;~~
5 ~~(v) Whether progress has been made toward correcting the~~
6 ~~problems that necessitated the child's placement in out-of-home care;~~
7 ~~(vi))~~ (viii) Whether the parents have visited the child and
8 any reasons why visitation has not occurred or has been infrequent;
9 ~~((vii) Whether additional services, including housing~~
10 ~~assistance, are needed to facilitate the return of the child to~~
11 ~~the child's parents; if so, the court shall order that reasonable~~
12 ~~services be offered specifying such services; and~~
13 ~~(viii))~~ (ix) Whether terms of visitation need to be modified;
14 (x) Whether the court-approved long-term permanent plan for
15 the child remains the best plan for the child;
16 (xi) Whether any additional court orders need to be made to
17 move the case toward permanency; and
18 (xii) The projected date by which the child will be returned
19 home or other permanent plan of care will be implemented.

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

23 ~~((+2))~~ (3)(a) In any case in which the court orders that a
24 dependent child may be returned to or remain in the child's home,
25 the in-home placement shall be contingent upon the following:

26 (i) The compliance of the parents with court orders related
27 to the care and supervision of the child, including compliance
28 with an agency case plan; and

29 (ii) The continued participation of the parents, if
30 applicable, in available substance abuse or mental health
31 treatment if substance abuse or mental illness was a contributing
32 factor to the removal of the child.

33 (b) The following may be grounds for removal of the child
34 from the home, subject to review by the court:

35 (i) Noncompliance by the parents with the agency case plan
36 or court order;

37 (ii) The parent's inability, unwillingness, or failure to
38 participate in available services or treatment for themselves or
39 the child, including substance abuse treatment if a parent's

1 substance abuse was a contributing factor to the abuse or
2 neglect; or

3 (iii) The failure of the parents to successfully and
4 substantially complete available services or treatment for
5 themselves or the child, including substance abuse treatment if a
6 parent's substance abuse was a contributing factor to the abuse
7 or neglect.

8 ~~((+3))~~ (4) The court's ability to order housing assistance
9 under RCW 13.34.130 and this section is: (a) Limited to cases in
10 which homelessness or the lack of adequate and safe housing is
11 the primary reason for an out-of-home placement; and (b) subject
12 to the availability of funds appropriated for this specific purpose.

13 ~~((+4))~~ (5) The court shall consider the child's
14 relationship with siblings in accordance with RCW 13.34.130(3).

15 **Sec. 12.** RCW 13.34.145 and 2003 c 227 s 6 are each amended
16 to read as follows:

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

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

1 ~~provisions of subsection (2) of this section are met.~~

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

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

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

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

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

34 ~~—— (3)) The purpose of a permanency planning hearing is to~~
35 ~~review the permanency plan for the child, inquire into the~~
36 ~~welfare of the child and progress of the case, and reach~~
37 ~~decisions regarding the permanent placement of the child.~~

38 (a) A permanency planning hearing shall be held in all cases
39 where the child has remained in out-of-home care for at least

1 nine months and an adoption decree, guardianship order, or
2 permanent custody order has not previously been entered. The
3 hearing shall take place no later than twelve months following
4 commencement of the current placement episode.

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

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

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

28 ~~((6))~~ (3) At the permanency planning hearing, the court
29 shall ~~((enter findings as required by RCW 13.34.138 and shall~~
30 ~~review the permanency plan prepared by the agency))~~ conduct the
31 following inquiry:

32 (a) If a goal of long-term foster or relative care has been
33 achieved prior to the permanency planning hearing, the court
34 shall review the child's status to determine whether the
35 placement and the plan for the child's care remain appropriate.

36 (b) In cases where the primary permanency planning goal has
37 not been achieved, the court shall inquire regarding the reasons
38 why the primary goal has not been achieved and determine what
39 needs to be done to make it possible to achieve the primary goal.

1 The court shall review the permanency plan prepared by the agency
2 and make explicit findings regarding each of the following:

3 (i) The continuing necessity for, and the safety and
4 appropriateness of, the placement;

5 (ii) The extent of compliance with the permanency plan by the
6 agency and any other service providers, the child's parents, the
7 child, and the child's guardian, if any;

8 (iii) The extent of any efforts to involve appropriate
9 service providers in addition to agency staff in planning to meet
10 the special needs of the child and the child's parents;

11 (iv) The progress toward eliminating the causes for the
12 child's placement outside of his or her home and toward returning
13 the child safely to his or her home or obtaining a permanent
14 placement for the child;

15 (v) The date by which it is likely that the child will be
16 returned to his or her home or placed for adoption, with a
17 guardian or in some other alternative permanent placement; and

18 (vi) If the child has been placed outside of his or her home
19 for fifteen of the most recent twenty-two months, not including
20 any period during which the child was a runaway from the out-of-
21 home placement or the first six months of any period during which
22 the child was returned to his or her home for a trial home visit,
23 the appropriateness of the permanency plan, whether reasonable
24 efforts were made by the agency to achieve the goal of the
25 permanency plan, and the circumstances which prevent the child
26 from any of the following:

27 (A) Being returned safely to his or her home;

28 (B) Having a petition for the involuntary termination of
29 parental rights filed on behalf of the child;

30 (C) Being placed for adoption;

31 (D) Being placed with a guardian;

32 (E) Being placed in the home of a fit and willing relative of
33 the child; or

34 (F) Being placed in some other alternative permanent
35 placement, including independent living or long-term foster care.

