

ESHB 1624 - S AMD 569

By Senators Hargrove, Stevens

ADOPTED 04/19/2007

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 RCW
4 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 the
7 following circumstances:

8 (a) The child was previously found to be a dependent child under
9 this chapter;

10 (b) The child's parent's rights were terminated in a proceeding
11 under this chapter;

12 (c) The child has not achieved his or her permanency plan within
13 three years of a final order of termination, or if the final order was
14 appealed, within three years of exhaustion of any right to appeal the
15 order terminating parental rights; and

16 (d) Absent good cause, the child must be at least twelve years old
17 at the time the petition is filed.

18 (2) A child seeking to petition under this section shall be
19 provided counsel at no cost to the child.

20 (3) The petition must be signed by the child in the absence of a
21 showing of good cause as to why the child could not do so.

22 (4) If, after a threshold hearing to consider the parent's apparent
23 fitness and interest in reinstatement of parental rights, it appears
24 that the best interests of the child may be served by reinstatement of
25 parental rights, the juvenile court shall order that a hearing on the
26 merits of the petition be held.

27 (5) The court shall give prior notice for any proceeding under this
28 section, or cause prior notice to be given, to the department, the
29 child's attorney, and the child. The court shall also order the
30 department to give prior notice of any hearing to the child's former

1 parent whose parental rights are the subject of the petition, any
2 parent whose rights have not been terminated, the child's current
3 foster parent, relative caregiver, guardian or custodian, and the
4 child's tribe, if applicable.

5 (6) The juvenile court shall conditionally grant the petition if it
6 finds by clear and convincing evidence that the child has not achieved
7 his or her permanency plan and is not likely to imminently achieve his
8 or her permanency plan and that reinstatement of parental rights is in
9 the child's best interest. In determining whether reinstatement is in
10 the child's best interest the court shall consider, but is not limited
11 to, the following:

12 (a) Whether the parent whose rights are to be reinstated is a fit
13 parent and has remedied his or her deficits as provided in the record
14 of the prior termination proceedings and prior termination order;

15 (b) The age and maturity of the child, and the ability of the child
16 to express his or her preference;

17 (c) Whether the reinstatement of parental rights will present a
18 risk to the child's health, welfare, or safety; and

19 (d) Other material changes in circumstances, if any, that may have
20 occurred which warrant the granting of the petition.

21 (7) In determining whether the child has or has not achieved his or
22 her permanency plan or whether the child is likely to achieve his or
23 her permanency plan, the department shall provide the court, and the
24 court shall review, information related to any efforts to achieve the
25 permanency plan including efforts to achieve adoption or a permanent
26 guardianship.

27 (8)(a) If the court conditionally grants the petition under
28 subsection (6) of this section, the case will be continued for six
29 months. During this period, the child shall be placed in the custody
30 of the parent. The department shall develop a permanency plan for the
31 child reflecting the plan to be reunification and shall provide
32 transition services to the family as appropriate.

33 (b) If the child must be removed from the parent due to abuse or
34 neglect allegations prior to the expiration of the conditional six-
35 month period, the court shall dismiss the petition for reinstatement of
36 parental rights if the court finds the allegations have been proven by
37 a preponderance of the evidence.

1 (c) If the child has been successfully placed with the parent for
2 six months, the court order reinstating parental rights remains in
3 effect and the court shall dismiss the dependency.

4 (9) The granting of the petition under this section does not vacate
5 or otherwise affect the validity of the original termination order.

6 (10) Any parent whose rights are reinstated under this section
7 shall not be liable for any child support owed to the department
8 pursuant to RCW 13.34.160 for the time period from the date of
9 termination of parental rights to the date parental rights are
10 reinstated.

11 (11) The state, the department, and its employees are not liable
12 for civil damages resulting from any act or omission in the provision
13 of services under this section, unless the act or omission constitutes
14 gross negligence. This section does not create any duty and shall not
15 be construed to create a duty where none exists. This section does not
16 create a cause of action against the state, the department, or its
17 employees concerning the original termination.

18 (12) This section is retroactive and applies to any child who is
19 under the jurisdiction of the juvenile court at the time of the hearing
20 regardless of the date parental rights were terminated.

21 **Sec. 2.** RCW 13.34.200 and 2003 c 227 s 7 are each amended to read
22 as follows:

23 (1) Upon the termination of parental rights pursuant to RCW
24 13.34.180, all rights, powers, privileges, immunities, duties, and
25 obligations, including any rights to custody, control, visitation, or
26 support existing between the child and parent shall be severed and
27 terminated and the parent shall have no standing to appear at any
28 further legal proceedings concerning the child, except as provided in
29 section 1 of this act: PROVIDED, That any support obligation existing
30 prior to the effective date of the order terminating parental rights
31 shall not be severed or terminated. The rights of one parent may be
32 terminated without affecting the rights of the other parent and the
33 order shall so state.

34 (2) An order terminating the parent and child relationship shall
35 not disentitle a child to any benefit due the child from any third
36 person, agency, state, or the United States, nor shall any action under

1 this chapter be deemed to affect any rights and benefits that an Indian
2 child derives from the child's descent from a member of a federally
3 recognized Indian tribe.

4 (3) An order terminating the parent-child relationship shall
5 include a statement addressing the status of the child's sibling
6 relationships and the nature and extent of sibling placement, contact,
7 or visits.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20A RCW
9 to read as follows:

10 The state is not liable for civil damages resulting from any act or
11 omission in the delivery of child welfare services or child protective
12 services through the children's administration of the department of
13 social and health services unless the act or omission constitutes gross
14 negligence. This section does not create any duty and shall not be
15 construed to create a duty where none exists.

