
ENGROSSED SUBSTITUTE HOUSE BILL 1624

State of Washington

60th Legislature

2007 Regular Session

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

READ FIRST TIME 02/20/07.

1 AN ACT Relating to child welfare; amending RCW 13.34.200,
2 13.34.060, 13.34.062, 13.34.065, 13.34.136, 13.34.138, and 13.34.145;
3 reenacting and amending RCW 74.13.031; adding a new section to chapter
4 13.34 RCW; adding a new section to chapter 43.20A RCW; creating new
5 sections; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.34 RCW
8 to read as follows:

9 (1) A child may petition the juvenile court to reinstate the
10 previously terminated parental rights of his or her parent under the
11 following circumstances:

12 (a) The child must have been found to be a dependent child under
13 this chapter;

14 (b) The child must be at least twelve years of age at the time the
15 petition to reinstate parental rights is filed;

16 (c) At least three years have passed from the date of entry of an
17 order for the termination of parental rights;

18 (d) The child's permanent plan is adoption and the child has not
19 been adopted;

1 (e) The petition is signed by the child, unless the court finds
2 good cause not to require the child's signature; and

3 (f) The petition alleges facts demonstrating the parent is fit and
4 that reinstatement of parental rights is in the best interest of the
5 child.

6 (2) Upon the filing of a petition to reinstate parental rights, the
7 juvenile court shall order that a hearing be held. The court shall
8 give prior notice, or cause prior notice to be given, to the
9 department, the child's attorney, the child, the child's foster parent,
10 and the child's tribe, if applicable. The court shall also order the
11 department to give prior notice of the hearing to the child's former
12 parent or parents whose parental rights were terminated and to any
13 parent of the child whose parental rights were not terminated.

14 (3) The juvenile court shall conditionally grant the petition if it
15 finds the following by clear and convincing evidence:

16 (a) The parental deficiencies which led to the termination of
17 parental rights have been addressed to a degree that assures the court
18 that the reinstatement of parental rights will not present a risk to
19 the child's health, welfare, or safety;

20 (b) The parent is currently able to care for the child such that
21 placement of the child with the parent will not present a risk to the
22 child's health, welfare, or safety;

23 (c) The child is no longer likely to be adopted; and

24 (d) That reinstatement of parental rights is in the child's best
25 interest.

26 (4)(a) If the court conditionally grants the petition under
27 subsection (3) of this section, the case will be continued for one
28 year. During this period, the child shall be placed in the custody of
29 the parent. The department shall develop a permanency plan for the
30 child reflecting the plan to be reunification. The department shall
31 provide transition services to the family as appropriate. The court
32 shall conduct a minimum of two review hearings to determine the status
33 of the case and the well-being of the child.

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

1 (c) If the child has been successfully placed with the parent for
2 one year, the court order reinstating parental rights remains in effect
3 and the court shall dismiss the dependency if the court finds that
4 dismissal of the dependency is in the best interests of the child and
5 will not present a risk to the child's health, welfare, or safety.

6 (5) A child seeking to petition under this section shall be
7 provided counsel prior to the filing of the petition.

8 (6) The child's former parent or parents have the right to be
9 represented by counsel, and if indigent, to have counsel appointed for
10 him or her by the court after the petition for reinstatement of
11 parental rights has been filed. Unless waived in court, counsel shall
12 be provided to the child's parent if such person (a) has appeared in
13 the proceeding or requested the court to appoint counsel and (b) is
14 financially unable to obtain counsel because of indigency.

15 (7) A proceeding to reinstate parental rights is a separate action
16 from the termination of parental rights proceeding and does not vacate
17 the original termination of parental rights. An order granted under
18 this section reinstates the parental rights to the child. This
19 reinstatement is a recognition that the situation of the parent and
20 child have changed since the time of the termination of parental rights
21 and reunification is now appropriate.

22 NEW SECTION. **Sec. 2.** Sections 1 through 5 of this act are
23 retroactive and apply to any child who is under the jurisdiction of the
24 juvenile court at the time of the hearing regardless of the date
25 parental rights were terminated.

