

HB 1377 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/10/2007

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

3 "Sec. 1. RCW 74.15.020 and 2006 c 265 s 401, 2006 c 90 s 1, and  
4 2006 c 54 s 7 are each reenacted and amended to read as follows:

5 For the purpose of this chapter and RCW 74.13.031, and unless  
6 otherwise clearly indicated by the context thereof, the following terms  
7 shall mean:

8 (1) "Agency" means any person, firm, partnership, association,  
9 corporation, or facility which receives children, expectant mothers, or  
10 persons with developmental disabilities for control, care, or  
11 maintenance outside their own homes, or which places, arranges the  
12 placement of, or assists in the placement of children, expectant  
13 mothers, or persons with developmental disabilities for foster care or  
14 placement of children for adoption, and shall include the following  
15 irrespective of whether there is compensation to the agency or to the  
16 children, expectant mothers or persons with developmental disabilities  
17 for services rendered:

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

20 (b) "Community facility" means a group care facility operated for  
21 the care of juveniles committed to the department under RCW 13.40.185.  
22 A county detention facility that houses juveniles committed to the  
23 department under RCW 13.40.185 pursuant to a contract with the  
24 department is not a community facility;

25 (c) "Crisis residential center" means an agency which is a  
26 temporary protective residential facility operated to perform the  
27 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
28 74.13.032 through 74.13.036;

29 (d) "Emergency respite center" is an agency that may be commonly  
30 known as a crisis nursery, that provides emergency and crisis care for

1 up to seventy-two hours to children who have been admitted by their  
2 parents or guardians to prevent abuse or neglect. Emergency respite  
3 centers may operate for up to twenty-four hours a day, and for up to  
4 seven days a week. Emergency respite centers may provide care for  
5 children ages birth through seventeen, and for persons eighteen through  
6 twenty with developmental disabilities who are admitted with a sibling  
7 or siblings through age seventeen. Emergency respite centers may not  
8 substitute for crisis residential centers or HOPE centers, or any other  
9 services defined under this section, and may not substitute for  
10 services which are required under chapter 13.32A or 13.34 RCW;

11 (e) "Foster-family home" means an agency which regularly provides  
12 care on a twenty-four hour basis to one or more children, expectant  
13 mothers, or persons with developmental disabilities in the family abode  
14 of the person or persons under whose direct care and supervision the  
15 child, expectant mother, or person with a developmental disability is  
16 placed;

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

20 (g) "HOPE center" means an agency licensed by the secretary to  
21 provide temporary residential placement and other services to street  
22 youth. A street youth may remain in a HOPE center for thirty days  
23 while services are arranged and permanent placement is coordinated. No  
24 street youth may stay longer than thirty days unless approved by the  
25 department and any additional days approved by the department must be  
26 based on the unavailability of a long-term placement option. A street  
27 youth whose parent wants him or her returned to home may remain in a  
28 HOPE center until his or her parent arranges return of the youth, not  
29 longer. All other street youth must have court approval under chapter  
30 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

31 (h) "Maternity service" means an agency which provides or arranges  
32 for care or services to expectant mothers, before or during  
33 confinement, or which provides care as needed to mothers and their  
34 infants after confinement;

35 (i) "Responsible living skills program" means an agency licensed by  
36 the secretary that provides residential and transitional living  
37 services to persons ages sixteen to eighteen who are dependent under  
38 chapter 13.34 RCW and who have been unable to live in his or her

1 legally authorized residence and, as a result, the minor lived outdoors  
2 or in another unsafe location not intended for occupancy by the minor.  
3 Dependent minors ages fourteen and fifteen may be eligible if no other  
4 placement alternative is available and the department approves the  
5 placement;

6 (j) "Service provider" means the entity that operates a community  
7 facility.

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

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

11 (i) Any blood relative, including those of half-blood, and  
12 including first cousins, second cousins, nephews or nieces, and persons  
13 of preceding generations as denoted by prefixes of grand, great, or  
14 great-great;

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

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

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

22 (v) Relatives, as named in (i), (ii), (iii), or (iv) of this  
23 subsection (2)(a), of any half sibling of the child; or

24 (vi) Extended family members, as defined by the law or custom of  
25 the Indian child's tribe or, in the absence of such law or custom, a  
26 person who has reached the age of eighteen and who is the Indian  
27 child's grandparent, aunt or uncle, brother or sister, brother-in-law  
28 or sister-in-law, niece or nephew, first or second cousin, or  
29 stepparent who provides care in the family abode on a twenty-four-hour  
30 basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

31 (b) Persons who are legal guardians of the child, expectant mother,  
32 or persons with developmental disabilities;

33 (c) Persons who care for a neighbor's or friend's child or  
34 children, with or without compensation, where the parent and person  
35 providing care on a twenty-four-hour basis have agreed to the placement  
36 in writing and the state is not providing any payment for the care;

37 (d) A person, partnership, corporation, or other entity that

1 provides placement or similar services to exchange students or  
2 international student exchange visitors or persons who have the care of  
3 an exchange student in their home;

4 (e) A person, partnership, corporation, or other entity that  
5 provides placement or similar services to international children who  
6 have entered the country by obtaining visas that meet the criteria for  
7 medical care as established by the United States immigration and  
8 naturalization service, or persons who have the care of such an  
9 international child in their home;

10 (f) Schools, including boarding schools, which are engaged  
11 primarily in education, operate on a definite school year schedule,  
12 follow a stated academic curriculum, accept only school-age children  
13 and do not accept custody of children;

