

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1624**

60th Legislature  
2007 Regular Session

Passed by the House April 20, 2007  
Yeas 98 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate April 20, 2007  
Yeas 46 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1624** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 1624**

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AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

**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, 13.34.130, 13.34.136, 13.34.138, and  
3 13.34.145; reenacting and amending RCW 74.13.031; adding a new section  
4 to chapter 13.34 RCW; creating a new section; and providing an  
5 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 was previously found to be a dependent child under  
13 this chapter;

14            (b) The child's parent's rights were terminated in a proceeding  
15 under this chapter;

16            (c) The child has not achieved his or her permanency plan within  
17 three years of a final order of termination, or if the final order was  
18 appealed, within three years of exhaustion of any right to appeal the  
19 order terminating parental rights; and

1 (d) Absent good cause, the child must be at least twelve years old  
2 at the time the petition is filed.

3 (2) A child seeking to petition under this section shall be  
4 provided counsel at no cost to the child.

5 (3) The petition must be signed by the child in the absence of a  
6 showing of good cause as to why the child could not do so.

7 (4) If, after a threshold hearing to consider the parent's apparent  
8 fitness and interest in reinstatement of parental rights, it appears  
9 that the best interests of the child may be served by reinstatement of  
10 parental rights, the juvenile court shall order that a hearing on the  
11 merits of the petition be held.

12 (5) The court shall give prior notice for any proceeding under this  
13 section, or cause prior notice to be given, to the department, the  
14 child's attorney, and the child. The court shall also order the  
15 department to give prior notice of any hearing to the child's former  
16 parent whose parental rights are the subject of the petition, any  
17 parent whose rights have not been terminated, the child's current  
18 foster parent, relative caregiver, guardian or custodian, and the  
19 child's tribe, if applicable.

20 (6) The juvenile court shall conditionally grant the petition if it  
21 finds by clear and convincing evidence that the child has not achieved  
22 his or her permanency plan and is not likely to imminently achieve his  
23 or her permanency plan and that reinstatement of parental rights is in  
24 the child's best interest. In determining whether reinstatement is in  
25 the child's best interest the court shall consider, but is not limited  
26 to, the following:

27 (a) Whether the parent whose rights are to be reinstated is a fit  
28 parent and has remedied his or her deficits as provided in the record  
29 of the prior termination proceedings and prior termination order;

30 (b) The age and maturity of the child, and the ability of the child  
31 to express his or her preference;

32 (c) Whether the reinstatement of parental rights will present a  
33 risk to the child's health, welfare, or safety; and

34 (d) Other material changes in circumstances, if any, that may have  
35 occurred which warrant the granting of the petition.

36 (7) In determining whether the child has or has not achieved his or  
37 her permanency plan or whether the child is likely to achieve his or  
38 her permanency plan, the department shall provide the court, and the

1 court shall review, information related to any efforts to achieve the  
2 permanency plan including efforts to achieve adoption or a permanent  
3 guardianship.

4 (8)(a) If the court conditionally grants the petition under  
5 subsection (6) of this section, the case will be continued for six  
6 months. During this period, the child shall be placed in the custody  
7 of the parent. The department shall develop a permanency plan for the  
8 child reflecting the plan to be reunification and shall provide  
9 transition services to the family as appropriate.

10 (b) If the child must be removed from the parent due to abuse or  
11 neglect allegations prior to the expiration of the conditional six-  
12 month period, the court shall dismiss the petition for reinstatement of  
13 parental rights if the court finds the allegations have been proven by  
14 a preponderance of the evidence.

15 (c) If the child has been successfully placed with the parent for  
16 six months, the court order reinstating parental rights remains in  
17 effect and the court shall dismiss the dependency.

18 (9) The granting of the petition under this section does not vacate  
19 or otherwise affect the validity of the original termination order.

20 (10) Any parent whose rights are reinstated under this section  
21 shall not be liable for any child support owed to the department  
22 pursuant to RCW 13.34.160 for the time period from the date of  
23 termination of parental rights to the date parental rights are  
24 reinstated.

25 (11) A proceeding to reinstate parental rights is a separate action  
26 from the termination of parental rights proceeding and does not vacate  
27 the original termination of parental rights. An order granted under  
28 this section reinstates the parental rights to the child. This  
29 reinstatement is a recognition that the situation of the parent and  
30 child have changed since the time of the termination of parental rights  
31 and reunification is now appropriate.

32 (12) This section is retroactive and applies to any child who is  
33 under the jurisdiction of the juvenile court at the time of the hearing  
34 regardless of the date parental rights were terminated.