26 **Sec. 3.** RCW 13.34.200 and 2003 c 227 s 7 are each amended to read
27 as follows:

28 (1) Upon the termination of parental rights pursuant to RCW
29 13.34.180, all rights, powers, privileges, immunities, duties, and
30 obligations, including any rights to custody, control, visitation, or
31 support existing between the child and parent shall be severed and
32 terminated and the parent shall have no standing to appear at any
33 further legal proceedings concerning the child, except as provided in
34 section 1 of this act: PROVIDED, That any support obligation existing
35 prior to the effective date of the order terminating parental rights

1 shall not be severed or terminated. The rights of one parent may be
2 terminated without affecting the rights of the other parent and the
3 order shall so state.

4 (2) An order terminating the parent and child relationship shall
5 not disentitle a child to any benefit due the child from any third
6 person, agency, state, or the United States, nor shall any action under
7 this chapter be deemed to affect any rights and benefits that an Indian
8 child derives from the child's descent from a member of a federally
9 recognized Indian tribe.

10 (3) An order terminating the parent-child relationship shall
11 include a statement addressing the status of the child's sibling
12 relationships and the nature and extent of sibling placement, contact,
13 or visits.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.20A RCW
15 to read as follows:

16 The state or a person, individually or in a representative capacity
17 for the state, who is involved in the delivery of child welfare
18 services or child protective services through the children's
19 administration of the department of social and health services, is not
20 liable for selecting one of two or more alternative courses of action
21 even though the course of action chosen results in a poor outcome if
22 the person exercised reasonable care and skill in arriving at the
23 judgment to follow the particular course of action.

24 NEW SECTION. **Sec. 5.** Nothing in sections 1 through 5 of this act
25 may be construed to limit the application of other statutes specifying
26 a liability standard for the state's employees and agents.

27 NEW SECTION. **Sec. 6.** The legislature recognizes that the 2005
28 Washington state court improvement project re-assessment found that
29 Washington statutes fail to consistently address the health and safety
30 of children in care. Statutory language does not stress the safety and
31 welfare of the child as the paramount concerns. Additionally, the lack
32 of clarity in the statutes undermines the effectiveness of the hearings
33 and, ultimately, the safety and welfare of the child. The legislature
34 intends to clarify the purpose of the court hearings and the roles and
35 responsibilities of the parties.

1 The legislature finds that an investment of time into quality court
2 hearings results in better decisions for children and their families
3 and preserves the resources of the court and the child welfare system.
4 The legislature intends to clearly state that court hearings should
5 always strive to be independent, thorough, and timely inquiries into
6 the status of the case to ensure the department of social and health
7 services is responding to the needs of the family and child in a prompt
8 manner and that the case is progressing appropriately. The legislature
9 encourages the courts to develop clearer, stronger oversight and
10 leadership roles within the courts to achieve safe, timely permanency
11 for children. The court is encouraged to engage all parties to
12 question whether the case is progressing and, if not, to assist in
13 problem-solving to ensure progress is made towards permanency for the
14 child.

15 **Sec. 7.** RCW 13.34.060 and 2002 c 52 s 4 are each amended to read
16 as follows:

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

27 (~~(a)~~) (2) Unless there is reasonable cause to believe that the
28 health, safety, or welfare of the child would be jeopardized or that
29 the efforts to reunite the parent and child will be hindered, priority
30 placement for a child in shelter care, pending a court hearing, shall
31 be with any person described in RCW 74.15.020(2)(a). The person must
32 be willing and available to care for the child and be able to meet any
33 special needs of the child. The person must be willing to facilitate
34 the child's visitation with siblings, if such visitation is part of the
35 supervising agency's plan or is ordered by the court. If a child is
36 not initially placed with a relative pursuant to this section, the
37 supervising agency shall make an effort within available resources to

1 place the child with a relative on the next business day after the
2 child is taken into custody. The supervising agency shall document its
3 effort to place the child with a relative pursuant to this section.
4 Nothing within this subsection ~~((1)(a))~~ (2) establishes an
5 entitlement to services or a right to a particular placement.

