

SHB 1333 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/05/2007

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

3 "Sec. 1. RCW 13.34.138 and 2005 c 512 s 3 are each amended to read
4 as follows:

5 (1) Except for children whose cases are reviewed by a citizen
6 review board under chapter 13.70 RCW, the status of all children found
7 to be dependent shall be reviewed by the court at least every six
8 months from the beginning date of the placement episode or the date
9 dependency is established, whichever is first, at a hearing in which it
10 shall be determined whether court supervision should continue. The
11 initial review hearing shall be an in-court review and shall be set six
12 months from the beginning date of the placement episode or no more than
13 ninety days from the entry of the disposition order, whichever comes
14 first. The initial review hearing may be a permanency planning hearing
15 when necessary to meet the time frames set forth in RCW 13.34.145(3) or
16 13.34.134. The review shall include findings regarding the agency and
17 parental completion of disposition plan requirements, and if necessary,
18 revised permanency time limits. This review shall consider both the
19 agency's and parent's efforts that demonstrate consistent measurable
20 progress over time in meeting the disposition plan requirements. The
21 requirements for the initial review hearing, including the in-court
22 requirement, shall be accomplished within existing resources. The
23 supervising agency shall provide a foster parent, preadoptive parent,
24 or relative with notice of, and their right to an opportunity to be
25 heard in, a review hearing pertaining to the child, but only if that
26 person is currently providing care to that child at the time of the
27 hearing. This section shall not be construed to grant party status to
28 any person who has been provided an opportunity to be heard.

29 (a) A child shall not be returned home at the review hearing unless
30 the court finds that a reason for removal as set forth in RCW 13.34.130

1 no longer exists. The parents, guardian, or legal custodian shall
2 report to the court the efforts they have made to correct the
3 conditions which led to removal. If a child is returned, casework
4 supervision shall continue for a period of six months, at which time
5 there shall be a hearing on the need for continued intervention.

6 (b) Prior to the child returning home, the department must complete
7 the following:

8 (i) Identify any persons who may act as a caregiver for the child
9 in addition to the parent with whom the child is being placed and
10 determine whether such persons are in need of any services in order to
11 ensure the safety of the child, regardless of whether such persons are
12 a party to the dependency. The department or supervising agency may
13 recommend to the court and the court may order that placement of the
14 child in the parent's home be contingent on or delayed based on the
15 need for such persons to engage in or complete services to ensure the
16 safety of the child prior to placement. If services are recommended
17 for the caregiver, and the caregiver fails to engage in or follow
18 through with the recommended services, the department or supervising
19 agency must promptly notify the court; and

20 (ii) Notify the parent with whom the child is being placed that he
21 or she has an ongoing duty to notify the department or supervising
22 agency of all persons who reside in the home or who may act as a
23 caregiver for the child both prior to the placement of the child in the
24 home and subsequent to the placement of the child in the home as long
25 as the court retains jurisdiction of the dependency proceeding or the
26 department is providing or monitoring either remedial services to the
27 parent or services to ensure the safety of the child to any caregivers.

28 Caregivers may be required to engage in services under this
29 subsection solely for the purpose of ensuring the present and future
30 safety of a child who is a ward of the court. This subsection does not
31 grant party status to any individual not already a party to the
32 dependency proceeding, create an entitlement to services or a duty on
33 the part of the department or supervising agency to provide services,
34 or create judicial authority to order the provision of services to any
35 person other than for the express purposes of this section or RCW
36 13.34.025 or if the services are unavailable or unsuitable or the
37 person is not eligible for such services.

1 (c) If the child is not returned home, the court shall establish in
2 writing:

3 (i) Whether reasonable services have been provided to or offered to
4 the parties to facilitate reunion, specifying the services provided or
5 offered;

6 (ii) Whether the child has been placed in the least-restrictive
7 setting appropriate to the child's needs, including whether
8 consideration and preference has been given to placement with the
9 child's relatives;

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

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

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

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

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

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

24 (~~(c)~~) (d) The court at the review hearing may order that a
25 petition seeking termination of the parent and child relationship be
26 filed.