35 **Sec. 2.** RCW 13.34.200 and 2003 c 227 s 7 are each amended to read  
36 as follows:

37 (1) Upon the termination of parental rights pursuant to RCW

1 13.34.180, all rights, powers, privileges, immunities, duties, and  
2 obligations, including any rights to custody, control, visitation, or  
3 support existing between the child and parent shall be severed and  
4 terminated and the parent shall have no standing to appear at any  
5 further legal proceedings concerning the child, except as provided in  
6 section 1 of this act: PROVIDED, That any support obligation existing  
7 prior to the effective date of the order terminating parental rights  
8 shall not be severed or terminated. The rights of one parent may be  
9 terminated without affecting the rights of the other parent and the  
10 order shall so state.

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

17 (3) An order terminating the parent-child relationship shall  
18 include a statement addressing the status of the child's sibling  
19 relationships and the nature and extent of sibling placement, contact,  
20 or visits.

21 **Sec. 3.** RCW 13.34.060 and 2002 c 52 s 4 are each amended to read  
22 as follows:

23 (1) A child taken into custody pursuant to RCW 13.34.050 or  
24 26.44.050 shall be immediately placed in shelter care. A child taken  
25 by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070  
26 shall be placed in shelter care only when permitted under RCW  
27 13.34.055. No child may be held longer than seventy-two hours,  
28 excluding Saturdays, Sundays, and holidays, after such child is taken  
29 into custody unless a court order has been entered for continued  
30 shelter care. In no case may a child who is taken into custody  
31 pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a  
32 secure detention facility.

33 ((+a)) (2) Unless there is reasonable cause to believe that the  
34 health, safety, or welfare of the child would be jeopardized or that  
35 the efforts to reunite the parent and child will be hindered, priority  
36 placement for a child in shelter care, pending a court hearing, shall  
37 be with any person described in RCW 74.15.020(2)(a) or 13.34.130(1)(b).

1 The person must be willing and available to care for the child and be  
2 able to meet any special needs of the child and the court must find  
3 that such placement is in the best interests of the child. The person  
4 must be willing to facilitate the child's visitation with siblings, if  
5 such visitation is part of the supervising agency's plan or is ordered  
6 by the court. If a child is not initially placed with a relative or  
7 other suitable person requested by the parent pursuant to this section,  
8 the supervising agency shall make an effort within available resources  
9 to place the child with a relative or other suitable person requested  
10 by the parent on the next business day after the child is taken into  
11 custody. The supervising agency shall document its effort to place the  
12 child with a relative or other suitable person requested by the parent  
13 pursuant to this section. Nothing within this subsection (~~((1)(a))~~)  
14 (2) establishes an entitlement to services or a right to a particular  
15 placement.

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

32 ~~(2)~~ Whenever a child is taken into custody by child protective  
33 services pursuant to a court order issued under RCW 13.34.050 or when  
34 child protective services is notified that a child has been taken into  
35 custody pursuant to RCW 26.44.050 or 26.44.056, child protective  
36 services shall make reasonable efforts to inform the parents, guardian,  
37 or legal custodian of the fact that the child has been taken into  
38 custody, the reasons why the child was taken into custody, and their

1 ~~legal rights under this title as soon as possible and in no event shall~~  
2 ~~notice be provided more than twenty four hours after the child has been~~  
3 ~~taken into custody or twenty four hours after child protective services~~  
4 ~~has been notified that the child has been taken into custody. The~~  
5 ~~notice of custody and rights may be given by any means reasonably~~  
6 ~~certain of notifying the parents including, but not limited to,~~  
7 ~~written, telephone, or in person oral notification. If the initial~~  
8 ~~notification is provided by a means other than writing, child~~  
9 ~~protective services shall make reasonable efforts to also provide~~  
10 ~~written notification.))~~

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

13 (1)(a) Whenever a child is taken into custody by child protective  
14 services pursuant to a court order issued under RCW 13.34.050 or when  
15 child protective services is notified that a child has been taken into  
16 custody pursuant to RCW 26.44.050 or 26.44.056, child protective  
17 services shall make reasonable efforts to inform the parent, guardian,  
18 or legal custodian of the fact that the child has been taken into  
19 custody, the reasons why the child was taken into custody, and their  
20 legal rights under this title, including the right to a shelter care  
21 hearing, as soon as possible. Notice must be provided in an  
22 understandable manner and take into consideration the parent's,  
23 guardian's, or legal custodian's primary language, level of education,  
24 and cultural issues.

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

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

36 (b) The written notice of custody and rights required by ((RCW  
37 13.34.060)) this section shall be in substantially the following form:

1 "NOTICE

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

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

11 2. You have the right to have a lawyer represent you at the  
12 hearing. Your right to representation continues after the shelter care  
13 hearing. You have the right to records the department intends to rely  
14 upon. A lawyer can look at the files in your case, talk to child  
15 protective services and other agencies, tell you about the law, help  
16 you understand your rights, and help you at hearings. If you cannot  
17 afford a lawyer, the court will appoint one to represent you. To get  
18 a court-appointed lawyer you must contact:  (explain local  
19 procedure).