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

23 ~~(2) Whenever a child is taken into custody by child protective~~
24 ~~services pursuant to a court order issued under RCW 13.34.050 or when~~
25 ~~child protective services is notified that a child has been taken into~~
26 ~~custody pursuant to RCW 26.44.050 or 26.44.056, child protective~~
27 ~~services shall make reasonable efforts to inform the parents, guardian,~~
28 ~~or legal custodian of the fact that the child has been taken into~~
29 ~~custody, the reasons why the child was taken into custody, and their~~
30 ~~legal rights under this title as soon as possible and in no event shall~~
31 ~~notice be provided more than twenty four hours after the child has been~~
32 ~~taken into custody or twenty four hours after child protective services~~
33 ~~has been notified that the child has been taken into custody. The~~
34 ~~notice of custody and rights may be given by any means reasonably~~
35 ~~certain of notifying the parents including, but not limited to,~~
36 ~~written, telephone, or in person oral notification. If the initial~~
37 ~~notification is provided by a means other than writing, child~~

1 ~~protective services shall make reasonable efforts to also provide~~
2 ~~written notification.))~~

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

5 (1)(a) Whenever a child is taken into custody by child protective
6 services pursuant to a court order issued under RCW 13.34.050 or when
7 child protective services is notified that a child has been taken into
8 custody pursuant to RCW 26.44.050 or 26.44.056, child protective
9 services shall make reasonable efforts to inform the parent, guardian,
10 or legal custodian of the fact that the child has been taken into
11 custody, the reasons why the child was taken into custody, and their
12 legal rights under this title, including the right to a shelter care
13 hearing, as soon as possible.

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

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

25 (b) The written notice of custody and rights required by ((RCW
26 13.34.060)) this section shall be in substantially the following form:

27 "NOTICE

28 Your child has been placed in temporary custody under the
29 supervision of Child Protective Services (or other person or agency).
30 You have important legal rights and you must take steps to protect your
31 interests.

32 1. A court hearing will be held before a judge within 72 hours of
33 the time your child is taken into custody excluding Saturdays, Sundays,
34 and holidays. You should call the court at ____(insert appropriate
35 phone number here)____ for specific information about the date, time,
36 and location of the court hearing.

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

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

13 4. If your hearing occurs before a court commissioner, you have the
14 right to have the decision of the court commissioner reviewed by a
15 superior court judge. To obtain that review, you must, within ten days
16 after the entry of the decision of the court commissioner, file with
17 the court a motion for revision of the decision, as provided in RCW
18 2.24.050.

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

21 You may call the Child Protective Services' caseworker for more
22 information about your child. The caseworker's name and telephone
23 number are: (insert name and telephone number) .

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

30 Upon receipt of the written notice, the parent, guardian, or legal
31 custodian shall acknowledge such notice by signing a receipt prepared
32 by child protective services. If the parent, guardian, or legal
33 custodian does not sign the receipt, the reason for lack of a signature
34 shall be written on the receipt. The receipt shall be made a part of
35 the court's file in the dependency action.

36 If after making reasonable efforts to provide notification, child
37 protective services is unable to determine the whereabouts of the

1 parents, guardian, or legal custodian, the notice shall be delivered or
2 sent to the last known address of the parent, guardian, or legal
3 custodian.

4 ~~((2))~~ (3) If child protective services is not required to give
5 notice under ~~((RCW 13.34.060(2) and subsection (1) of))~~ this section,
6 the juvenile court counselor assigned to the matter shall make all
7 reasonable efforts to advise the parents, guardian, or legal custodian
8 of the time and place of any shelter care hearing, request that they be
9 present, and inform them of their basic rights as provided in RCW
10 13.34.090.

11 ~~((3))~~ (4) Reasonable efforts to advise and to give notice, as
12 required in ~~((RCW 13.34.060(2) and subsections (1) and (2) of))~~ this
13 section, shall include, at a minimum, investigation of the whereabouts
14 of the parent, guardian, or legal custodian. If such reasonable
15 efforts are not successful, or the parent, guardian, or legal custodian
16 does not appear at the shelter care hearing, the petitioner shall
17 testify at the hearing or state in a declaration:

