

SSB 6730 - H COMM AMD

By Committee on Health & Human Services Appropriations

ADOPTED 03/02/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 13.34.096 and 2009 c 520 s 25 are each amended to
4 read as follows:

5 (1) The department or supervising agency shall provide the child's
6 foster parents, preadoptive parents, or other caregivers with notice of
7 their right to be heard prior to each proceeding held with respect to
8 the child in juvenile court under this chapter. The rights to notice
9 and to be heard apply only to persons with whom a child has been placed
10 by the department ((before shelter care)) or other supervising agency
11 and who are providing care to the child at the time of the proceeding.
12 This section shall not be construed to grant party status to any person
13 solely on the basis of such notice and right to be heard.

14 (2) The department or other supervising agency and the court also
15 shall consider, in any hearing under this chapter regarding a change in
16 the child's placement, written information about the child submitted by
17 persons who provided care to the child within twelve months preceding
18 the hearing and other persons who have a significant relationship with
19 the child.

20 **Sec. 2.** RCW 74.13.300 and 2009 c 520 s 77 are each amended to read
21 as follows:

22 (1) Whenever a child has been placed in a foster family home or in
23 the home of a relative caregiver or other suitable person as described
24 in RCW 13.34.130(1)(b) by the department or supervising agency and the
25 child has thereafter resided in the home for at least ninety
26 consecutive days, the department or supervising agency shall notify the
27 foster family, relative caregiver, or other suitable person at least
28 five days prior to moving the child to another placement, unless:

1 (a) A court order has been entered requiring an immediate change in
2 placement;

3 (b) The child is being returned home;

4 (c) The child's safety is in jeopardy; or

5 (d) The child is residing in a receiving home or a group home.

6 (2) If the child has resided in a foster family home or in the home
7 of a relative caregiver or other suitable person as described in RCW
8 13.34.130(1)(b) for less than ninety days or if, due to one or more of
9 the circumstances in subsection (1) of this section, it is not possible
10 to give five days' notification, the department or supervising agency
11 shall notify the foster family, relative caregiver, or suitable person
12 of proposed placement changes as soon as reasonably possible.

13 (3) This section is intended (~~solely~~) to assist in minimizing
14 disruption to the child in changing (~~foster care~~) placements.
15 Nothing in this section shall be construed to require that a court
16 hearing be held prior to changing a child's (~~foster care~~) placement
17 nor to create any substantive custody rights (~~in the~~) for foster
18 parents, relative caregivers, or other suitable persons with whom a
19 child is placed.

20 (4) Whenever a child has been placed with and resided in the home
21 of a foster family, relative caregiver, or other suitable person as
22 described in RCW 13.34.130(1)(b) for twelve continuous months or
23 longer, the notice required under this section must be in writing and
24 specify the reasons for changing the child's placement. The department
25 shall report annually to the appropriate committees of the legislature
26 regarding changes in placement for children who have resided for twelve
27 continuous months or longer with a foster family, relative caregiver,
28 or other suitable person, including the reasons for changing the
29 placements of those children. The first report is due to the
30 legislature not later than September 1, 2011, and a final report is due
31 September 1, 2015.

32 **Sec. 3.** RCW 13.34.105 and 2008 c 267 s 13 are each amended to read
33 as follows:

34 (1) Unless otherwise directed by the court, the duties of the
35 guardian ad litem for a child subject to a proceeding under this
36 chapter, including an attorney specifically appointed by the court to

1 serve as a guardian ad litem, include but are not limited to the
2 following:

3 (a) To investigate, collect relevant information about the child's
4 situation, and report to the court factual information regarding the
5 best interests of the child;

6 (b) To meet with, interview, or observe the child, depending on the
7 child's age and developmental status, and report to the court any views
8 or positions expressed by the child on issues pending before the court;

9 (c) To monitor all court orders for compliance and to bring to the
10 court's attention any change in circumstances that may require a
11 modification of the court's order;

12 (d) To report to the court information on the legal status of a
13 child's membership in any Indian tribe or band;

14 (e) Court-appointed special advocates and guardians ad litem may
15 make recommendations based upon an independent investigation regarding
16 the best interests of the child, which the court may consider and weigh
17 in conjunction with the recommendations of all of the parties; and

18 (f) To represent and be an advocate for the best interests of the
19 child.

20 (2) When a child, in the course of a guardian ad litem's normal
21 investigation and collection of information for the court, makes a
22 disclosure of abuse or neglect, the guardian ad litem shall make a
23 referral to child protective services pursuant to RCW 26.44.030.

24 (3) A guardian ad litem shall be deemed an officer of the court for
25 the purpose of immunity from civil liability.

26 ((+3)) (4) Except for information or records specified in RCW
27 13.50.100(7), the guardian ad litem shall have access to all
28 information available to the state or agency on the case. Upon
29 presentation of the order of appointment by the guardian ad litem, any
30 agency, hospital, school organization, division or department of the
31 state, doctor, nurse, or other health care provider, psychologist,
32 psychiatrist, police department, or mental health clinic shall permit
33 the guardian ad litem to inspect and copy any records relating to the
34 child or children involved in the case, without the consent of the
35 parent or guardian of the child, or of the child if the child is under
36 the age of thirteen years, unless such access is otherwise specifically
37 prohibited by law.

1 (~~(4)~~) (5) A guardian ad litem may release confidential
2 information, records, and reports to the office of the family and
3 children's ombudsman for the purposes of carrying out its duties under
4 chapter 43.06A RCW.

5 (~~(5)~~) (6) The guardian ad litem shall release case information in
6 accordance with the provisions of RCW 13.50.100.

7 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
8 section 2 of this act, referencing section 2 of this act by bill or
9 chapter number and section number, is not provided by June 30, 2010, in
10 the omnibus appropriations act, section 2 of this act is null and
11 void."

12 Correct the title.

EFFECT: The striking amendment strikes all provisions of the
underlying bill and replaces those with the following provisions:

Section 1

(1) Restores a provision of law establishing rights for all caregivers to receive notice of hearings and to be heard in all proceedings regarding children in their care.

(2) Requires DSHS and the court to consider written information about the child submitted by persons who have a significant relationship with the child and persons who have provided care to the child within the 12 months preceding a hearing on changing the child's placement.

Section 2

(3) Requires DSHS to provide relative caregivers and other suitable persons with whom a child has been placed and resided for 90 or more days with the same five-day prior notice as required for foster parents when a child's placement is being changed.

(4) Requires that when a child has been placed with and resided in the home of a foster family, relative caregiver, or other suitable person for twelve consecutive months or longer, the notice required must be provided in writing and must specify the reasons for changing the child's placement.

(5) Directs DSHS to report annually beginning September 1, 2011, through September 1, 2015, regarding placement changes for children who have resided in the home of a foster family, relative caregiver, or other suitable person for twelve consecutive months or longer, including the reasons for changing the placements of those children.

Section 3

(6) Clarifies the investigative duties of a GAL in dependency and termination cases to state that the GAL will make a referral to CPS if

the child discloses abuse or neglect in the course of the GAL's investigation.

Section 4

(7) Section 2, relating to notice and reporting regarding placement changes for children after 12 months in a placement, is null and void unless funded.

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