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

23 4. If your hearing occurs before a court commissioner, you have the  
24 right to have the decision of the court commissioner reviewed by a  
25 superior court judge. To obtain that review, you must, within ten days  
26 after the entry of the decision of the court commissioner, file with  
27 the court a motion for revision of the decision, as provided in RCW  
28 2.24.050.

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

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

34 5. You have a right to a case conference to develop a written  
35 service agreement following the shelter care hearing. The service  
36 agreement may not conflict with the court's order of shelter care. You  
37 may request that a multidisciplinary team, family group conference, or



1 prognostic staffing be convened for your child's case. You may  
2 participate in these processes with your counsel present."

3 Upon receipt of the written notice, the parent, guardian, or legal  
4 custodian shall acknowledge such notice by signing a receipt prepared  
5 by child protective services. If the parent, guardian, or legal  
6 custodian does not sign the receipt, the reason for lack of a signature  
7 shall be written on the receipt. The receipt shall be made a part of  
8 the court's file in the dependency action.

9 If after making reasonable efforts to provide notification, child  
10 protective services is unable to determine the whereabouts of the  
11 parents, guardian, or legal custodian, the notice shall be delivered or  
12 sent to the last known address of the parent, guardian, or legal  
13 custodian.

14 ~~((+2))~~ (3) If child protective services is not required to give  
15 notice under ~~((RCW 13.34.060(2) and subsection (1) of))~~ this section,  
16 the juvenile court counselor assigned to the matter shall make all  
17 reasonable efforts to advise the parents, guardian, or legal custodian  
18 of the time and place of any shelter care hearing, request that they be  
19 present, and inform them of their basic rights as provided in RCW  
20 13.34.090.

21 ~~((+3))~~ (4) Reasonable efforts to advise and to give notice, as  
22 required in ~~((RCW 13.34.060(2) and subsections (1) and (2) of))~~ this  
23 section, shall include, at a minimum, investigation of the whereabouts  
24 of the parent, guardian, or legal custodian. If such reasonable  
25 efforts are not successful, or the parent, guardian, or legal custodian  
26 does not appear at the shelter care hearing, the petitioner shall  
27 testify at the hearing or state in a declaration:

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

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

33 ~~((+4) The court shall hear evidence regarding notice given to, and  
34 efforts to notify, the parent, guardian, or legal custodian and shall  
35 examine the need for shelter care. The court shall hear evidence  
36 regarding the efforts made to place the child with a relative. The  
37 court shall make an express finding as to whether the notice required  
38 under RCW 13.34.060(2) and subsections (1) and (2) of this section was~~

1 given to the parent, guardian, or legal custodian. All parties have  
2 the right to present testimony to the court regarding the need or lack  
3 of need for shelter care. Hearsay evidence before the court regarding  
4 the need or lack of need for shelter care must be supported by sworn  
5 testimony, affidavit, or declaration of the person offering such  
6 evidence.

7 ~~(5)(a) A shelter care order issued pursuant to RCW 13.34.065 shall~~  
8 ~~include the requirement for a case conference as provided in RCW~~  
9 ~~13.34.067. However, if the parent is not present at the shelter care~~  
10 ~~hearing, or does not agree to the case conference, the court shall not~~  
11 ~~include the requirement for the case conference in the shelter care~~  
12 ~~order.~~

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

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

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

28 ~~(7) Any parent, guardian, or legal custodian who for good cause is~~  
29 ~~unable to attend the initial shelter care hearing may request that a~~  
30 ~~subsequent shelter care hearing be scheduled. The request shall be~~  
31 ~~made to the clerk of the court where the petition is filed prior to the~~  
32 ~~initial shelter care hearing. Upon the request of the parent, the~~  
33 ~~court shall schedule the hearing within seventy two hours of the~~  
34 ~~request, excluding Saturdays, Sundays, and holidays. The clerk shall~~  
35 ~~notify all other parties of the hearing by any reasonable means.))~~

36 **Sec. 5.** RCW 13.34.065 and 2001 c 332 s 3 are each amended to read  
37 as follows:

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

6        (b) Any parent, guardian, or legal custodian who for good cause is  
7 unable to attend the shelter care hearing may request that a subsequent  
8 shelter care hearing be scheduled. The request shall be made to the  
9 clerk of the court where the petition is filed prior to the initial  
10 shelter care hearing. Upon the request of the parent, the court shall  
11 schedule the hearing within seventy-two hours of the request, excluding  
12 Saturdays, Sundays, and holidays. The clerk shall notify all other  
13 parties of the hearing by any reasonable means.