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

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

23 ~~((4) The court shall hear evidence regarding notice given to, and
24 efforts to notify, the parent, guardian, or legal custodian and shall
25 examine the need for shelter care. The court shall hear evidence
26 regarding the efforts made to place the child with a relative. The
27 court shall make an express finding as to whether the notice required
28 under RCW 13.34.060(2) and subsections (1) and (2) of this section was
29 given to the parent, guardian, or legal custodian. All parties have
30 the right to present testimony to the court regarding the need or lack
31 of need for shelter care. Hearsay evidence before the court regarding
32 the need or lack of need for shelter care must be supported by sworn
33 testimony, affidavit, or declaration of the person offering such
34 evidence.~~

35 ~~(5)(a) A shelter care order issued pursuant to RCW 13.34.065 shall
36 include the requirement for a case conference as provided in RCW
37 13.34.067. However, if the parent is not present at the shelter care~~

1 ~~hearing, or does not agree to the case conference, the court shall not~~
2 ~~include the requirement for the case conference in the shelter care~~
3 ~~order.~~

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

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

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

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

27 **Sec. 9.** RCW 13.34.065 and 2001 c 332 s 3 are each amended to read
28 as follows:

29 (1)(a) When a child is taken into custody, the court shall hold a
30 shelter care hearing within seventy-two hours, excluding Saturdays,
31 Sundays, and holidays. The primary purpose of the shelter care hearing
32 is to determine whether the child can be immediately and safely
33 returned home while the adjudication of the dependency is pending.

34 (b) Any parent, guardian, or legal custodian who for good cause is
35 unable to attend the shelter care hearing may request that a subsequent
36 shelter care hearing be scheduled. The request shall be made to the
37 clerk of the court where the petition is filed prior to the initial

1 shelter care hearing. Upon the request of the parent, the court shall
2 schedule the hearing within seventy-two hours of the request, excluding
3 Saturdays, Sundays, and holidays. The clerk shall notify all other
4 parties of the hearing by any reasonable means.

5 (2)(a) The (~~juvenile court probation counselor~~) department of
6 social and health services shall submit a recommendation to the court
7 as to the further need for shelter care (~~unless the petition has been~~
8 filed by the department, in which case the recommendation shall be
9 submitted by the department)) in all cases in which it is the
10 petitioner. In all other cases, the recommendation shall be submitted
11 by the juvenile court probation counselor.

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

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

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

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

21 (ii) The nature of the shelter care hearing and the proceedings
22 that will follow; and

23 (iii) If the parent, guardian, or custodian is not represented by
24 counsel, the right to be represented. If the parent, guardian, or
25 custodian is indigent, the court shall appoint counsel as provided in
26 RCW 13.34.090.

27 (b) If a parent, guardian, or legal custodian desires to waive the
28 shelter care hearing, the court shall determine, on the record and with
29 the parties present, whether such waiver is knowing and voluntary.
30 Regardless of whether the court accepts the parental waiver of the
31 shelter care hearing, the court must make the finding required under
32 subsection (4) of this section.

33 (4) At the shelter care hearing the court shall examine the need
34 for shelter care and inquire into the status of the case. The
35 paramount consideration for the court shall be the health, welfare, and
36 safety of the child. At a minimum, the court shall inquire into the
37 following:

1 (a) Whether the notice required under RCW 13.34.062 was given to
2 all known parents, guardians, or legal custodians of the child. The
3 court shall make an express finding as to whether the notice required
4 under RCW 13.34.062 was given to the parent, guardian, or legal
5 custodian. If actual notice was not given to the parent, guardian, or
6 legal custodian and the whereabouts of such person is known or can be
7 ascertained, the court shall order the supervising agency or the
8 department of social and health services to make reasonable efforts to
9 advise the parent, guardian, or legal custodian of the status of the
10 case, including the date and time of any subsequent hearings, and their
11 rights under RCW 13.34.090;

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

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

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

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

19 (f) Whether it is in the best interest of the child to remain
20 enrolled in the school, developmental program, or child care the child
21 was in prior to placement;

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

23 (h) Whether the child is or may be an Indian child as defined in 25
24 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare
25 act apply, and whether there is compliance with the Indian child
26 welfare act, including notice to the child's tribe;

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

30 (j) Whether any orders for examinations, evaluations, or immediate
31 services are needed;

32 (k) The terms and conditions for parental and sibling visitation.

