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HOUSE BILL 2075

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State of Washington

60th Legislature

2007 Regular Session

By Representatives Hinkle and Walsh

Read first time 02/07/2007. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to termination of parental rights petitions; and  
2 amending RCW 13.34.132.

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

4 **Sec. 1.** RCW 13.34.132 and 2000 c 122 s 16 are each amended to read  
5 as follows:

6 A court may order that a petition seeking termination of the parent  
7 and child relationship be filed if the following requirements are met:

8 (1) The court has removed the child from his or her home pursuant  
9 to RCW 13.34.130;

10 (2) Termination is recommended by the supervising agency;

11 (3) Termination is in the best interests of the child; and

12 (4) Because of the existence of aggravated circumstances,  
13 reasonable efforts to unify the family are not required.

14 Notwithstanding the existence of aggravated circumstances, reasonable  
15 efforts may be required if the court or department determines it is in  
16 the best interests of the child. In determining whether aggravated  
17 circumstances exist by clear, cogent, and convincing evidence, the  
18 court shall consider one or more of the following:

1 (a) Conviction of the parent of rape of the child in the first,  
2 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and  
3 9A.44.079;

4 (b) Conviction of the parent of criminal mistreatment of the child  
5 in the first or second degree as defined in RCW 9A.42.020 and  
6 9A.42.030;

7 (c) Conviction of the parent of one of the following assault  
8 crimes, when the child is the victim: Assault in the first or second  
9 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child  
10 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

11 (d) Conviction of the parent of murder, manslaughter, or homicide  
12 by abuse of the child's other parent, sibling, or another child;

13 (e) Conviction of the parent of attempting, soliciting, or  
14 conspiring to commit a crime listed in (a), (b), (c), or (d) of this  
15 subsection;

16 (f) A finding by a court that a parent is a sexually violent  
17 predator as defined in RCW 71.09.020;

18 (g) Failure of the parent to complete available treatment ordered  
19 under this chapter or the equivalent laws of another state, where such  
20 failure has resulted in a prior termination of parental rights to  
21 another child and the parent has failed to effect significant change in  
22 the interim. In the case of a parent of an Indian child, as defined in  
23 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. Sec. 1903), the  
24 court shall also consider tribal efforts to assist the parent in  
25 completing treatment and make it possible for the child to return home;

26 (h) An infant under three years of age has been abandoned;

27 (i) Eighteen months have passed since the child was removed from  
28 the home and the parent has indicated that he or she is unwilling to  
29 care for the child or has failed to have contact with the child;

30 (j) Conviction of the parent, when a child has been born of the  
31 offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B) incest  
32 under RCW 9A.64.020.

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