14        (2)(a) The ((juvenile court probation counselor)) department of  
15 social and health services shall submit a recommendation to the court  
16 as to the further need for shelter care ((unless the petition has been  
17 filed by the department, in which case the recommendation shall be  
18 submitted by the department)) in all cases in which it is the  
19 petitioner. In all other cases, the recommendation shall be submitted  
20 by the juvenile court probation counselor.

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

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

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

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

30        (ii) The nature of the shelter care hearing, the rights of the  
31 parents, and the proceedings that will follow; and

32        (iii) If the parent, guardian, or custodian is not represented by  
33 counsel, the right to be represented. If the parent, guardian, or  
34 custodian is indigent, the court shall appoint counsel as provided in  
35 RCW 13.34.090; and

36        (b) If a parent, guardian, or legal custodian desires to waive the  
37 shelter care hearing, the court shall determine, on the record and with  
38 the parties present, whether such waiver is knowing and voluntary. A

1 parent may not waive his or her right to the shelter care hearing  
2 unless he or she appears in court and the court determines that the  
3 waiver is knowing and voluntary. Regardless of whether the court  
4 accepts the parental waiver of the shelter care hearing, the court must  
5 provide notice to the parents of their rights required under (a) of  
6 this subsection and make the finding required under subsection (4) of  
7 this section.

8 (4) At the shelter care hearing the court shall examine the need  
9 for shelter care and inquire into the status of the case. The  
10 paramount consideration for the court shall be the health, welfare, and  
11 safety of the child. At a minimum, the court shall inquire into the  
12 following:

13 (a) Whether the notice required under RCW 13.34.062 was given to  
14 all known parents, guardians, or legal custodians of the child. The  
15 court shall make an express finding as to whether the notice required  
16 under RCW 13.34.062 was given to the parent, guardian, or legal  
17 custodian. If actual notice was not given to the parent, guardian, or  
18 legal custodian and the whereabouts of such person is known or can be  
19 ascertained, the court shall order the supervising agency or the  
20 department of social and health services to make reasonable efforts to  
21 advise the parent, guardian, or legal custodian of the status of the  
22 case, including the date and time of any subsequent hearings, and their  
23 rights under RCW 13.34.090;

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

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

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

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

31 (f) Whether it is in the best interest of the child to remain  
32 enrolled in the school, developmental program, or child care the child  
33 was in prior to placement and what efforts have been made to maintain  
34 the child in the school, program, or child care if it would be in the  
35 best interest of the child to remain in the same school, program, or  
36 child care;

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

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

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

8 (j) Whether any orders for examinations, evaluations, or immediate  
9 services are needed. However, the court may not order a parent to  
10 undergo examinations, evaluation, or services at the shelter care  
11 hearing unless the parent agrees to the examination, evaluation, or  
12 service;

13 (k) The terms and conditions for parental, sibling, and family  
14 visitation.

15 ~~((+2+))~~ (5)(a) The court shall release a child alleged to be  
16 dependent to the care, custody, and control of the child's parent,  
17 guardian, or legal custodian unless the court finds there is reasonable  
18 cause to believe that:

19 ~~((+a+))~~ (i) After consideration of the specific services that have  
20 been provided, reasonable efforts have been made to prevent or  
21 eliminate the need for removal of the child from the child's home and  
22 to make it possible for the child to return home; and

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

25 ~~((+ii+))~~ (B) The release of such child would present a serious  
26 threat of substantial harm to such child; or

27 ~~((+iii+))~~ (C) The parent, guardian, or custodian to whom the child  
28 could be released has been charged with violating RCW 9A.40.060 or  
29 9A.40.070.

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

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

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

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

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

10 (d) If a relative is not available, the court shall order continued  
11 shelter care or order placement with another suitable person, and the  
12 court shall set forth its reasons for the order. (~~The court shall~~  
13 enter a finding as to whether RCW 13.34.060(2) and subsections (1) and  
14 (2) of this section have been complied with. If actual notice was not  
15 given to the parent, guardian, or legal custodian and the whereabouts  
16 of such person is known or can be ascertained, the court shall order  
17 the supervising agency or the department of social and health services  
18 to make reasonable efforts to advise the parent, guardian, or legal  
19 custodian of the status of the case, including the date and time of any  
20 subsequent hearings, and their rights under RCW 13.34.090.

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

25 (e) Any placement with a relative, or other person approved by the  
26 court pursuant to this section, shall be contingent upon cooperation  
27 with the agency case plan and compliance with court orders related to  
28 the care and supervision of the child including, but not limited to,  
29 court orders regarding parent-child contacts, sibling contacts, and any  
30 other conditions imposed by the court. Noncompliance with the case  
31 plan or court order is grounds for removal of the child from the home  
32 of the relative or other person, subject to review by the court.