16 **Sec. 4.** RCW 13.34.060 and 2002 c 52 s 4 are each amended to read
17 as follows:

18 (1) A child taken into custody pursuant to RCW 13.34.050 or
19 26.44.050 shall be immediately placed in shelter care. A child taken
20 by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070
21 shall be placed in shelter care only when permitted under RCW
22 13.34.055. No child may be held longer than seventy-two hours,
23 excluding Saturdays, Sundays, and holidays, after such child is taken
24 into custody unless a court order has been entered for continued
25 shelter care. In no case may a child who is taken into custody
26 pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a
27 secure detention facility.

28 ((+a)) (2) Unless there is reasonable cause to believe that the
29 health, safety, or welfare of the child would be jeopardized or that
30 the efforts to reunite the parent and child will be hindered, priority
31 placement for a child in shelter care, pending a court hearing, shall
32 be with any person described in RCW 74.15.020(2)(a) or 13.34.130(1)(b).
33 The person must be willing and available to care for the child and be
34 able to meet any special needs of the child and the court must find
35 that such placement is in the best interests of the child. The person
36 must be willing to facilitate the child's visitation with siblings, if

1 such visitation is part of the supervising agency's plan or is ordered
2 by the court. If a child is not initially placed with a relative or
3 other suitable person requested by the parent pursuant to this section,
4 the supervising agency shall make an effort within available resources
5 to place the child with a relative or other suitable person requested
6 by the parent on the next business day after the child is taken into
7 custody. The supervising agency shall document its effort to place the
8 child with a relative or other suitable person requested by the parent
9 pursuant to this section. Nothing within this subsection (~~((1)(a))~~)
10 (2) establishes an entitlement to services or a right to a particular
11 placement.

12 ~~((b))~~ (3) Whenever a child is taken into custody pursuant to this
13 section, the supervising agency may authorize evaluations of the
14 child's physical or emotional condition, routine medical and dental
15 examination and care, and all necessary emergency care. ~~((In no case~~
16 ~~may a child who is taken into custody pursuant to RCW 13.34.055,~~
17 ~~13.34.050, or 26.44.050 be detained in a secure detention facility. No~~
18 ~~child may be held longer than seventy two hours, excluding Saturdays,~~
19 ~~Sundays and holidays, after such child is taken into custody unless a~~
20 ~~court order has been entered for continued shelter care. The child and~~
21 ~~his or her parent, guardian, or custodian shall be informed that they~~
22 ~~have a right to a shelter care hearing. The court shall hold a shelter~~
23 ~~care hearing within seventy two hours after the child is taken into~~
24 ~~custody, excluding Saturdays, Sundays, and holidays. If a parent,~~
25 ~~guardian, or legal custodian desires to waive the shelter care hearing,~~
26 ~~the court shall determine, on the record and with the parties present,~~
27 ~~whether such waiver is knowing and voluntary.~~

28 ~~(2) Whenever a child is taken into custody by child protective~~
29 ~~services pursuant to a court order issued under RCW 13.34.050 or when~~
30 ~~child protective services is notified that a child has been taken into~~
31 ~~custody pursuant to RCW 26.44.050 or 26.44.056, child protective~~
32 ~~services shall make reasonable efforts to inform the parents, guardian,~~
33 ~~or legal custodian of the fact that the child has been taken into~~
34 ~~custody, the reasons why the child was taken into custody, and their~~
35 ~~legal rights under this title as soon as possible and in no event shall~~
36 ~~notice be provided more than twenty four hours after the child has been~~
37 ~~taken into custody or twenty four hours after child protective services~~
38 ~~has been notified that the child has been taken into custody. The~~

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

7 **Sec. 5.** RCW 13.34.062 and 2004 c 147 s 2 are each amended to read
8 as follows:

9 (1)(a) Whenever a child is taken into custody by child protective
10 services pursuant to a court order issued under RCW 13.34.050 or when
11 child protective services is notified that a child has been taken into
12 custody pursuant to RCW 26.44.050 or 26.44.056, child protective
13 services shall make reasonable efforts to inform the parent, guardian,
14 or legal custodian of the fact that the child has been taken into
15 custody, the reasons why the child was taken into custody, and their
16 legal rights under this title, including the right to a shelter care
17 hearing, as soon as possible. Notice must be provided in an
18 understandable manner and take into consideration the parent's,
19 guardian's, or legal custodian's primary language, level of education,
20 and cultural issues.

21 (b) In no event shall the notice required by this section be
22 provided to the parent, guardian, or legal custodian more than twenty-
23 four hours after the child has been taken into custody or twenty-four
24 hours after child protective services has been notified that the child
25 has been taken into custody.

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

32 (b) The written notice of custody and rights required by ((RCW
33 13.34.060)) this section shall be in substantially the following form:

34 "NOTICE

35 Your child has been placed in temporary custody under the
36 supervision of Child Protective Services (or other person or agency).

1 You have important legal rights and you must take steps to protect your
2 interests.

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

8 2. You have the right to have a lawyer represent you at the
9 hearing. Your right to representation continues after the shelter care
10 hearing. You have the right to records the department intends to rely
11 upon. A lawyer can look at the files in your case, talk to child
12 protective services and other agencies, tell you about the law, help
13 you understand your rights, and help you at hearings. If you cannot
14 afford a lawyer, the court will appoint one to represent you. To get
15 a court-appointed lawyer you must contact: _____ (explain local
16 procedure)_____.