27 (2)(a) In any case in which the court orders that a dependent child
28 may be returned to or remain in the child's home, the in-home placement
29 shall be contingent upon the following:

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

33 (ii) The continued participation of the parents, if applicable, in
34 available substance abuse or mental health treatment if substance abuse
35 or mental illness was a contributing factor to the removal of the
36 child.

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

1 (i) Noncompliance by the parents with the agency case plan or court
2 order;

3 (ii) The parent's inability, unwillingness, or failure to
4 participate in available services or treatment for themselves or the
5 child, including substance abuse treatment if a parent's substance
6 abuse was a contributing factor to the abuse or neglect; or

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

11 (c) In a pending dependency case in which the court orders that a
12 dependent child may be returned home and that child is later removed
13 from the home, the court shall hold a review hearing within thirty days
14 from the date of removal to determine whether the permanency plan
15 should be changed, a termination petition should be filed, or other
16 action is warranted. The best interests of the child shall be the
17 court's primary consideration in the review hearing.

18 (3) The court's ability to order housing assistance under RCW
19 13.34.130 and this section is: (a) Limited to cases in which
20 homelessness or the lack of adequate and safe housing is the primary
21 reason for an out-of-home placement; and (b) subject to the
22 availability of funds appropriated for this specific purpose.

23 (4) The court shall consider the child's relationship with siblings
24 in accordance with RCW 13.34.130(3).

25 **Sec. 2.** RCW 13.34.025 and 2002 c 52 s 2 are each amended to read
26 as follows:

27 (1) The department of social and health services shall develop
28 methods for coordination of services to parents and children in child
29 dependency cases. To the maximum extent possible under current funding
30 levels, the department must:

31 ~~((1))~~ (a) Coordinate and integrate services to children and
32 families, using service plans and activities that address the
33 children's and families' multiple needs, including ensuring that
34 siblings have regular visits with each other, as appropriate.
35 Assessment criteria should screen for multiple needs;

36 ~~((2))~~ (b) Develop treatment plans for the individual needs of the

1 client in a manner that minimizes the number of contacts the client is
2 required to make; and

3 ~~((+3))~~ (c) Access training for department staff to increase skills
4 across disciplines to assess needs for mental health, substance abuse,
5 developmental disabilities, and other areas.

6 (2) The department shall coordinate within the administrations of
7 the department, and with contracted service providers, to ensure that
8 parents in dependency proceedings under this chapter receive priority
9 access to remedial services recommended by the department in its social
10 study or ordered by the court for the purpose of correcting any
11 parental deficiencies identified in the dependency proceeding that are
12 capable of being corrected in the foreseeable future. Services may
13 also be provided to caregivers other than the parents as identified in
14 RCW 13.34.138.

15 (a) For purposes of this chapter, remedial services are those
16 services defined in the federal adoption and safe families act as
17 time-limited family reunification services. Remedial services include
18 individual, group, and family counseling; substance abuse treatment
19 services; mental health services; assistance to address domestic
20 violence; services designed to provide temporary child care and
21 therapeutic services for families; and transportation to or from any of
22 the above services and activities.

23 (b) The department shall provide funds for remedial services if the
24 parent is unable to pay to the extent funding is appropriated in the
25 operating budget or otherwise available to the department for such
26 specific services. As a condition for receiving funded remedial
27 services, the court may inquire into the parent's ability to pay for
28 all or part of such services or may require that the parent make
29 appropriate applications for funding to alternative funding sources for
30 such services.

31 (c) If court-ordered remedial services are unavailable for any
32 reason, including lack of funding, lack of services, or language
33 barriers, the department shall promptly notify the court that the
34 parent is unable to engage in the treatment due to the inability to
35 access such services.

