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HOUSE BILL 1425

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By Representatives Kagi, Walsh, Roberts, Appleton, Dickerson, Haler, Darneille, Pettigrew, Hinkle, Ormsby and Moeller

Read first time 01/18/2007. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to permanency planning hearings; and amending RCW  
2 13.34.145.

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

4 **Sec. 1.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read  
5 as follows:

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

13 (a) Whenever a child is placed in out-of-home care pursuant to RCW  
14 13.34.130, the agency that has custody of the child shall provide the  
15 court with a written permanency plan of care directed towards securing  
16 a safe, stable, and permanent home for the child as soon as possible.  
17 The plan shall identify one of the following outcomes as the primary  
18 goal and may also identify additional outcomes as alternative goals:  
19 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) A permanency planning hearing shall be held in all cases where  
38 the child has remained in out-of-home care for at least nine months and

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

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

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

20 (6) At the permanency planning hearing, the court shall enter  
21 findings as required by RCW 13.34.138 and shall review the permanency  
22 plan prepared by the agency. If the child has resided in the home of  
23 a foster parent or relative for more than six months prior to the  
24 permanency planning hearing, the court shall also enter a finding  
25 regarding whether the foster parent or relative was informed of the  
26 hearing as required in RCW 74.13.280 and 13.34.138. If a goal of long-  
27 term foster or relative care has been achieved prior to the permanency  
28 planning hearing, the court shall review the child's status to  
29 determine whether the placement and the plan for the child's care  
30 remain appropriate. In cases where the primary permanency planning  
31 goal has not been achieved, the court shall inquire regarding the  
32 reasons why the primary goal has not been achieved and determine what  
33 needs to be done to make it possible to achieve the primary goal. In  
34 all cases, the court shall:

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

37 (ii) Modify the permanency plan, and order implementation of the  
38 modified plan; and

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

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

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

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

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

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

34 ((+10)) (11) Following the first permanency planning hearing, the  
35 court shall hold a further permanency planning hearing in accordance  
36 with this section at least once every twelve months until a permanency  
37 planning goal is achieved or the dependency is dismissed, whichever  
38 occurs first.

1        (~~(11)~~) (12) Except as provided in RCW 13.34.235, the status of  
2 all dependent children shall continue to be reviewed by the court at  
3 least once every six months, in accordance with RCW 13.34.138, until  
4 the dependency is dismissed. Prior to the second permanency planning  
5 hearing, the agency that has custody of the child shall consider  
6 whether to file a petition for termination of parental rights.

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

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

23        (~~(14)~~) (15) Nothing in this chapter may be construed to limit the  
24 procedural due process rights of any party in a termination or  
25 guardianship proceeding filed under this chapter.

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