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

20 4. If your hearing occurs before a court commissioner, you have the
21 right to have the decision of the court commissioner reviewed by a
22 superior court judge. To obtain that review, you must, within ten days
23 after the entry of the decision of the court commissioner, file with
24 the court a motion for revision of the decision, as provided in RCW
25 2.24.050.

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

28 You may call the Child Protective Services' caseworker for more
29 information about your child. The caseworker's name and telephone
30 number are: _____ (insert name and telephone number)_____.

31 5. You have a right to a case conference to develop a written
32 service agreement following the shelter care hearing. The service
33 agreement may not conflict with the court's order of shelter care. You
34 may request that a multidisciplinary team, family group conference, or
35 prognostic staffing be convened for your child's case. You may
36 participate in these processes with your counsel present."

37 Upon receipt of the written notice, the parent, guardian, or legal
38 custodian shall acknowledge such notice by signing a receipt prepared

1 by child protective services. If the parent, guardian, or legal
2 custodian does not sign the receipt, the reason for lack of a signature
3 shall be written on the receipt. The receipt shall be made a part of
4 the court's file in the dependency action.

5 If after making reasonable efforts to provide notification, child
6 protective services is unable to determine the whereabouts of the
7 parents, guardian, or legal custodian, the notice shall be delivered or
8 sent to the last known address of the parent, guardian, or legal
9 custodian.

10 ~~((2))~~ (3) If child protective services is not required to give
11 notice under ~~((RCW 13.34.060(2) and subsection (1) of))~~ this section,
12 the juvenile court counselor assigned to the matter shall make all
13 reasonable efforts to advise the parents, guardian, or legal custodian
14 of the time and place of any shelter care hearing, request that they be
15 present, and inform them of their basic rights as provided in RCW
16 13.34.090.

17 ~~((3))~~ (4) Reasonable efforts to advise and to give notice, as
18 required in ~~((RCW 13.34.060(2) and subsections (1) and (2) of))~~ this
19 section, shall include, at a minimum, investigation of the whereabouts
20 of the parent, guardian, or legal custodian. If such reasonable
21 efforts are not successful, or the parent, guardian, or legal custodian
22 does not appear at the shelter care hearing, the petitioner shall
23 testify at the hearing or state in a declaration:

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

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

29 ~~((4) The court shall hear evidence regarding notice given to, and
30 efforts to notify, the parent, guardian, or legal custodian and shall
31 examine the need for shelter care. The court shall hear evidence
32 regarding the efforts made to place the child with a relative. The
33 court shall make an express finding as to whether the notice required
34 under RCW 13.34.060(2) and subsections (1) and (2) of this section was
35 given to the parent, guardian, or legal custodian. All parties have
36 the right to present testimony to the court regarding the need or lack
37 of need for shelter care. Hearsay evidence before the court regarding~~

1 the need or lack of need for shelter care must be supported by sworn
2 testimony, affidavit, or declaration of the person offering such
3 evidence.

4 ~~(5)(a) A shelter care order issued pursuant to RCW 13.34.065 shall
5 include the requirement for a case conference as provided in RCW
6 13.34.067. However, if the parent is not present at the shelter care
7 hearing, or does not agree to the case conference, the court shall not
8 include the requirement for the case conference in the shelter care
9 order.~~

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

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

19 ~~(6) A shelter care order issued pursuant to RCW 13.34.065 may be
20 amended at any time with notice and hearing thereon. The shelter care
21 decision of placement shall be modified only upon a showing of change
22 in circumstances. No child may be placed in shelter care for longer
23 than thirty days without an order, signed by the judge, authorizing
24 continued shelter care.~~

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

33 **Sec. 6.** RCW 13.34.065 and 2001 c 332 s 3 are each amended to read
34 as follows:

35 (1)(a) When a child is taken into custody, the court shall hold a
36 shelter care hearing within seventy-two hours, excluding Saturdays,

1 Sundays, and holidays. The primary purpose of the shelter care hearing
2 is to determine whether the child can be immediately and safely
3 returned home while the adjudication of the dependency is pending.

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

12 (2)(a) The ((juvenile court probation counselor)) department of
13 social and health services shall submit a recommendation to the court
14 as to the further need for shelter care ((unless the petition has been
15 filed by the department, in which case the recommendation shall be
16 submitted by the department)) in all cases in which it is the
17 petitioner. In all other cases, the recommendation shall be submitted
18 by the juvenile court probation counselor.

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

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

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

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

28 (ii) The nature of the shelter care hearing, the rights of the
29 parents, and the proceedings that will follow; and

30 (iii) If the parent, guardian, or custodian is not represented by
31 counsel, the right to be represented. If the parent, guardian, or
32 custodian is indigent, the court shall appoint counsel as provided in
33 RCW 13.34.090; and

34 (b) If a parent, guardian, or legal custodian desires to waive the
35 shelter care hearing, the court shall determine, on the record and with
36 the parties present, whether such waiver is knowing and voluntary. A
37 parent may not waive his or her right to the shelter care hearing
38 unless he or she appears in court and the court determines that the

1 waiver is knowing and voluntary. Regardless of whether the court
2 accepts the parental waiver of the shelter care hearing, the court must
3 provide notice to the parents of their rights required under (a) of
4 this subsection and make the finding required under subsection (4) of
5 this section.