36 (c)(i) If the permanency plan identifies independent living
37 as a goal, the court shall make a finding that the provision of
38 services to assist the child in making a transition from foster
39 care to independent living will allow the child to manage his or

1 her financial, personal, social, educational, and nonfinancial
2 affairs prior to approving independent living as a permanency
3 plan of care.

4 (ii) The permanency plan shall also specifically identify the
5 services that will be provided to assist the child to make a
6 successful transition from foster care to independent living.

7 (iii) The department shall not discharge a child to an
8 independent living situation before the child is eighteen years
9 of age unless the child becomes emancipated pursuant to chapter
10 13.64 RCW.

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

24 (4) In all cases, at the permanency planning hearing, the
25 court shall:

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

28 (ii) Modify the permanency plan, and order implementation of
29 the modified plan; and

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

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

36 ~~((+7))~~ (5) Following the first permanency planning hearing,
37 the court shall hold a further permanency planning hearing in
38 accordance with this section at least once every twelve months
39 until a permanency planning goal is achieved or the dependency is

1 dismissed, whichever occurs first.

2 (6) Prior to the second permanency planning hearing, the
3 agency that has custody of the child shall consider whether to
4 file a petition for termination of parental rights.

5 (7) If a child is removed from home due to allegations of
6 abuse or neglect, returned home, and subsequently removed and
7 placed in out-of-home care, the court shall hold a permanency
8 hearing no later than thirty days from the date of the removal to
9 determine the appropriate action, including a change in the
10 permanency plan or the filing of a termination petition. The best
11 interests of the child shall be the primary consideration in
12 determining the appropriate action.

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

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

30 ~~((+9))~~ (10) Continued juvenile court jurisdiction under
31 this chapter shall not be a barrier to the entry of an order
32 establishing a legal guardianship or permanent legal custody when
33 the requirements of subsection ~~((+8))~~ (9) of this section are met.

34 ~~((+10) Following the first permanency planning hearing, the~~
35 ~~court shall hold a further permanency planning hearing in~~
36 ~~accordance with this section at least once every twelve months~~
37 ~~until a permanency planning goal is achieved or the dependency is~~
38 ~~dismissed, whichever occurs first.~~

39 ~~(11) Except as provided in RCW 13.34.235, the status of all~~

1 ~~dependent children shall continue to be reviewed by the court at~~
2 ~~least once every six months, in accordance with RCW 13.34.138,~~
3 ~~until the dependency is dismissed. Prior to the second permanency~~
4 ~~planning hearing, the agency that has custody of the child shall~~
5 ~~consider whether to file a petition for termination of parental rights.~~

6 ~~————(12))~~ (11) Nothing in this chapter may be construed to
7 limit the ability of the agency that has custody of the child to
8 file a petition for termination of parental rights or a
9 guardianship petition at any time following the establishment of
10 dependency. Upon the filing of such a petition, a fact-finding
11 hearing shall be scheduled and held in accordance with this
12 chapter unless the agency requests dismissal of the petition
13 prior to the hearing or unless the parties enter an agreed order
14 terminating parental rights, establishing guardianship, or
15 otherwise resolving the matter.

16 ((~~+13+~~)) (12) The approval of a permanency plan that does
17 not contemplate return of the child to the parent does not
18 relieve the supervising agency of its obligation to provide
19 reasonable services, under this chapter, intended to effectuate
20 the return of the child to the parent, including but not limited
21 to, visitation rights. The court shall consider the child's
22 relationships with siblings in accordance with RCW 13.34.130.

23 ((~~+14+~~)) (13) Nothing in this chapter may be construed to
24 limit the procedural due process rights of any party in a
25 termination or guardianship proceeding filed under this chapter.

26
27 NEW SECTION. **Sec. 13.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected."

31 Correct the internal references accordingly. Correct the
32 title.

EFFECT:

Clarifies that only the provisions relating to reinstatement of
parental rights are retroactive.

Clarifies the purpose and responsibilities of shelter care, review and permanency hearings.

Requires the court to review the permanency plan if a child is removed from a parent due to abuse or neglect a second time during the same dependency.

Makes technical and reorganizational changes.