33 ~~((+2))~~ (5)(a) The court shall release a child alleged to be
34 dependent to the care, custody, and control of the child's parent,
35 guardian, or legal custodian unless the court finds there is reasonable
36 cause to believe that:

37 ~~((+a))~~ (i) After consideration of the specific services that have

1 been provided, reasonable efforts have been made to prevent or
2 eliminate the need for removal of the child from the child's home and
3 to make it possible for the child to return home; and

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

6 ~~((i))~~ (B) The release of such child would present a serious
7 threat of substantial harm to such child; or

8 ~~((iii))~~ (C) The parent, guardian, or custodian to whom the child
9 could be released has been charged with violating RCW 9A.40.060 or
10 9A.40.070.

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

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

20 (ii) Facilitate the child's visitation with siblings, if such
21 visitation is part of the supervising agency's plan or is ordered by
22 the court; and

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

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

29 (d) If a relative is not available, the court shall order continued
30 shelter care or order placement with another suitable person, and the
31 court shall set forth its reasons for the order. ~~((The court shall~~
32 ~~enter a finding as to whether RCW 13.34.060(2) and subsections (1) and~~
33 ~~(2) of this section have been complied with. If actual notice was not~~
34 ~~given to the parent, guardian, or legal custodian and the whereabouts~~
35 ~~of such person is known or can be ascertained, the court shall order~~
36 ~~the supervising agency or the department of social and health services~~
37 ~~to make reasonable efforts to advise the parent, guardian, or legal~~

1 ~~custodian of the status of the case, including the date and time of any~~
2 ~~subsequent hearings, and their rights under RCW 13.34.090.~~

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

7 ~~(e) Any placement with a relative, or other person approved by the~~
8 ~~court pursuant to this section, shall be contingent upon cooperation~~
9 ~~with the agency case plan and compliance with court orders related to~~
10 ~~the care and supervision of the child including, but not limited to,~~
11 ~~court orders regarding parent-child contacts, sibling contacts, and any~~
12 ~~other conditions imposed by the court. Noncompliance with the case~~
13 ~~plan or court order is grounds for removal of the child from the home~~
14 ~~of the relative or other person, subject to review by the court.~~

15 ~~(6)(a) A shelter care order issued pursuant to this section shall~~
16 ~~include the requirement for a case conference as provided in RCW~~
17 ~~13.34.067. However, if the parent is not present at the shelter care~~
18 ~~hearing, or does not agree to the case conference, the court shall not~~
19 ~~include the requirement for the case conference in the shelter care~~
20 ~~order.~~

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

25 ~~(c) The court may order another conference, case staffing, or~~
26 ~~hearing as an alternative to the case conference required under RCW~~
27 ~~13.34.067 so long as the conference, case staffing, or hearing ordered~~
28 ~~by the court meets all requirements under RCW 13.34.067, including the~~
29 ~~requirement of a written agreement specifying the services to be~~
30 ~~provided to the parent.~~

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

37 ~~(b)(i) An order releasing the child on any conditions specified in~~

1 this section may at any time be amended, with notice and hearing
2 thereon, so as to return the child to shelter care for failure of the
3 parties to conform to the conditions originally imposed.

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

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

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

14 **Sec. 10.** 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, a
17 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 of the child shall
25 provide the court with a written permanency plan of care directed
26 towards securing a safe, stable, and permanent home for the child as
27 soon as possible. The permanency plan shall include:

28 (a) A permanency plan of care that shall identify one of the
29 following outcomes as a primary goal and may identify additional
30 outcomes as alternative goals: Return of the child to the home of the
31 child's parent, guardian, or legal custodian; adoption; guardianship;
32 permanent legal custody; long-term relative or foster care, until the
33 child is age eighteen, with a written agreement between the parties and
34 the care provider; successful completion of a responsible living skills
35 program; or independent living, if appropriate and if the child is age
36 sixteen or older. The department shall not discharge a child to an

1 independent living situation before the child is eighteen years of age
2 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

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

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

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

33 (iii) A child shall be placed as close to the child's home as
34 possible, preferably in the child's own neighborhood, unless the court
35 finds that placement at a greater distance is necessary to promote the
36 child's or parents' well-being.

37 (iv) The plan should ensure the child remains enrolled in the

1 school the child was attending at the time the child entered foster
2 care whenever it is practical and in the best interest of the child.