36 (d) This section does not create an entitlement to services and
37 does not create judicial authority to order the provision of services

1 except for the specific purpose of making reasonable efforts to remedy
2 parental deficiencies identified in a dependency proceeding under this
3 chapter.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 26.44 RCW
5 to read as follows:

6 (1) Each county shall revise and expand its existing child sexual
7 abuse investigation protocol to address investigations of child
8 fatality, child physical abuse, and criminal child neglect cases and to
9 incorporate the statewide guidelines for first responders to child
10 fatalities developed by the criminal justice training commission. The
11 protocols shall address the coordination of child fatality, child
12 physical abuse, and criminal child neglect investigations between the
13 county and city prosecutor's offices, law enforcement, children's
14 protective services, local advocacy groups, emergency medical services,
15 and any other local agency involved in the investigation of such cases.
16 The protocol revision and expansion shall be developed by the
17 prosecuting attorney in collaboration with the agencies referenced in
18 this section.

19 (2) Revised and expanded protocols under this section shall be
20 adopted and in place by July 1, 2008. Thereafter, the protocols shall
21 be reviewed every two years to determine whether modifications are
22 needed.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101 RCW
24 to read as follows:

25 (1) The commission, in consultation with the department of social
26 and health services, the Washington association of sheriffs and police
27 chiefs, and the Washington association of prosecuting attorneys, shall
28 develop a curriculum related to child abuse and neglect to be included
29 in the basic law enforcement training that must be successfully
30 completed within the first fifteen months of employment of all law
31 enforcement personnel.

32 (2) The curriculum must be incorporated into the basic law
33 enforcement training program by July 1, 2008.

34 NEW SECTION. **Sec. 5.** (1) The joint legislative audit and review

1 committee shall analyze gaps throughout the state in the availability
2 and accessibility of services identified in the federal adoption and
3 safe families act as it existed on the effective date of this section.

4 (2) The joint legislative audit and review committee shall submit
5 to appropriate committees of the legislature a report and
6 recommendations by December 1, 2007.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.34 RCW
8 to read as follows:

9 (1) The administrative office of the courts, in consultation with
10 the attorney general's office and the department of social and health
11 services, shall compile an annual report, providing information about
12 cases that fail to meet statutory guidelines to achieve permanency for
13 dependent children.

14 (2) The administrative office of the courts shall submit the annual
15 report required by this section to appropriate committees of the
16 legislature by December 1st of each year, beginning on December 1,
17 2007.

18 **Sec. 7.** RCW 74.13.330 and 1990 c 284 s 23 are each amended to read
19 as follows:

20 Foster parents are responsible for the protection, care,
21 supervision, and nurturing of the child in placement. As an integral
22 part of the foster care team, foster parents shall, if appropriate and
23 they desire to: Participate in the development of the service plan for
24 the child and the child's family; assist in family visitation,
25 including monitoring; ~~((and))~~ model effective parenting behavior for
26 the natural family; and be available to help with the child's
27 transition back to the natural family.

28 **Sec. 8.** RCW 71.24.035 and 2006 c 333 s 201 are each amended to
29 read as follows:

30 (1) The department is designated as the state mental health
31 authority.

32 (2) The secretary shall provide for public, client, and licensed
33 service provider participation in developing the state mental health
34 program, developing contracts with regional support networks, and any
35 waiver request to the federal government under medicaid.

1 (3) The secretary shall provide for participation in developing the
2 state mental health program for children and other underserved
3 populations, by including representatives on any committee established
4 to provide oversight to the state mental health program.

5 (4) The secretary shall be designated as the regional support
6 network if the regional support network fails to meet state minimum
7 standards or refuses to exercise responsibilities under RCW 71.24.045.

8 (5) The secretary shall:

9 (a) Develop a biennial state mental health program that
10 incorporates regional biennial needs assessments and regional mental
11 health service plans and state services for mentally ill adults and
12 children. The secretary shall also develop a six-year state mental
13 health plan;

14 (b) Assure that any regional or county community mental health
15 program provides access to treatment for the region's residents,
16 including parents who are defendants in dependency cases, in the
17 following order of priority: (i) The acutely mentally ill; (ii)
18 chronically mentally ill adults and severely emotionally disturbed
19 children; and (iii) the seriously disturbed. Such programs shall
20 provide:

21 (A) Outpatient services;