33 (6)(a) A shelter care order issued pursuant to this section shall  
34 include the requirement for a case conference as provided in RCW  
35 13.34.067. However, if the parent is not present at the shelter care  
36 hearing, or does not agree to the case conference, the court shall not  
37 include the requirement for the case conference in the shelter care  
38 order.

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

5       (c) The court may order another conference, case staffing, or  
6 hearing as an alternative to the case conference required under RCW  
7 13.34.067 so long as the conference, case staffing, or hearing ordered  
8 by the court meets all requirements under RCW 13.34.067, including the  
9 requirement of a written agreement specifying the services to be  
10 provided to the parent.

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

17       (b)(i) An order releasing the child on any conditions specified in  
18 this section may at any time be amended, with notice and hearing  
19 thereon, so as to return the child to shelter care for failure of the  
20 parties to conform to the conditions originally imposed.

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

25       ~~((+4))~~ (8)(a) If a child is returned home from shelter care a  
26 second time in the case, or if the supervisor of the caseworker deems  
27 it necessary, the multidisciplinary team may be reconvened.

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

31       **Sec. 6.** RCW 13.34.130 and 2003 c 227 s 3 are each amended to read  
32 as follows:

33       If, after a fact-finding hearing pursuant to RCW 13.34.110, it has  
34 been proven by a preponderance of the evidence that the child is  
35 dependent within the meaning of RCW 13.34.030 after consideration of  
36 the social study prepared pursuant to RCW 13.34.110 and after a

1 disposition hearing has been held pursuant to RCW 13.34.110, the court  
2 shall enter an order of disposition pursuant to this section.

3 (1) The court shall order one of the following dispositions of the  
4 case:

5 (a) Order a disposition other than removal of the child from his or  
6 her home, which shall provide a program designed to alleviate the  
7 immediate danger to the child, to mitigate or cure any damage the child  
8 has already suffered, and to aid the parents so that the child will not  
9 be endangered in the future. In determining the disposition, the court  
10 should choose those services, including housing assistance, that least  
11 interfere with family autonomy and are adequate to protect the child.

12 (b) Order the child to be removed from his or her home and into the  
13 custody, control, and care of a relative or the department or a  
14 licensed child placing agency for placement in a foster family home or  
15 group care facility licensed pursuant to chapter 74.15 RCW or in a home  
16 not required to be licensed pursuant to chapter 74.15 RCW. Unless  
17 there is reasonable cause to believe that the health, safety, or  
18 welfare of the child would be jeopardized or that efforts to reunite  
19 the parent and child will be hindered, such child shall be placed with  
20 a person who is: (i) Related to the child as defined in RCW  
21 74.15.020(2)(a) with whom the child has a relationship and is  
22 comfortable; and (ii) willing and available to care for the child.

23 (2) Placement of the child with a relative under this subsection  
24 shall be given preference by the court. An order for out-of-home  
25 placement may be made only if the court finds that reasonable efforts  
26 have been made to prevent or eliminate the need for removal of the  
27 child from the child's home and to make it possible for the child to  
28 return home, specifying the services that have been provided to the  
29 child and the child's parent, guardian, or legal custodian, and that  
30 preventive services have been offered or provided and have failed to  
31 prevent the need for out-of-home placement, unless the health, safety,  
32 and welfare of the child cannot be protected adequately in the home,  
33 and that:

34 (a) There is no parent or guardian available to care for such  
35 child;

36 (b) The parent, guardian, or legal custodian is not willing to take  
37 custody of the child; or



1 (c) The court finds, by clear, cogent, and convincing evidence, a  
2 manifest danger exists that the child will suffer serious abuse or  
3 neglect if the child is not removed from the home and an order under  
4 RCW 26.44.063 would not protect the child from danger.

5 (3) If the court has ordered a child removed from his or her home  
6 pursuant to subsection (1)(b) of this section, the court shall consider  
7 whether it is in a child's best interest to be placed with, have  
8 contact with, or have visits with siblings.

9 (a) There shall be a presumption that such placement, contact, or  
10 visits are in the best interests of the child provided that:

11 (i) The court has jurisdiction over all siblings subject to the  
12 order of placement, contact, or visitation pursuant to petitions filed  
13 under this chapter or the parents of a child for whom there is no  
14 jurisdiction are willing to agree; and

15 (ii) There is no reasonable cause to believe that the health,  
16 safety, or welfare of any child subject to the order of placement,  
17 contact, or visitation would be jeopardized or that efforts to reunite  
18 the parent and child would be hindered by such placement, contact, or  
19 visitation. In no event shall parental visitation time be reduced in  
20 order to provide sibling visitation.