6 (4) At the shelter care hearing the court shall examine the need
7 for shelter care and inquire into the status of the case. The
8 paramount consideration for the court shall be the health, welfare, and
9 safety of the child. At a minimum, the court shall inquire into the
10 following:

11 (a) Whether the notice required under RCW 13.34.062 was given to
12 all known parents, guardians, or legal custodians of the child. The
13 court shall make an express finding as to whether the notice required
14 under RCW 13.34.062 was given to the parent, guardian, or legal
15 custodian. If actual notice was not given to the parent, guardian, or
16 legal custodian and the whereabouts of such person is known or can be
17 ascertained, the court shall order the supervising agency or the
18 department of social and health services to make reasonable efforts to
19 advise the parent, guardian, or legal custodian of the status of the
20 case, including the date and time of any subsequent hearings, and their
21 rights under RCW 13.34.090;

22 (b) Whether the child can be safely returned home while the
23 adjudication of the dependency is pending;

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

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

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

29 (f) Whether it is in the best interest of the child to remain
30 enrolled in the school, developmental program, or child care the child
31 was in prior to placement and what efforts have been made to maintain
32 the child in the school, program, or child care if it would be in the
33 best interest of the child to remain in the same school, program, or
34 child care;

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

36 (h) Whether the child is or may be an Indian child as defined in 25
37 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare

1 act apply, and whether there is compliance with the Indian child
2 welfare act, including notice to the child's tribe;

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

6 (j) Whether any orders for examinations, evaluations, or immediate
7 services are needed. However, the court may not order a parent to
8 undergo examinations, evaluation, or services at the shelter care
9 hearing unless the parent agrees to the examination, evaluation, or
10 service;

11 (k) The terms and conditions for parental, sibling, and family
12 visitation.

13 ~~((2))~~ (5)(a) The court shall release a child alleged to be
14 dependent to the care, custody, and control of the child's parent,
15 guardian, or legal custodian unless the court finds there is reasonable
16 cause to believe that:

17 ~~((a))~~ (i) After consideration of the specific services that have
18 been provided, reasonable efforts have been made to prevent or
19 eliminate the need for removal of the child from the child's home and
20 to make it possible for the child to return home; and

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

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

25 ~~((iii))~~ (C) The parent, guardian, or custodian to whom the child
26 could be released has been charged with violating RCW 9A.40.060 or
27 9A.40.070.

28 (b) If the court does not release the child to his or her parent,
29 guardian, or legal custodian, and the child was initially placed with
30 a relative pursuant to RCW 13.34.060(1), the court shall order
31 continued placement with a relative, unless there is reasonable cause
32 to believe the health, safety, or welfare of the child would be
33 jeopardized or that the efforts to reunite the parent and child will be
34 hindered. The relative must be willing and available to:

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

37 (ii) Facilitate the child's visitation with siblings, if such

1 visitation is part of the supervising agency's plan or is ordered by
2 the court; and

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

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

9 (d) If a relative is not available, the court shall order continued
10 shelter care or order placement with another suitable person, and the
11 court shall set forth its reasons for the order. ((The court shall
12 enter a finding as to whether RCW 13.34.060(2) and subsections (1) and
13 (2) of this section have been complied with. If actual notice was not
14 given to the parent, guardian, or legal custodian and the whereabouts
15 of such person is known or can be ascertained, the court shall order
16 the supervising agency or the department of social and health services
17 to make reasonable efforts to advise the parent, guardian, or legal
18 custodian of the status of the case, including the date and time of any
19 subsequent hearings, and their rights under RCW 13.34.090.

20 (3)) If the court orders placement of the child with a person not
21 related to the child and not licensed to provide foster care, the
22 placement is subject to all terms and conditions of this section that
23 apply to relative placements.

24 (e) Any placement with a relative, or other person approved by the
25 court pursuant to this section, shall be contingent upon cooperation
26 with the agency case plan and compliance with court orders related to
27 the care and supervision of the child including, but not limited to,
28 court orders regarding parent-child contacts, sibling contacts, and any
29 other conditions imposed by the court. Noncompliance with the case
30 plan or court order is grounds for removal of the child from the home
31 of the relative or other person, subject to review by the court.

32 (6)(a) A shelter care order issued pursuant to this section shall
33 include the requirement for a case conference as provided in RCW
34 13.34.067. However, if the parent is not present at the shelter care
35 hearing, or does not agree to the case conference, the court shall not
36 include the requirement for the case conference in the shelter care
37 order.

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

5 (c) The court may order another conference, case staffing, or
6 hearing as an alternative to the case conference required under RCW
7 13.34.067 so long as the conference, case staffing, or hearing ordered
8 by the court meets all requirements under RCW 13.34.067, including the
9 requirement of a written agreement specifying the services to be
10 provided to the parent.

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

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

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

25 ~~((4))~~ (8)(a) If a child is returned home from shelter care a
26 second time in the case, or if the supervisor of the caseworker deems
27 it necessary, the multidisciplinary team may be reconvened.

28 ~~((5))~~ (b) If a child is returned home from shelter care a second
29 time in the case a law enforcement officer must be present and file a
30 report to the department.

31 **Sec. 7.** RCW 13.34.130 and 2003 c 227 s 3 are each amended to read
32 as follows:

33 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
34 been proven by a preponderance of the evidence that the child is
35 dependent within the meaning of RCW 13.34.030 after consideration of
36 the social study prepared pursuant to RCW 13.34.110 and after a

1 disposition hearing has been held pursuant to RCW 13.34.110, the court
2 shall enter an order of disposition pursuant to this section.