3 (v) The agency charged with supervising a child in placement shall
4 provide all reasonable services that are available within the agency,
5 or within the community, or those services which the department has
6 existing contracts to purchase. It shall report to the court if it is
7 unable to provide such services; and

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

21 ~~((+2))~~ (3) 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 (4) If the court determines that the continuation of reasonable
29 efforts to prevent or eliminate the need to remove the child from his
30 or her home or to safely return the child home should not be part of
31 the permanency plan of care for the child, reasonable efforts shall be
32 made to place the child in a timely manner and to complete whatever
33 steps are necessary to finalize the permanent placement of the child.

34 ~~((+3))~~ (5) The identified outcomes and goals of the permanency
35 plan may change over time based upon the circumstances of the
36 particular case.

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

1 (7) For purposes related to permanency planning:

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

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

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

10 **Sec. 11.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read
11 as follows:

12 (1) Except for children whose cases are reviewed by a citizen
13 review board under chapter 13.70 RCW, the status of all children found
14 to be dependent shall be reviewed by the court at least every six
15 months from the beginning date of the placement episode or the date
16 dependency is established, whichever is first(~~(, at a)~~). The purpose
17 of the hearing ((in which it)) shall be ((determined)) to review the
18 progress of the parties and determine whether court supervision should
19 continue.

20 (a) The initial review hearing shall be an in-court review and
21 shall be set six months from the beginning date of the placement
22 episode or no more than ninety days from the entry of the disposition
23 order, whichever comes first. The requirements for the initial review
24 hearing, including the in-court review requirement, shall be
25 accomplished within existing resources.

26 (b) The supervising agency shall provide a foster parent,
27 preadoptive parent, or relative with notice of, and his or her right to
28 an opportunity to be heard in, a review hearing pertaining to the
29 child, but only if that person is currently providing care to the child
30 at the time of the hearing. This section shall not be construed to
31 grant party status to any person who has been provided an opportunity
32 to be heard.

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

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

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

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

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

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

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

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

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

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

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

5 ~~((iii) Whether there is a continuing need for placement and~~
6 ~~whether the placement is appropriate;~~

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

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

11 ~~(vi))~~ (viii) Whether the parents have visited the child and any
12 reasons why visitation has not occurred or has been infrequent;

13 ~~((vii) Whether additional services, including housing assistance,~~
14 ~~are needed to facilitate the return of the child to the child's~~
15 ~~parents; if so, the court shall order that reasonable services be~~
16 ~~offered specifying such services; and~~

17 ~~(viii))~~ (ix) Whether terms of visitation need to be modified;

18 (x) Whether the court-approved long-term permanent plan for the
19 child remains the best plan for the child;

20 (xi) Whether any additional court orders need to be made to move
21 the case toward permanency; and

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

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

26 ~~((2))~~ (3)(a) In any case in which the court orders that a
27 dependent child may be returned to or remain in the child's home, the
28 in-home placement shall be contingent upon the following:

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

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

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

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

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

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

11 ~~((+3))~~ (4) The court's ability to order housing assistance under
12 RCW 13.34.130 and this section is: (a) Limited to cases in which
13 homelessness or the lack of adequate and safe housing is the primary
14 reason for an out-of-home placement; and (b) subject to the
15 availability of funds appropriated for this specific purpose.

16 ~~((+4))~~ (5) The court shall consider the child's relationship with
17 siblings in accordance with RCW 13.34.130(3).

18 **Sec. 12.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read
19 as follows:

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

27 ~~((a) Whenever a child is placed in out-of-home care pursuant to RCW
28 13.34.130, the agency that has custody of the child shall provide the
29 court with a written permanency plan of care directed towards securing
30 a safe, stable, and permanent home for the child as soon as possible.
31 The plan shall identify one of the following outcomes as the primary
32 goal and may also identify additional outcomes as alternative goals:
33 Return of the child to the home of the child's parent, guardian, or
34 legal custodian; adoption; guardianship; permanent legal custody; long-
35 term relative or foster care, until the child is age eighteen, with a
36 written agreement between the parties and the care provider; a~~

1 responsible living skills program; and independent living, if
2 appropriate and if the child is age sixteen or older and the provisions
3 of subsection (2) of this section are met.

