
SUBSTITUTE HOUSE BILL 1333

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Early Learning & Children's Services
(originally sponsored by Representatives Hinkle, Kagi and Walsh)

READ FIRST TIME 02/19/07.

1 AN ACT Relating to child welfare; amending RCW 13.34.025,
2 13.34.138, and 13.34.145; adding a new section to chapter 26.44 RCW;
3 adding a new section to chapter 13.34 RCW; and creating a new section.

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

5 **Sec. 1.** RCW 13.34.025 and 2002 c 52 s 2 are each amended to read
6 as follows:

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

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

16 ~~((2))~~ (b) Develop treatment plans for the individual needs of the
17 client in a manner that minimizes the number of contacts the client is
18 required to make; and

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

4 (2) The department shall coordinate within the divisions of the
5 department, and shall enter into contracts with service providers, to
6 require that parents in dependency proceedings under this chapter
7 receive priority access to court-ordered services to the extent funding
8 is appropriated in the operating budget. If court-ordered services are
9 unavailable for any reason, including lack of services or language
10 barriers, the department shall promptly notify the court that the
11 parent is unable to engage in the treatment due to the inability to
12 access such services.

13 **Sec. 2.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read
14 as follows:

15 (1) Except for children whose cases are reviewed by a citizen
16 review board under chapter 13.70 RCW, the status of all children found
17 to be dependent shall be reviewed by the court at least every six
18 months from the beginning date of the placement episode or the date
19 dependency is established, whichever is first, at a hearing in which it
20 shall be determined whether court supervision should continue. The
21 initial review hearing shall be an in-court review and shall be set six
22 months from the beginning date of the placement episode or no more than
23 ninety days from the entry of the disposition order, whichever comes
24 first. The initial review hearing may be a permanency planning hearing
25 when necessary to meet the time frames set forth in RCW 13.34.145(3) or
26 13.34.134. The review shall include findings regarding the agency and
27 parental completion of disposition plan requirements, and if necessary,
28 revised permanency time limits. This review shall consider both the
29 agency's and parent's efforts that demonstrate consistent measurable
30 progress over time in meeting the disposition plan requirements. The
31 requirements for the initial review hearing, including the in-court
32 requirement, shall be accomplished within existing resources. The
33 supervising agency shall provide a foster parent, preadoptive parent,
34 or relative with notice of, and their right to an opportunity to be
35 heard in, a review hearing pertaining to the child, but only if that
36 person is currently providing care to that child at the time of the

1 hearing. This section shall not be construed to grant party status to
2 any person who has been provided an opportunity to be heard.

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

10 (b) Prior to the child returning home, the department must complete
11 the following:

12 (i) Identify any person who will act as a caregiver for the child
13 and determine whether the caregiver is in need of any services in order
14 to ensure the safety of the child, regardless of whether the caregiver
15 is a party to the dependency. If services are recommended for the
16 caregiver, and the caregiver fails to engage in, or follow through
17 with, the recommended services, the child welfare worker must promptly
18 notify the court;

19 (ii) Identify all adults residing in the home and conduct
20 background checks on those persons; and

21 (iii) Notify the parent in the home to which the child is being
22 returned that he or she has an ongoing duty to notify the department of
23 any persons who are residing in the home or acting as a caregiver for
24 the child.

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

27 (i) Whether reasonable services have been provided to or offered to
28 the parties to facilitate reunion, specifying the services provided or
29 offered;

30 (ii) Whether the child has been placed in the least-restrictive
31 setting appropriate to the child's needs, including whether
32 consideration and preference has been given to placement with the
33 child's relatives;

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

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

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

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

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

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

11 ((+e+)) (d) The court at the review hearing may order that a
12 petition seeking termination of the parent and child relationship be
13 filed.

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

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

20 (ii) The continued participation of the parents, if applicable, in
21 available substance abuse or mental health treatment if substance abuse
22 or mental illness was a contributing factor to the removal of the
23 child.