22 (B) Emergency care services for twenty-four hours per day;

23 (C) Day treatment for mentally ill persons which includes training
24 in basic living and social skills, supported work, vocational
25 rehabilitation, and day activities. Such services may include
26 therapeutic treatment. In the case of a child, day treatment includes
27 age-appropriate basic living and social skills, educational and
28 prevocational services, day activities, and therapeutic treatment;

29 (D) Screening for patients being considered for admission to state
30 mental health facilities to determine the appropriateness of admission;

31 (E) Employment services, which may include supported employment,
32 transitional work, placement in competitive employment, and other work-
33 related services, that result in mentally ill persons becoming engaged
34 in meaningful and gainful full or part-time work. Other sources of
35 funding such as the division of vocational rehabilitation may be
36 utilized by the secretary to maximize federal funding and provide for
37 integration of services;

38 (F) Consultation and education services; and

1 (G) Community support services;

2 (c) Develop and adopt rules establishing state minimum standards
3 for the delivery of mental health services pursuant to RCW 71.24.037
4 including, but not limited to:

5 (i) Licensed service providers. These rules shall permit a county-
6 operated mental health program to be licensed as a service provider
7 subject to compliance with applicable statutes and rules. The
8 secretary shall provide for deeming of compliance with state minimum
9 standards for those entities accredited by recognized behavioral health
10 accrediting bodies recognized and having a current agreement with the
11 department;

12 (ii) Regional support networks; and

13 (iii) Inpatient services, evaluation and treatment services and
14 facilities under chapter 71.05 RCW, resource management services, and
15 community support services;

16 (d) Assure that the special needs of minorities, the elderly,
17 disabled, children, (~~and~~) low-income persons, and parents who are
18 defendants in dependency cases are met within the priorities
19 established in this section;

20 (e) Establish a standard contract or contracts, consistent with
21 state minimum standards and RCW 71.24.320, 71.24.330, and 71.24.3201,
22 which shall be used in contracting with regional support networks. The
23 standard contract shall include a maximum fund balance, which shall be
24 consistent with that required by federal regulations or waiver
25 stipulations;

26 (f) Establish, to the extent possible, a standardized auditing
27 procedure which minimizes paperwork requirements of regional support
28 networks and licensed service providers. The audit procedure shall
29 focus on the outcomes of service and not the processes for
30 accomplishing them;

31 (g) Develop and maintain an information system to be used by the
32 state and regional support networks that includes a tracking method
33 which allows the department and regional support networks to identify
34 mental health clients' participation in any mental health service or
35 public program on an immediate basis. The information system shall not
36 include individual patient's case history files. Confidentiality of
37 client information and records shall be maintained as provided in this
38 chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

1 (h) License service providers who meet state minimum standards;

2 (i) Certify regional support networks that meet state minimum
3 standards;

4 (j) Periodically monitor the compliance of certified regional
5 support networks and their network of licensed service providers for
6 compliance with the contract between the department, the regional
7 support network, and federal and state rules at reasonable times and in
8 a reasonable manner;

9 (k) Fix fees to be paid by evaluation and treatment centers to the
10 secretary for the required inspections;

11 (l) Monitor and audit regional support networks and licensed
12 service providers as needed to assure compliance with contractual
13 agreements authorized by this chapter;

14 (m) Adopt such rules as are necessary to implement the department's
15 responsibilities under this chapter; and

16 (n) Assure the availability of an appropriate amount, as determined
17 by the legislature in the operating budget by amounts appropriated for
18 this specific purpose, of community-based, geographically distributed
19 residential services.

20 (6) The secretary shall use available resources only for regional
21 support networks, except to the extent authorized, and in accordance
22 with any priorities or conditions specified, in the biennial
23 appropriations act.

24 (7) Each certified regional support network and licensed service
25 provider shall file with the secretary, on request, such data,
26 statistics, schedules, and information as the secretary reasonably
27 requires. A certified regional support network or licensed service
28 provider which, without good cause, fails to furnish any data,
29 statistics, schedules, or information as requested, or files fraudulent
30 reports thereof, may have its certification or license revoked or
31 suspended.