3 (1) The court shall order one of the following dispositions of the
4 case:

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

12 (b) Order the child to be removed from his or her home and into the
13 custody, control, and care of a relative or the department or a
14 licensed child placing agency for placement in a foster family home or
15 group care facility licensed pursuant to chapter 74.15 RCW or in a home
16 not required to be licensed pursuant to chapter 74.15 RCW. Unless
17 there is reasonable cause to believe that the health, safety, or
18 welfare of the child would be jeopardized or that efforts to reunite
19 the parent and child will be hindered, such child shall be placed with
20 a person who is: (i) Related to the child as defined in RCW
21 74.15.020(2)(a) with whom the child has a relationship and is
22 comfortable; and (ii) willing and available to care for the child.

23 (2) Placement of the child with a relative under this subsection
24 shall be given preference by the court. An order for out-of-home
25 placement may be made only if the court finds that reasonable efforts
26 have been made to prevent or eliminate the need for removal of the
27 child from the child's home and to make it possible for the child to
28 return home, specifying the services that have been provided to the
29 child and the child's parent, guardian, or legal custodian, and that
30 preventive services have been offered or provided and have failed to
31 prevent the need for out-of-home placement, unless the health, safety,
32 and welfare of the child cannot be protected adequately in the home,
33 and that:

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

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

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

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

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

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

15 (ii) There is no reasonable cause to believe that the health,
16 safety, or welfare of any child subject to the order of placement,
17 contact, or visitation would be jeopardized or that efforts to reunite
18 the parent and child would be hindered by such placement, contact, or
19 visitation. In no event shall parental visitation time be reduced in
20 order to provide sibling visitation.

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

25 (4) If the court has ordered a child removed from his or her home
26 pursuant to subsection (1)(b) of this section and placed into
27 nonparental or nonrelative care, the court shall order a placement that
28 allows the child to remain in the same school he or she attended prior
29 to the initiation of the dependency proceeding when such a placement is
30 practical and in the child's best interest.

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

35 ((+5)) (6) If there is insufficient information at the time of the
36 disposition hearing upon which to base a determination regarding the
37 suitability of a proposed placement with a relative, the child shall
38 remain in foster care and the court shall direct the supervising agency

1 to conduct necessary background investigations as provided in chapter
2 74.15 RCW and report the results of such investigation to the court
3 within thirty days. However, if such relative appears otherwise
4 suitable and competent to provide care and treatment, the criminal
5 history background check need not be completed before placement, but as
6 soon as possible after placement. Any placements with relatives,
7 pursuant to this section, shall be contingent upon cooperation by the
8 relative with the agency case plan and compliance with court orders
9 related to the care and supervision of the child including, but not
10 limited to, court orders regarding parent-child contacts, sibling
11 contacts, and any other conditions imposed by the court. Noncompliance
12 with the case plan or court order shall be grounds for removal of the
13 child from the relative's home, subject to review by the court.

14 **Sec. 8.** RCW 13.34.136 and 2004 c 146 s 1 are each amended to read
15 as follows:

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

24 (2) The agency (~~charged with his or her care shall provide the~~
25 ~~court with~~) supervising the dependency shall submit a written
26 permanency plan to all parties and the court not less than fourteen
27 days prior to the scheduled hearing. Responsive reports of parties not
28 in agreement with the supervising agency's proposed permanency plan
29 must be provided to the supervising agency, all other parties, and the
30 court at least seven days prior to the hearing.

31 The permanency plan shall include:

32 (a) A permanency plan of care that shall identify one of the
33 following outcomes as a primary goal and may identify additional
34 outcomes as alternative goals: Return of the child to the home of the
35 child's parent, guardian, or legal custodian; adoption; guardianship;
36 permanent legal custody; long-term relative or foster care, until the
37 child is age eighteen, with a written agreement between the parties and

1 the care provider; successful completion of a responsible living skills
2 program; or independent living, if appropriate and if the child is age
3 sixteen or older. The department shall not discharge a child to an
4 independent living situation before the child is eighteen years of age
5 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

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

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

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

36 (iii) A child shall be placed as close to the child's home as
37 possible, preferably in the child's own neighborhood, unless the court

1 finds that placement at a greater distance is necessary to promote the
2 child's or parents' well-being.

3 (iv) The plan shall state whether both in-state and, where
4 appropriate, out-of-state placement options have been considered by the
5 department.

6 (v) Unless it is not in the best interests of the child, whenever
7 practical, the plan should ensure the child remains enrolled in the
8 school the child was attending at the time the child entered foster
9 care.

10 (vi) The agency charged with supervising a child in placement shall
11 provide all reasonable services that are available within the agency,
12 or within the community, or those services which the department has
13 existing contracts to purchase. It shall report to the court if it is
14 unable to provide such services; and

15 (c) If the court has ordered, pursuant to RCW 13.34.130(4), that a
16 termination petition be filed, a specific plan as to where the child
17 will be placed, what steps will be taken to achieve permanency for the
18 child, services to be offered or provided to the child, and, if
19 visitation would be in the best interests of the child, a
20 recommendation to the court regarding visitation between parent and
21 child pending a fact-finding hearing on the termination petition. The
22 agency shall not be required to develop a plan of services for the
23 parents or provide services to the parents if the court orders a
24 termination petition be filed. However, reasonable efforts to ensure
25 visitation and contact between siblings shall be made unless there is
26 reasonable cause to believe the best interests of the child or siblings
27 would be jeopardized.

28 ~~((+2))~~ (3) Permanency planning goals should be achieved at the
29 earliest possible date, preferably before the child has been in out-of-
30 home care for fifteen months. In cases where parental rights have been
31 terminated, the child is legally free for adoption, and adoption has
32 been identified as the primary permanency planning goal, it shall be a
33 goal to complete the adoption within six months following entry of the
34 termination order.