21 (b) The court may also order placement, contact, or visitation of  
22 a child with a step-brother or step-sister provided that in addition to  
23 the factors in (a) of this subsection, the child has a relationship and  
24 is comfortable with the step-sibling.

25 (4) If the court has ordered a child removed from his or her home  
26 pursuant to subsection (1)(b) of this section and placed into  
27 nonparental or nonrelative care, the court shall order a placement that  
28 allows the child to remain in the same school he or she attended prior  
29 to the initiation of the dependency proceeding when such a placement is  
30 practical and in the child's best interest.

31 (5) If the court has ordered a child removed from his or her home  
32 pursuant to subsection (1)(b) of this section, the court may order that  
33 a petition seeking termination of the parent and child relationship be  
34 filed if the requirements of RCW 13.34.132 are met.

35 ((+5)) (6) If there is insufficient information at the time of the  
36 disposition hearing upon which to base a determination regarding the  
37 suitability of a proposed placement with a relative, the child shall  
38 remain in foster care and the court shall direct the supervising agency

1 to conduct necessary background investigations as provided in chapter  
2 74.15 RCW and report the results of such investigation to the court  
3 within thirty days. However, if such relative appears otherwise  
4 suitable and competent to provide care and treatment, the criminal  
5 history background check need not be completed before placement, but as  
6 soon as possible after placement. Any placements with relatives,  
7 pursuant to this section, shall be contingent upon cooperation by the  
8 relative with the agency case plan and compliance with court orders  
9 related to the care and supervision of the child including, but not  
10 limited to, court orders regarding parent-child contacts, sibling  
11 contacts, and any other conditions imposed by the court. Noncompliance  
12 with the case plan or court order shall be grounds for removal of the  
13 child from the relative's home, subject to review by the court.

14 **Sec. 7.** 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,~~)  
17 A 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 shall provide the~~  
25 ~~court with~~) supervising the dependency shall submit a written  
26 permanency plan to all parties and the court not less than fourteen  
27 days prior to the scheduled hearing. Responsive reports of parties not  
28 in agreement with the supervising agency's proposed permanency plan  
29 must be provided to the supervising agency, all other parties, and the  
30 court at least seven days prior to the hearing.

31 The permanency plan shall include:

32 (a) A permanency plan of care that shall identify one of the  
33 following outcomes as a primary goal and may identify additional  
34 outcomes as alternative goals: Return of the child to the home of the  
35 child's parent, guardian, or legal custodian; adoption; guardianship;  
36 permanent legal custody; long-term relative or foster care, until the  
37 child is age eighteen, with a written agreement between the parties and

1 the care provider; successful completion of a responsible living skills  
2 program; or independent living, if appropriate and if the child is age  
3 sixteen or older. The department shall not discharge a child to an  
4 independent living situation before the child is eighteen years of age  
5 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

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

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

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

36 (iii) A child shall be placed as close to the child's home as  
37 possible, preferably in the child's own neighborhood, unless the court

1 finds that placement at a greater distance is necessary to promote the  
2 child's or parents' well-being.

3 (iv) The plan shall state whether both in-state and, where  
4 appropriate, out-of-state placement options have been considered by the  
5 department.

6 (v) Unless it is not in the best interests of the child, whenever  
7 practical, the plan should ensure the child remains enrolled in the  
8 school the child was attending at the time the child entered foster  
9 care.

10 (vi) The agency charged with supervising a child in placement shall  
11 provide all reasonable services that are available within the agency,  
12 or within the community, or those services which the department has  
13 existing contracts to purchase. It shall report to the court if it is  
14 unable to provide such services; and

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

28 ~~((+2))~~ (3) Permanency planning goals should be achieved at the  
29 earliest possible date, preferably before the child has been in out-of-  
30 home care for fifteen months. In cases where parental rights have been  
31 terminated, the child is legally free for adoption, and adoption has  
32 been identified as the primary permanency planning goal, it shall be a  
33 goal to complete the adoption within six months following entry of the  
34 termination order.

35 (4) If the court determines that the continuation of reasonable  
36 efforts to prevent or eliminate the need to remove the child from his  
37 or her home or to safely return the child home should not be part of

1 the permanency plan of care for the child, reasonable efforts shall be  
2 made to place the child in a timely manner and to complete whatever  
3 steps are necessary to finalize the permanent placement of the child.

4 ~~((+3))~~ (5) The identified outcomes and goals of the permanency  
5 plan may change over time based upon the circumstances of the  
6 particular case.