14 (g) Hospitals licensed pursuant to chapter 70.41 RCW when  
15 performing functions defined in chapter 70.41 RCW, nursing homes  
16 licensed under chapter 18.51 RCW and boarding homes licensed under  
17 chapter 18.20 RCW;

18 (h) Licensed physicians or lawyers;

19 (i) Facilities approved and certified under chapter 71A.22 RCW;

20 (j) Any agency having been in operation in this state ten years  
21 prior to June 8, 1967, and not seeking or accepting moneys or  
22 assistance from any state or federal agency, and is supported in part  
23 by an endowment or trust fund;

24 (k) Persons who have a child in their home for purposes of  
25 adoption, if the child was placed in such home by a licensed child-  
26 placing agency, an authorized public or tribal agency or court or if a  
27 replacement report has been filed under chapter 26.33 RCW and the  
28 placement has been approved by the court;

29 (l) An agency operated by any unit of local, state, or federal  
30 government or an agency licensed by an Indian tribe pursuant to RCW  
31 74.15.190;

32 (m) A maximum or medium security program for juvenile offenders  
33 operated by or under contract with the department;

34 (n) An agency located on a federal military reservation, except  
35 where the military authorities request that such agency be subject to  
36 the licensing requirements of this chapter.

37 (3) "Department" means the state department of social and health  
38 services.

1 (4) "Family child care licensee" means a person who: (a) Provides  
2 regularly scheduled care for a child or children in the home of the  
3 provider for periods of less than twenty-four hours or, if necessary  
4 due to the nature of the parent's work, for periods equal to or greater  
5 than twenty-four hours; (b) does not receive child care subsidies; and  
6 (c) is licensed by the state under RCW 74.15.030.

7 (5) "Juvenile" means a person under the age of twenty-one who has  
8 been sentenced to a term of confinement under the supervision of the  
9 department under RCW 13.40.185.

10 (6) "Probationary license" means a license issued as a disciplinary  
11 measure to an agency that has previously been issued a full license but  
12 is out of compliance with licensing standards.

13 (7) "Requirement" means any rule, regulation, or standard of care  
14 to be maintained by an agency.

15 (8) "Secretary" means the secretary of social and health services.

16 (9) "Street youth" means a person under the age of eighteen who  
17 lives outdoors or in another unsafe location not intended for occupancy  
18 by the minor and who is not residing with his or her parent or at his  
19 or her legally authorized residence.

20 (10) "Transitional living services" means at a minimum, to the  
21 extent funds are available, the following:

22 (a) Educational services, including basic literacy and  
23 computational skills training, either in local alternative or public  
24 high schools or in a high school equivalency program that leads to  
25 obtaining a high school equivalency degree;

26 (b) Assistance and counseling related to obtaining vocational  
27 training or higher education, job readiness, job search assistance, and  
28 placement programs;

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

32 (d) Individual and group counseling; and

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

1       **Sec. 2.** RCW 13.34.130 and 2003 c 227 s 3 are each amended to read  
2 as follows:

3       If, after a fact-finding hearing pursuant to RCW 13.34.110, it has  
4 been proven by a preponderance of the evidence that the child is  
5 dependent within the meaning of RCW 13.34.030 after consideration of  
6 the social study prepared pursuant to RCW 13.34.110 and after a  
7 disposition hearing has been held pursuant to RCW 13.34.110, the court  
8 shall enter an order of disposition pursuant to this section.

9       (1) The court shall order one of the following dispositions of the  
10 case:

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

18       (b) Order the child to be removed from his or her home and into the  
19 custody, control, and care of a relative or the department or a  
20 licensed child placing agency for ~~((placement))~~ supervision of the  
21 child's placement. The department or agency supervising the child's  
22 placement has the authority to place the child, subject to review and  
23 approval by the court (i) with a relative as defined in RCW  
24 74.15.020(2)(a), (ii) in a foster family home or group care facility  
25 licensed pursuant to chapter 74.15 RCW, or ~~((in a home not required to~~  
26 ~~be licensed pursuant to chapter 74.15 RCW))~~ (iii) in the home of  
27 another suitable person if the child or family has a preexisting  
28 relationship with that person, and the person has completed all  
29 required criminal history background checks and otherwise appears to  
30 the department or supervising agency to be suitable and competent to  
31 provide care for the child. Absent good cause, the department or  
32 supervising agency shall follow the wishes of the natural parent  
33 regarding the placement of the child in accordance with RCW 13.34.260.  
34 The department or supervising agency may only place a child with a  
35 person not related to the child as defined in RCW 74.15.020(2)(a) when  
36 the court finds that such placement is in the best interest of the  
37 child. Unless there is reasonable cause to believe that the health,  
38 safety, or welfare of the child would be jeopardized or that efforts to

1 reunite the parent and child will be hindered, such child shall be  
2 placed with a person who is: ~~((+i+))~~ (A) Related to the child as  
3 defined in RCW 74.15.020(2)(a) with whom the child has a relationship  
4 and is comfortable; and ~~((+i+))~~ (B) willing and available to care for  
5 the child.

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

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

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

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

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

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

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

35 (ii) There is no reasonable cause to believe that the health,  
36 safety, or welfare of any child subject to the order of placement,  
37 contact, or visitation would be jeopardized or that efforts to reunite

1 the parent and child would be hindered by such placement, contact, or  
2 visitation. In no event shall parental visitation time be reduced in  
3 order to provide sibling visitation.

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

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

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

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**ADOPTED 04/10/2007**

29 On page 1, line 1 of the title, after "children;" strike the  
30 remainder of the title and insert "amending RCW 13.34.130; and

1 reenacting and amending RCW 74.15.020."

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