35 (4) If the court determines that the continuation of reasonable
36 efforts to prevent or eliminate the need to remove the child from his
37 or her home or to safely return the child home should not be part of

1 the permanency plan of care for the child, reasonable efforts shall be
2 made to place the child in a timely manner and to complete whatever
3 steps are necessary to finalize the permanent placement of the child.

4 ~~((+3))~~ (5) The identified outcomes and goals of the permanency
5 plan may change over time based upon the circumstances of the
6 particular case.

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

9 (7) For purposes related to permanency planning:

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

13 (b) "Permanent custody order" means a custody order entered
14 pursuant to chapter 26.10 RCW.

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

18 **Sec. 9.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read
19 as follows:

20 (1) Except for children whose cases are reviewed by a citizen
21 review board under chapter 13.70 RCW, the status of all children found
22 to be dependent shall be reviewed by the court at least every six
23 months from the beginning date of the placement episode or the date
24 dependency is established, whichever is first(~~, at a~~). The purpose
25 of the hearing (~~(in which it)~~) shall be (~~(determined)~~) to review the
26 progress of the parties and determine whether court supervision should
27 continue.

28 (a) The initial review hearing shall be an in-court review and
29 shall be set six months from the beginning date of the placement
30 episode or no more than ninety days from the entry of the disposition
31 order, whichever comes first. The requirements for the initial review
32 hearing, including the in-court review requirement, shall be
33 accomplished within existing resources.

34 (b) The initial review hearing may be a permanency planning hearing
35 when necessary to meet the time frames set forth in RCW
36 13.34.145(~~+3~~) (1)(a) or 13.34.134. (~~The review shall include~~
37 findings regarding the agency and parental completion of disposition

1 ~~plan requirements, and if necessary, revised permanency time limits.~~
2 ~~This review shall consider both the agency's and parent's efforts that~~
3 ~~demonstrate consistent measurable progress over time in meeting the~~
4 ~~disposition plan requirements. The requirements for the initial review~~
5 ~~hearing, including the in-court requirement, shall be accomplished~~
6 ~~within existing resources. The supervising agency shall provide a~~
7 ~~foster parent, preadoptive parent, or relative with notice of, and~~
8 ~~their right to an opportunity to be heard in, a review hearing~~
9 ~~pertaining to the child, but only if that person is currently providing~~
10 ~~care to that child at the time of the hearing. This section shall not~~
11 ~~be construed to grant party status to any person who has been provided~~
12 ~~an opportunity to be heard.))~~

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

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

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

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

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

34 (iv) Whether the services set forth in the case plan and the
35 responsibilities of the parties need to be clarified or modified due to
36 the availability of additional information or changed circumstances;

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

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

3 ~~((+ii))~~ (vii) Whether ~~((the child has been placed in the least-~~
4 ~~restrictive setting appropriate to the child's needs, including whether~~
5 ~~consideration and))~~ preference has been given to placement with the
6 child's relatives;

7 ~~((+iii) Whether there is a continuing need for placement and~~
8 ~~whether the placement is appropriate;~~

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

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

13 ~~(+vi))~~ (viii) Whether both in-state and, where appropriate, out-of-
14 state placements have been considered;

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

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

21 ~~(+viii))~~ (x) Whether terms of visitation need to be modified;

22 (xi) Whether the court-approved long-term permanent plan for the
23 child remains the best plan for the child;

24 (xii) Whether any additional court orders need to be made to move
25 the case toward permanency; and

26 (xiii) The projected date by which the child will be returned home
27 or other permanent plan of care will be implemented.

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

30 ~~((+2))~~ (3)(a) In any case in which the court orders that a
31 dependent child may be returned to or remain in the child's home, the
32 in-home placement shall be contingent upon the following:

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

36 (ii) The continued participation of the parents, if applicable, in
37 available substance abuse or mental health treatment if substance abuse

1 or mental illness was a contributing factor to the removal of the
2 child.

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

5 (i) Noncompliance by the parents with the agency case plan or court
6 order;

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

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

15 ~~((3))~~ (4) The court's ability to order housing assistance under
16 RCW 13.34.130 and this section is: (a) Limited to cases in which
17 homelessness or the lack of adequate and safe housing is the primary
18 reason for an out-of-home placement; and (b) subject to the
19 availability of funds appropriated for this specific purpose.

20 ~~((4))~~ (5) The court shall consider the child's relationship with
21 siblings in accordance with RCW 13.34.130(3).

22 **Sec. 10.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read
23 as follows:

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

31 ~~(a) Whenever a child is placed in out-of-home care pursuant to RCW
32 13.34.130, the agency that has custody of the child shall provide the
33 court with a written permanency plan of care directed towards securing
34 a safe, stable, and permanent home for the child as soon as possible.
35 The plan shall identify one of the following outcomes as the primary
36 goal and may also identify additional outcomes as alternative goals:
37 Return of the child to the home of the child's parent, guardian, or~~

1 ~~legal custodian; adoption; guardianship; permanent legal custody; long-~~
2 ~~term relative or foster care, until the child is age eighteen, with a~~
3 ~~written agreement between the parties and the care provider; a~~
4 ~~responsible living skills program; and independent living, if~~
5 ~~appropriate and if the child is age sixteen or older and the provisions~~
6 ~~of subsection (2) of this section are met.~~

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

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

16 ~~(d) For purposes related to permanency planning:~~

17 ~~(i) "Guardianship" means a dependency guardianship, a legal~~
18 ~~guardianship pursuant to chapter 11.88 RCW, or equivalent laws of~~
19 ~~another state or a federally recognized Indian tribe.~~

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

22 ~~(iii) "Permanent legal custody" means legal custody pursuant to~~
23 ~~chapter 26.10 RCW or equivalent laws of another state or of a federally~~
24 ~~recognized Indian tribe.~~

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

37 ~~(3)) The purpose of a permanency planning hearing is to review the~~

1 permanency plan for the child, inquire into the welfare of the child
2 and progress of the case, and reach decisions regarding the permanent
3 placement of the child.