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

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

13 (d) For purposes related to permanency planning:

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

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

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

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

34 (3)) The purpose of a permanency planning hearing is to review the
35 permanency plan for the child, inquire into the welfare of the child
36 and progress of the case, and reach decisions regarding the permanent
37 placement of the child.

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

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

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

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

29 ~~((6))~~ (3) At the permanency planning hearing, the court shall
30 ~~((enter findings as required by RCW 13.34.138 and shall review the~~
31 ~~permanency plan prepared by the agency))~~ conduct the following inquiry:

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

36 (b) In cases where the primary permanency planning goal has not
37 been achieved, the court shall inquire regarding the reasons why the
38 primary goal has not been achieved and determine what needs to be done

1 to make it possible to achieve the primary goal. The court shall
2 review the permanency plan prepared by the agency and make explicit
3 findings regarding each of the following:

4 (i) The continuing necessity for, and the safety and
5 appropriateness of, the placement;

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

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

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

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

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

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

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

30 (C) Being placed for adoption;

31 (D) Being placed with a guardian;

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

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

36 (c)(i) If the permanency plan identifies independent living as a
37 goal, the court shall make a finding that the provision of services to
38 assist the child in making a transition from foster care to independent

1 living will allow the child to manage his or her financial, personal,
2 social, educational, and nonfinancial affairs prior to approving
3 independent living as a permanency plan of care.

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

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

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

22 (4) In all cases, at the permanency planning hearing, the court
23 shall:

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

26 (ii) Modify the permanency plan, and order implementation of the
27 modified plan; and

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

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

33 ((+7)) (5) Following the first permanency planning hearing, the
34 court shall hold a further permanency planning hearing in accordance
35 with this section at least once every twelve months until a permanency
36 planning goal is achieved or the dependency is dismissed, whichever
37 occurs first.

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

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

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

16 ~~((+8))~~ (9) The juvenile court may hear a petition for permanent
17 legal custody when: (a) The court has ordered implementation of a
18 permanency plan that includes permanent legal custody; and (b) the
19 party pursuing the permanent legal custody is the party identified in
20 the permanency plan as the prospective legal custodian. During the
21 pendency of such proceeding, the court shall conduct review hearings
22 and further permanency planning hearings as provided in this chapter.
23 At the conclusion of the legal guardianship or permanent legal custody
24 proceeding, a juvenile court hearing shall be held for the purpose of
25 determining whether dependency should be dismissed. If a guardianship
26 or permanent custody order has been entered, the dependency shall be
27 dismissed.

28 ~~((+9))~~ (10) Continued juvenile court jurisdiction under this
29 chapter shall not be a barrier to the entry of an order establishing a
30 legal guardianship or permanent legal custody when the requirements of
31 subsection ~~((+8))~~ (9) of this section are met.

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

37 ~~(+11)~~ Except as provided in RCW 13.34.235, the status of all
38 dependent children shall continue to be reviewed by the court at least

1 ~~once every six months, in accordance with RCW 13.34.138, until the~~
2 ~~dependency is dismissed. Prior to the second permanency planning~~
3 ~~hearing, the agency that has custody of the child shall consider~~
4 ~~whether to file a petition for termination of parental rights.~~

5 ~~(12))~~ (11) Nothing in this chapter may be construed to limit the
6 ability of the agency that has custody of the child to file a petition
7 for termination of parental rights or a guardianship petition at any
8 time following the establishment of dependency. Upon the filing of
9 such a petition, a fact-finding hearing shall be scheduled and held in
10 accordance with this chapter unless the agency requests dismissal of
11 the petition prior to the hearing or unless the parties enter an agreed
12 order terminating parental rights, establishing guardianship, or
13 otherwise resolving the matter.

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

21 ~~((14))~~ (13) Nothing in this chapter may be construed to limit the
22 procedural due process rights of any party in a termination or
23 guardianship proceeding filed under this chapter.

