
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; adding a
2 new section to chapter 13.34 RCW; adding a new section to chapter
3 43.20A RCW; and creating new sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (c) If the child has been successfully placed with the parent for
37 one year, the court order reinstating parental rights remains in effect

1 and the court shall dismiss the dependency if the court finds that
2 dismissal of the dependency is in the best interests of the child and
3 will not present a risk to the child's health, welfare, or safety.

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

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

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

20 NEW SECTION. **Sec. 2.** This act is retroactive and applies to any
21 child who is under the jurisdiction of the juvenile court at the time
22 of the hearing regardless of the date parental rights were terminated.

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

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

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

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

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

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

21 NEW SECTION. **Sec. 5.** Nothing in this act may be construed to
22 limit the application of other statutes specifying a liability standard
23 for the state's employees and agents.

--- END ---