4 (a) A permanency planning hearing shall be held in all cases where
5 the child has remained in out-of-home care for at least nine months and
6 an adoption decree, guardianship order, or permanent custody order has
7 not previously been entered. The hearing shall take place no later
8 than twelve months following commencement of the current placement
9 episode.

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

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

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

32 ~~((+6))~~ (3) At the permanency planning hearing, the court shall
33 ~~((enter findings as required by RCW 13.34.138 and shall review the~~
34 ~~permanency plan prepared by the agency))~~ conduct the following inquiry:

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

1 (b) In cases where the primary permanency planning goal has not
2 been achieved, the court shall inquire regarding the reasons why the
3 primary goal has not been achieved and determine what needs to be done
4 to make it possible to achieve the primary goal. The court shall
5 review the permanency plan prepared by the agency and make explicit
6 findings regarding each of the following:

7 (i) The continuing necessity for, and the safety and
8 appropriateness of, the placement;

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

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

15 (iv) The progress toward eliminating the causes for the child's
16 placement outside of his or her home and toward returning the child
17 safely to his or her home or obtaining a permanent placement for the
18 child;

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

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

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

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

33 (C) Being placed for adoption;

34 (D) Being placed with a guardian;

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

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

1 (c)(i) If the permanency plan identifies independent living as a
2 goal, the court shall make a finding that the provision of services to
3 assist the child in making a transition from foster care to independent
4 living will allow the child to manage his or her financial, personal,
5 social, educational, and nonfinancial affairs prior to approving
6 independent living as a permanency plan of care.

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

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

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

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

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

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

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

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

36 ((+7)) (5) Following the first permanency planning hearing, the
37 court shall hold a further permanency planning hearing in accordance

1 with this section at least once every twelve months until a permanency
2 planning goal is achieved or the dependency is dismissed, whichever
3 occurs first.

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

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

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

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

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

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

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

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

17 ~~((14))~~ (12) Nothing in this chapter may be construed to limit the
18 procedural due process rights of any party in a termination or
19 guardianship proceeding filed under this chapter.

20 **Sec. 11.** RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are
21 each reenacted and amended to read as follows:

22 The department shall have the duty to provide child welfare
23 services and shall:

24 (1) Develop, administer, supervise, and monitor a coordinated and
25 comprehensive plan that establishes, aids, and strengthens services for
26 the protection and care of runaway, dependent, or neglected children.

27 (2) Within available resources, recruit an adequate number of
28 prospective adoptive and foster homes, both regular and specialized,
29 i.e. homes for children of ethnic minority, including Indian homes for
30 Indian children, sibling groups, handicapped and emotionally disturbed,
31 teens, pregnant and parenting teens, and annually report to the
32 governor and the legislature concerning the department's success in:

33 (a) Meeting the need for adoptive and foster home placements; (b)
34 reducing the foster parent turnover rate; (c) completing home studies
35 for legally free children; and (d) implementing and operating the
36 passport program required by RCW 74.13.285. The report shall include
37 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

1 (3) Investigate complaints of any recent act or failure to act on
2 the part of a parent or caretaker that results in death, serious
3 physical or emotional harm, or sexual abuse or exploitation, or that
4 presents an imminent risk of serious harm, and on the basis of the
5 findings of such investigation, offer child welfare services in
6 relation to the problem to such parents, legal custodians, or persons
7 serving in loco parentis, and/or bring the situation to the attention
8 of an appropriate court, or another community agency: PROVIDED, That
9 an investigation is not required of nonaccidental injuries which are
10 clearly not the result of a lack of care or supervision by the child's
11 parents, legal custodians, or persons serving in loco parentis. If the
12 investigation reveals that a crime against a child may have been
13 committed, the department shall notify the appropriate law enforcement
14 agency.

15 (4) Offer, on a voluntary basis, family reconciliation services to
16 families who are in conflict.

17 (5) Monitor out-of-home placements, on a timely and routine basis,
18 to assure the safety, well-being, and quality of care being provided is
19 within the scope of the intent of the legislature as defined in RCW
20 74.13.010 and 74.15.010, and annually submit a report measuring the
21 extent to which the department achieved the specified goals to the
22 governor and the legislature.

23 (6) Have authority to accept custody of children from parents and
24 to accept custody of children from juvenile courts, where authorized to
25 do so under law, to provide child welfare services including placement
26 for adoption, to provide for the routine and necessary medical, dental,
27 and mental health care, or necessary emergency care of the children,
28 and to provide for the physical care of such children and make payment
29 of maintenance costs if needed. Except where required by Public Law
30 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
31 children for adoption from the department shall discriminate on the
32 basis of race, creed, or color when considering applications in their
33 placement for adoption.

34 (7) Have authority to provide temporary shelter to children who
35 have run away from home and who are admitted to crisis residential
36 centers.

37 (8) Have authority to purchase care for children; and shall follow
38 in general the policy of using properly approved private agency

1 services for the actual care and supervision of such children insofar
2 as they are available, paying for care of such children as are accepted
3 by the department as eligible for support at reasonable rates
4 established by the department.