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

9 (7) For purposes related to permanency planning:

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

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

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

18 **Sec. 8.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read  
19 as follows:

20 (1) Except for children whose cases are reviewed by a citizen  
21 review board under chapter 13.70 RCW, the status of all children found  
22 to be dependent shall be reviewed by the court at least every six  
23 months from the beginning date of the placement episode or the date  
24 dependency is established, whichever is first(~~, at a~~). The purpose  
25 of the hearing (~~(in which it)~~) shall be (~~(determined)~~) to review the  
26 progress of the parties and determine whether court supervision should  
27 continue.

28 (a) The initial review hearing shall be an in-court review and  
29 shall be set six months from the beginning date of the placement  
30 episode or no more than ninety days from the entry of the disposition  
31 order, whichever comes first. The requirements for the initial review  
32 hearing, including the in-court review requirement, shall be  
33 accomplished within existing resources.

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

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

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

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

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

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

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

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

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

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

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

7 ~~((+iii) Whether there is a continuing need for placement and~~  
8 ~~whether the placement is appropriate;~~

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

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

13 ~~(+vi))~~ (viii) Whether both in-state and, where appropriate, out-of-  
14 state placements have been considered;

15 (ix) Whether the parents have visited the child and any reasons why  
16 visitation has not occurred or has been infrequent;

17 ~~((+vii) Whether additional services, including housing assistance,~~  
18 ~~are needed to facilitate the return of the child to the child's~~  
19 ~~parents; if so, the court shall order that reasonable services be~~  
20 ~~offered specifying such services; and~~

21 ~~(+viii))~~ (x) Whether terms of visitation need to be modified;

22 (xi) Whether the court-approved long-term permanent plan for the  
23 child remains the best plan for the child;

24 (xii) Whether any additional court orders need to be made to move  
25 the case toward permanency; and

26 (xiii) The projected date by which the child will be returned home  
27 or other permanent plan of care will be implemented.

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

30 ~~((+2))~~ (3)(a) In any case in which the court orders that a  
31 dependent child may be returned to or remain in the child's home, the  
32 in-home placement shall be contingent upon the following:

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

36 (ii) The continued participation of the parents, if applicable, in  
37 available substance abuse or mental health treatment if substance abuse

1 or mental illness was a contributing factor to the removal of the  
2 child.

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

5 (i) Noncompliance by the parents with the agency case plan or court  
6 order;

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

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

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

20 ~~((4))~~ (5) The court shall consider the child's relationship with  
21 siblings in accordance with RCW 13.34.130(3).

22 **Sec. 9.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read  
23 as follows:

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

31 ~~(a) Whenever a child is placed in out-of-home care pursuant to RCW  
32 13.34.130, the agency that has custody of the child shall provide the  
33 court with a written permanency plan of care directed towards securing  
34 a safe, stable, and permanent home for the child as soon as possible.  
35 The plan shall identify one of the following outcomes as the primary  
36 goal and may also identify additional outcomes as alternative goals:  
37 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)) The purpose of a permanency planning hearing is to review the~~

1 permanency plan for the child, inquire into the welfare of the child  
2 and progress of the case, and reach decisions regarding the permanent  
3 placement of the child.

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

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

21 ~~((+5))~~ (c) 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 (2) No later than ten working days prior to the permanency planning  
29 hearing, the agency having custody of the child shall submit a written  
30 permanency plan to the court and shall mail a copy of the plan to all  
31 parties and their legal counsel, if any.

32 ~~((+6))~~ (3) At the permanency planning hearing, the court shall  
33 ~~((enter findings as required by RCW 13.34.138 and shall review the~~  
34 ~~permanency plan prepared by the agency))~~ conduct the following inquiry:

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

1       (b) In cases where the primary permanency planning goal has not  
2 been achieved, the court shall inquire regarding the reasons why the  
3 primary goal has not been achieved and determine what needs to be done  
4 to make it possible to achieve the primary goal. The court shall  
5 review the permanency plan prepared by the agency and make explicit  
6 findings regarding each of the following:

7       (i) The continuing necessity for, and the safety and  
8 appropriateness of, the placement;

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

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

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

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

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

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

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

33       (C) Being placed for adoption;

34       (D) Being placed with a guardian;

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

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

1 (c)(i) If the permanency plan identifies independent living as a  
2 goal, the court shall make a finding that the provision of services to  
3 assist the child in making a transition from foster care to independent  
4 living will allow the child to manage his or her financial, personal,  
5 social, educational, and nonfinancial affairs prior to approving  
6 independent living as a permanency plan of care.

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

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

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

25 (4) In all cases, at the permanency planning hearing, the court  
26 shall:

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

29 (ii) Modify the permanency plan, and order implementation of the  
30 modified plan; and

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

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

36 ((+7)) (5) Following the first permanency planning hearing, the  
37 court shall hold a further permanency planning hearing in accordance

1 with this section at least once every twelve months until a permanency  
2 planning goal is achieved or the dependency is dismissed, whichever  
3 occurs first.