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

26 (i) Noncompliance by the parents with the agency case plan or court
27 order;

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

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

36 (3) The court's ability to order housing assistance under RCW
37 13.34.130 and this section is: (a) Limited to cases in which

1 homelessness or the lack of adequate and safe housing is the primary
2 reason for an out-of-home placement; and (b) subject to the
3 availability of funds appropriated for this specific purpose.

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

6 **Sec. 3.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read
7 as follows:

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

15 (a) Whenever a child is placed in out-of-home care pursuant to RCW
16 13.34.130, the agency that has custody of the child shall provide the
17 court with a written permanency plan of care directed towards securing
18 a safe, stable, and permanent home for the child as soon as possible.
19 The plan shall identify one of the following outcomes as the primary
20 goal and may also identify additional outcomes as alternative goals:
21 Return of the child to the home of the child's parent, guardian, or
22 legal custodian; adoption; guardianship; permanent legal custody; long-
23 term relative or foster care, until the child is age eighteen, with a
24 written agreement between the parties and the care provider; a
25 responsible living skills program; and independent living, if
26 appropriate and if the child is age sixteen or older and the provisions
27 of subsection (2) of this section are met.

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

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

37 (d) For purposes related to permanency planning:

1 (i) "Guardianship" means a dependency guardianship, a legal
2 guardianship pursuant to chapter 11.88 RCW, or equivalent laws of
3 another state or a federally recognized Indian tribe.

4 (ii) "Permanent custody order" means a custody order entered
5 pursuant to chapter 26.10 RCW.

6 (iii) "Permanent legal custody" means legal custody pursuant to
7 chapter 26.10 RCW or equivalent laws of another state or of a federally
8 recognized Indian tribe.

9 (2) Whenever a permanency plan identifies independent living as a
10 goal, the plan shall also specifically identify the services that will
11 be provided to assist the child to make a successful transition from
12 foster care to independent living. Before the court approves
13 independent living as a permanency plan of care, the court shall make
14 a finding that the provision of services to assist the child in making
15 a transition from foster care to independent living will allow the
16 child to manage his or her financial, personal, social, educational,
17 and nonfinancial affairs. The department shall not discharge a child
18 to an independent living situation before the child is eighteen years
19 of age unless the child becomes emancipated pursuant to chapter 13.64
20 RCW.

21 (3) A permanency planning hearing shall be held in all cases where
22 the child has remained in out-of-home care for at least nine months and
23 an adoption decree, guardianship order, or permanent custody order has
24 not previously been entered. The hearing shall take place no later
25 than twelve months following commencement of the current placement
26 episode.

27 (4) Whenever a child is removed from the home of a dependency
28 guardian or long-term relative or foster care provider, and the child
29 is not returned to the home of the parent, guardian, or legal custodian
30 but is placed in out-of-home care, a permanency planning hearing shall
31 take place no later than twelve months, as provided in subsection (3)
32 of this section, following the date of removal unless, prior to the
33 hearing, the child returns to the home of the dependency guardian or
34 long-term care provider, the child is placed in the home of the parent,
35 guardian, or legal custodian, an adoption decree, guardianship order,
36 or a permanent custody order is entered, or the dependency is
37 dismissed.

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

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

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

22 (ii) Modify the permanency plan, and order implementation of the
23 modified plan; and

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

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

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

33 (8) If a child is removed from home due to allegations of abuse or
34 neglect, returned home, and subsequently removed and placed in
35 out-of-home care, the court shall hold a permanency hearing no later
36 than thirty days from the date of the removal to determine the
37 appropriate action, including a change in the permanency plan or the

1 filing of a termination petition. The best interests of the child
2 shall be the primary consideration in determining the appropriate
3 action.

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

16 ~~((+9))~~ (10) Continued juvenile court jurisdiction under this
17 chapter shall not be a barrier to the entry of an order establishing a
18 legal guardianship or permanent legal custody when the requirements of
19 subsection ~~((+8))~~ (9) of this section are met.