5 (9) Establish a children's services advisory committee which shall
6 assist the secretary in the development of a partnership plan for
7 utilizing resources of the public and private sectors, and advise on
8 all matters pertaining to child welfare, licensing of child care
9 agencies, adoption, and services related thereto. At least one member
10 shall represent the adoption community.

11 (10)(a) Have authority to provide continued foster care or group
12 care as needed to participate in or complete a high school or
13 vocational school program.

14 (b)(i) Beginning in 2006, the department has the authority to allow
15 up to fifty youth reaching age eighteen to continue in foster care or
16 group care as needed to participate in or complete a posthigh school
17 academic or vocational program, and to receive necessary support and
18 transition services.

19 (ii) In 2007 and 2008, the department has the authority to allow up
20 to fifty additional youth per year reaching age eighteen to remain in
21 foster care or group care as provided in (b)(i) of this subsection.

22 (iii) A youth who remains eligible for such placement and services
23 pursuant to department rules may continue in foster care or group care
24 until the youth reaches his or her twenty-first birthday. Eligibility
25 requirements shall include active enrollment in a posthigh school
26 academic or vocational program and maintenance of a 2.0 grade point
27 average.

28 (11) Refer cases to the division of child support whenever state or
29 federal funds are expended for the care and maintenance of a child,
30 including a child with a developmental disability who is placed as a
31 result of an action under chapter 13.34 RCW, unless the department
32 finds that there is good cause not to pursue collection of child
33 support against the parent or parents of the child. Cases involving
34 individuals age eighteen through twenty shall not be referred to the
35 division of child support unless required by federal law.

36 (12) Have authority within funds appropriated for foster care
37 services to purchase care for Indian children who are in the custody of
38 a federally recognized Indian tribe or tribally licensed child-placing

1 agency pursuant to parental consent, tribal court order, or state
2 juvenile court order; and the purchase of such care shall be subject to
3 the same eligibility standards and rates of support applicable to other
4 children for whom the department purchases care.

5 Notwithstanding any other provision of RCW 13.32A.170 through
6 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
7 services to be provided by the department of social and health services
8 under subsections (4), (6), and (7) of this section, subject to the
9 limitations of these subsections, may be provided by any program
10 offering such services funded pursuant to Titles II and III of the
11 federal juvenile justice and delinquency prevention act of 1974.

12 (13) Within amounts appropriated for this specific purpose, provide
13 preventive services to families with children that prevent or shorten
14 the duration of an out-of-home placement.

15 (14) Have authority to provide independent living services to
16 youths, including individuals who have attained eighteen years of age,
17 and have not attained twenty-one years of age who are or have been in
18 foster care.

19 (15) Consult at least quarterly with foster parents, including
20 members of the foster parent association of Washington state, for the
21 purpose of receiving information and comment regarding how the
22 department is performing the duties and meeting the obligations
23 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
24 recruitment of foster homes, reducing foster parent turnover rates,
25 providing effective training for foster parents, and administering a
26 coordinated and comprehensive plan that strengthens services for the
27 protection of children. Consultation shall occur at the regional and
28 statewide levels.

29 NEW SECTION. Sec. 12. (1) The secretary of the department of
30 social and health services shall work in conjunction with the
31 University of Washington to study the need for and the feasibility of
32 creating tiered classifications for foster parent licensing, including
33 a professional foster parent classification. The secretary of the
34 department of social and health services and the dean of the school of
35 social work, or his or her designee, at the University of Washington
36 jointly shall facilitate a work group composed of: (a) The president
37 of the senate shall appoint two members from each of the two largest

1 caucuses of the senate; and the speaker of the house of representatives
2 shall appoint two members from each of the two largest caucuses of the
3 house of representatives; (b) four foster parents, including two
4 representatives from the foster parent association of Washington state;
5 (c) the director of the institute for children and families at the
6 University of Washington; (d) a representative of the Washington
7 federation of state employees; and (e) four or more child welfare
8 professionals with subject matter expertise from the public, private,
9 or academic communities.

10 (2) To promote the exchange of ideas and collaboration, the
11 secretary and the director also shall convene at least two focused
12 stakeholder meetings seeking input from a broad range of foster
13 parents, social workers, and community members. To facilitate the
14 exchange of ideas, the department of social and health services shall
15 provide to the work group the contact information for licensed foster
16 parents for the sole purpose of communicating with foster parents
17 regarding issues relevant to foster parents. The work group shall keep
18 the contact information confidential and shall develop guidelines for
19 the use and maintenance of this contact information among work group
20 members.

21 (3) The secretary of the department of social and health services
22 and the dean of the school of social work, or his or her designee, at
23 the University of Washington shall report the recommendations of the
24 work group to the appropriate committees of the legislature by January
25 1, 2008.

26 NEW SECTION. **Sec. 13.** Section 12 of this act expires January 1,
27 2008.

28 NEW SECTION. **Sec. 14.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected."

ESHB 1624 - S AMD

By Senators Hargrove, Stevens

ADOPTED 04/19/2007

1 On page 1, line 1 of the title, after "welfare;" strike the
2 remainder of the title and insert "amending RCW 13.34.200, 13.34.060,
3 13.34.062, 13.34.065, 13.34.130, 13.34.136, 13.34.138, and 13.34.145;
4 reenacting and amending RCW 74.13.031; adding a new section to chapter
5 13.34 RCW; adding a new section to chapter 43.20A RCW; creating a new
6 section; and providing an expiration date."

--- END ---