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

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

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

23 (9) Continued juvenile court jurisdiction under this chapter shall  
24 not be a barrier to the entry of an order establishing a legal  
25 guardianship or permanent legal custody when the requirements of  
26 subsection (8) of this section are met.

27 ~~(10) ((Following the first permanency planning hearing, the court~~  
28 ~~shall hold a further permanency planning hearing in accordance with~~  
29 ~~this section at least once every twelve months until a permanency~~  
30 ~~planning goal is achieved or the dependency is dismissed, whichever~~  
31 ~~occurs first.~~

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

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

10       ~~((13))~~ (11) The approval of a permanency plan that does not  
11 contemplate return of the child to the parent does not relieve the  
12 supervising agency of its obligation to provide reasonable services,  
13 under this chapter, intended to effectuate the return of the child to  
14 the parent, including but not limited to, visitation rights. The court  
15 shall consider the child's relationships with siblings in accordance  
16 with RCW 13.34.130.

17       ~~((14))~~ (12) Nothing in this chapter may be construed to limit the  
18 procedural due process rights of any party in a termination or  
19 guardianship proceeding filed under this chapter.

20       **Sec. 10.** RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are  
21 each reenacted and amended to read as follows:

22       The department shall have the duty to provide child welfare  
23 services and shall:

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

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

33       (a) Meeting the need for adoptive and foster home placements; (b)  
34 reducing the foster parent turnover rate; (c) completing home studies  
35 for legally free children; and (d) implementing and operating the  
36 passport program required by RCW 74.13.285. The report shall include  
37 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

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

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

17 (5) Monitor out-of-home placements, on a timely and routine basis,  
18 to assure the safety, well-being, and quality of care being provided is  
19 within the scope of the intent of the legislature as defined in RCW  
20 74.13.010 and 74.15.010, and annually submit a report measuring the  
21 extent to which the department achieved the specified goals to the  
22 governor and the legislature.

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

34 (7) Have authority to provide temporary shelter to children who  
35 have run away from home and who are admitted to crisis residential  
36 centers.

37 (8) Have authority to purchase care for children; and shall follow  
38 in general the policy of using properly approved private agency

1 services for the actual care and supervision of such children insofar  
2 as they are available, paying for care of such children as are accepted  
3 by the department as eligible for support at reasonable rates  
4 established by the department.

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

11 (10)(a) Have authority to provide continued foster care or group  
12 care as needed to participate in or complete a high school or  
13 vocational school program.

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

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

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

28 (11) Refer cases to the division of child support whenever state or  
29 federal funds are expended for the care and maintenance of a child,  
30 including a child with a developmental disability who is placed as a  
31 result of an action under chapter 13.34 RCW, unless the department  
32 finds that there is good cause not to pursue collection of child  
33 support against the parent or parents of the child. Cases involving  
34 individuals age eighteen through twenty shall not be referred to the  
35 division of child support unless required by federal law.

36 (12) Have authority within funds appropriated for foster care  
37 services to purchase care for Indian children who are in the custody of  
38 a federally recognized Indian tribe or tribally licensed child-placing



1 agency pursuant to parental consent, tribal court order, or state  
2 juvenile court order; and the purchase of such care shall be subject to  
3 the same eligibility standards and rates of support applicable to other  
4 children for whom the department purchases care.

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

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

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

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

29 NEW SECTION. Sec. 11. (1) The secretary of the department of  
30 social and health services shall work in conjunction with the  
31 University of Washington to study the need for and the feasibility of  
32 creating tiered classifications for foster parent licensing, including  
33 a professional foster parent classification. The secretary of the  
34 department of social and health services and the dean of the school of  
35 social work, or his or her designee, at the University of Washington  
36 jointly shall facilitate a work group composed of: (a) The president  
37 of the senate shall appoint two members from each of the two largest

1 caucuses of the senate; and the speaker of the house of representatives  
2 shall appoint two members from each of the two largest caucuses of the  
3 house of representatives; (b) four foster parents, including two  
4 representatives from the foster parent association of Washington state;  
5 (c) the director of the institute for children and families at the  
6 University of Washington; (d) a representative of the Washington  
7 federation of state employees; and (e) four or more child welfare  
8 professionals with subject matter expertise from the public, private,  
9 or academic communities.

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

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

26 NEW SECTION. **Sec. 12.** Section 11 of this act expires January 1,  
27 2008.

28 NEW SECTION. **Sec. 13.** If any provision of this act or its  
29 application to any person or circumstance is held invalid, the  
30 remainder of the act or the application of the provision to other  
31 persons or circumstances is not affected.

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