20 ~~((+10))~~ (11) Following the first permanency planning hearing, the
21 court shall hold a further permanency planning hearing in accordance
22 with this section at least once every twelve months until a permanency
23 planning goal is achieved or the dependency is dismissed, whichever
24 occurs first.

25 ~~((+11))~~ (12) Except as provided in RCW 13.34.235, the status of
26 all dependent children shall continue to be reviewed by the court at
27 least once every six months, in accordance with RCW 13.34.138, until
28 the dependency is dismissed. Prior to the second permanency planning
29 hearing, the agency that has custody of the child shall consider
30 whether to file a petition for termination of parental rights.

31 ~~((+12))~~ (13) Nothing in this chapter may be construed to limit the
32 ability of the agency that has custody of the child to file a petition
33 for termination of parental rights or a guardianship petition at any
34 time following the establishment of dependency. Upon the filing of
35 such a petition, a fact-finding hearing shall be scheduled and held in
36 accordance with this chapter unless the agency requests dismissal of
37 the petition prior to the hearing or unless the parties enter an agreed

1 order terminating parental rights, establishing guardianship, or
2 otherwise resolving the matter.

3 ~~((+13+))~~ (14) The approval of a permanency plan that does not
4 contemplate return of the child to the parent does not relieve the
5 supervising agency of its obligation to provide reasonable services,
6 under this chapter, intended to effectuate the return of the child to
7 the parent, including but not limited to, visitation rights. The court
8 shall consider the child's relationships with siblings in accordance
9 with RCW 13.34.130.

10 ~~((+14+))~~ (15) Nothing in this chapter may be construed to limit the
11 procedural due process rights of any party in a termination or
12 guardianship proceeding filed under this chapter.

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

15 (1) The criminal justice training commission shall develop and
16 deliver multidisciplinary team training sessions aimed at improving the
17 coordination of, and communication between, agencies involved in the
18 investigation of child fatality, child sexual abuse, child physical
19 abuse, and criminal child neglect cases. Each county shall be
20 encouraged to send a multidisciplinary team to participate in one of
21 these team training sessions at least on an annual basis.
22 Multidisciplinary teams shall include, at a minimum, representatives
23 from the prosecuting attorney's office, the sheriff's office, police
24 departments located in the county, the department of children and
25 family services, local child advocacy groups, and emergency medical
26 services.

27 (2) Each county shall revise and expand its existing child sexual
28 abuse investigation protocol to address investigations of child
29 fatality, child physical abuse, and criminal child neglect cases and to
30 incorporate the statewide guidelines for first responders to child
31 fatalities developed by the criminal justice training commission. The
32 protocols shall address the coordination of child fatality, child
33 physical abuse, and criminal child neglect investigations between the
34 county and city prosecutor's offices, law enforcement, children's
35 protective services, local advocacy groups, emergency medical services,
36 and any other local agency involved in the investigation of such cases.

1 The protocol revision and expansion shall be developed by the
2 prosecuting attorney in collaboration with the agencies referenced in
3 this section.

4 (3) Revised and expanded protocols under this section shall be
5 adopted and in place by July 1, 2008. Thereafter, the protocols shall
6 be reviewed every two years to determine whether modifications are
7 needed.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.34 RCW
9 to read as follows:

10 The department of social and health services shall identify all
11 cases in which a dependency has been established under this chapter and
12 in which the permanency planning goals have not been achieved within
13 fifteen months of when the child was placed in out-of-home care. The
14 agencies shall also identify the reasons for the noncompliance. The
15 department shall report to the appropriate committees of the
16 legislature before December 1, 2007, and before December 1st of each
17 year thereafter.

18 This review shall be conducted by the department and is not
19 intended to be a judicial review of the case. The department is
20 encouraged to maximize efficiency by utilizing the knowledge of the
21 caseworkers to compile a report of their own outstanding cases, rather
22 than have additional staff assigned to the review.

23 NEW SECTION. **Sec. 6.** This act may be known and cited as Sirita's
24 law.

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