24 **Sec. 13.** RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are
25 each reenacted and amended to read as follows:

26 The department shall have the duty to provide child welfare
27 services and shall:

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

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

37 (a) Meeting the need for adoptive and foster home placements; (b)

1 reducing the foster parent turnover rate; (c) completing home studies
2 for legally free children; and (d) implementing and operating the
3 passport program required by RCW 74.13.285. The report shall include
4 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

21 (5) Monitor out-of-home placements, on a timely and routine basis,
22 to assure the safety, well-being, and quality of care being provided is
23 within the scope of the intent of the legislature as defined in RCW
24 74.13.010 and 74.15.010, and annually submit a report measuring the
25 extent to which the department achieved the specified goals to the
26 governor and the legislature.

27 (6) Have authority to accept custody of children from parents and
28 to accept custody of children from juvenile courts, where authorized to
29 do so under law, to provide child welfare services including placement
30 for adoption, to provide for the routine and necessary medical, dental,
31 and mental health care, or necessary emergency care of the children,
32 and to provide for the physical care of such children and make payment
33 of maintenance costs if needed. Except where required by Public Law
34 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
35 children for adoption from the department shall discriminate on the
36 basis of race, creed, or color when considering applications in their
37 placement for adoption.

1 (7) Have authority to provide temporary shelter to children who
2 have run away from home and who are admitted to crisis residential
3 centers.

4 (8) Have authority to purchase care for children; and shall follow
5 in general the policy of using properly approved private agency
6 services for the actual care and supervision of such children insofar
7 as they are available, paying for care of such children as are accepted
8 by the department as eligible for support at reasonable rates
9 established by the department.

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

16 (10)(a) Have authority to provide continued foster care or group
17 care as needed to participate in or complete a high school or
18 vocational school program.

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

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

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

33 (11) Refer cases to the division of child support whenever state or
34 federal funds are expended for the care and maintenance of a child,
35 including a child with a developmental disability who is placed as a
36 result of an action under chapter 13.34 RCW, unless the department
37 finds that there is good cause not to pursue collection of child

1 support against the parent or parents of the child. Cases involving
2 individuals age eighteen through twenty shall not be referred to the
3 division of child support unless required by federal law.

4 (12) Have authority within funds appropriated for foster care
5 services to purchase care for Indian children who are in the custody of
6 a federally recognized Indian tribe or tribally licensed child-placing
7 agency pursuant to parental consent, tribal court order, or state
8 juvenile court order; and the purchase of such care shall be subject to
9 the same eligibility standards and rates of support applicable to other
10 children for whom the department purchases care.

11 Notwithstanding any other provision of RCW 13.32A.170 through
12 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
13 services to be provided by the department of social and health services
14 under subsections (4), (6), and (7) of this section, subject to the
15 limitations of these subsections, may be provided by any program
16 offering such services funded pursuant to Titles II and III of the
17 federal juvenile justice and delinquency prevention act of 1974.

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

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

25 (15) Consult at least quarterly with the foster parent association
26 of Washington state for the purpose of receiving information and
27 comment regarding how the department is performing the duties and
28 meeting the obligations specified in this section and RCW 74.13.250 and
29 74.13.320 regarding the recruitment of foster homes, reducing foster
30 parent turnover rates, providing effective training for foster parents,
31 and administering a coordinated and comprehensive plan that strengthens
32 services for the protection of children. Consultation shall occur at
33 the regional and statewide levels.

34 NEW SECTION. Sec. 14. (1) The secretary of the department of
35 social and health services shall work in conjunction with the
36 University of Washington to study the need for and the feasibility of
37 creating tiered classifications for foster parent licensing, including

1 a professional foster parent classification. The secretary of the
2 department of social and health services and the dean of the school of
3 social work, or his or her designee, at the University of Washington
4 jointly shall facilitate a work group composed of: (a) One or more
5 representatives from the Washington federation of state employees; (b)
6 two or more representatives from the foster parent association of
7 Washington state; (c) the director of the institute for children and
8 families at the University of Washington; and (d) four or more child
9 welfare professionals with subject matter expertise from the public,
10 private, or academic communities.

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

22 (3) The secretary of the department of social and health services
23 and the dean of the school of social work, or his or her designee, at
24 the University of Washington shall report the recommendations of the
25 work group to the appropriate committees of the legislature by January
26 1, 2008.

27 NEW SECTION. **Sec. 15.** Section 14 of this act expires January 1,
28 2008.

29 NEW SECTION. **Sec. 16.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

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