32 (8) The secretary may suspend, revoke, limit, or restrict a
33 certification or license, or refuse to grant a certification or license
34 for failure to conform to: (a) The law; (b) applicable rules and
35 regulations; (c) applicable standards; or (d) state minimum standards.

36 (9) The superior court may restrain any regional support network or
37 service provider from operating without certification or a license or
38 any other violation of this section. The court may also review,

1 pursuant to procedures contained in chapter 34.05 RCW, any denial,
2 suspension, limitation, restriction, or revocation of certification or
3 license, and grant other relief required to enforce the provisions of
4 this chapter.

5 (10) Upon petition by the secretary, and after hearing held upon
6 reasonable notice to the facility, the superior court may issue a
7 warrant to an officer or employee of the secretary authorizing him or
8 her to enter at reasonable times, and examine the records, books, and
9 accounts of any regional support network or service provider refusing
10 to consent to inspection or examination by the authority.

11 (11) Notwithstanding the existence or pursuit of any other remedy,
12 the secretary may file an action for an injunction or other process
13 against any person or governmental unit to restrain or prevent the
14 establishment, conduct, or operation of a regional support network or
15 service provider without certification or a license under this chapter.

16 (12) The standards for certification of evaluation and treatment
17 facilities shall include standards relating to maintenance of good
18 physical and mental health and other services to be afforded persons
19 pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall
20 otherwise assure the effectuation of the purposes of these chapters.

21 (13) The department shall distribute appropriated state and federal
22 funds in accordance with any priorities, terms, or conditions specified
23 in the appropriations act.

24 (14) The secretary shall assume all duties assigned to the
25 nonparticipating regional support networks under chapters 71.05, 71.34,
26 and 71.24 RCW. Such responsibilities shall include those which would
27 have been assigned to the nonparticipating counties in regions where
28 there are not participating regional support networks.

29 The regional support networks, or the secretary's assumption of all
30 responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be
31 included in all state and federal plans affecting the state mental
32 health program including at least those required by this chapter, the
33 medicaid program, and P.L. 99-660. Nothing in these plans shall be
34 inconsistent with the intent and requirements of this chapter.

35 (15) The secretary shall:

36 (a) Disburse funds for the regional support networks within sixty
37 days of approval of the biennial contract. The department must either
38 approve or reject the biennial contract within sixty days of receipt.

1 (b) Enter into biennial contracts with regional support networks.
2 The contracts shall be consistent with available resources. No
3 contract shall be approved that does not include progress toward
4 meeting the goals of this chapter by taking responsibility for: (i)
5 Short-term commitments; (ii) residential care; and (iii) emergency
6 response systems.

7 (c) Notify regional support networks of their allocation of
8 available resources at least sixty days prior to the start of a new
9 biennial contract period.

10 (d) Deny all or part of the funding allocations to regional support
11 networks based solely upon formal findings of noncompliance with the
12 terms of the regional support network's contract with the department.
13 Regional support networks disputing the decision of the secretary to
14 withhold funding allocations are limited to the remedies provided in
15 the department's contracts with the regional support networks.

16 (16) The department, in cooperation with the state congressional
17 delegation, shall actively seek waivers of federal requirements and
18 such modifications of federal regulations as are necessary to allow
19 federal medicaid reimbursement for services provided by free-standing
20 evaluation and treatment facilities certified under chapter 71.05 RCW.
21 The department shall periodically report its efforts to the appropriate
22 committees of the senate and the house of representatives.

23 NEW SECTION. **Sec. 9.** This act may be known and cited as Sirta's
24 law."

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By Committee on Human Services & Corrections

ADOPTED 04/05/2007

25 On page 1, line 1 of the title, after "children;" strike the
26 remainder of the title and insert "amending RCW 13.34.138, 13.34.025,
27 74.13.330, and 71.24.035; adding a new section to chapter 26.44 RCW;
28 adding a new section to chapter 43.101 RCW; adding a new section to
29 chapter 13.34 RCW; and creating new sections."

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