

SHB 1769 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/09/2009

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

3 "Sec. 1. RCW 13.34.030 and 2003 c 227 s 2 are each amended to read
4 as follows:

5 For purposes of this chapter:

6 (1) "Abandoned" means when the child's parent, guardian, or other
7 custodian has expressed, either by statement or conduct, an intent to
8 forego, for an extended period, parental rights or responsibilities
9 despite an ability to exercise such rights and responsibilities. If
10 the court finds that the petitioner has exercised due diligence in
11 attempting to locate the parent, no contact between the child and the
12 child's parent, guardian, or other custodian for a period of three
13 months creates a rebuttable presumption of abandonment, even if there
14 is no expressed intent to abandon.

15 (2) "Child" and "juvenile" means any individual under the age of
16 eighteen years.

17 (3) "Current placement episode" means the period of time that
18 begins with the most recent date that the child was removed from the
19 home of the parent, guardian, or legal custodian for purposes of
20 placement in out-of-home care and continues until: (a) The child
21 returns home; (b) an adoption decree, a permanent custody order, or
22 guardianship order is entered; or (c) the dependency is dismissed,
23 whichever occurs first.

24 (4) "Dependency guardian" means the person, nonprofit corporation,
25 or Indian tribe appointed by the court pursuant to this chapter for the
26 limited purpose of assisting the court in the supervision of the
27 dependency.

28 (5) "Dependent child" means any child who:

29 (a) Has been abandoned;

1 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
2 person legally responsible for the care of the child; or

3 (c) Has no parent, guardian, or custodian capable of adequately
4 caring for the child, such that the child is in circumstances which
5 constitute a danger of substantial damage to the child's psychological
6 or physical development.

7 (6) "Developmental disability" means a disability attributable to
8 mental retardation, cerebral palsy, epilepsy, autism, or another
9 neurological or other condition of an individual found by the secretary
10 to be closely related to mental retardation or to require treatment
11 similar to that required for individuals with mental retardation, which
12 disability originates before the individual attains age eighteen, which
13 has continued or can be expected to continue indefinitely, and which
14 constitutes a substantial handicap to the individual.

15 (7) "Guardian" means the person or agency that: (a) Has been
16 appointed as the guardian of a child in a legal proceeding other than
17 a proceeding under this chapter; and (b) has the legal right to custody
18 of the child pursuant to such appointment. The term "guardian" shall
19 not include a "dependency guardian" appointed pursuant to a proceeding
20 under this chapter.

21 (8) "Guardian ad litem" means a person, appointed by the court to
22 represent the best interests of a child in a proceeding under this
23 chapter, or in any matter which may be consolidated with a proceeding
24 under this chapter. A "court-appointed special advocate" appointed by
25 the court to be the guardian ad litem for the child, or to perform
26 substantially the same duties and functions as a guardian ad litem,
27 shall be deemed to be guardian ad litem for all purposes and uses of
28 this chapter.

29 (9) "Guardian ad litem program" means a court-authorized volunteer
30 program, which is or may be established by the superior court of the
31 county in which such proceeding is filed, to manage all aspects of
32 volunteer guardian ad litem representation for children alleged or
33 found to be dependent. Such management shall include but is not
34 limited to: Recruitment, screening, training, supervision, assignment,
35 and discharge of volunteers.

36 (10) "Housing assistance" means appropriate referrals by the
37 department or other supervising agencies to federal, state, local, or
38 private agencies or organizations, assistance with forms, applications,

1 or financial subsidies or other monetary assistance for housing. For
2 purposes of this chapter, "housing assistance" is not a remedial
3 service or time-limited family reunification service as described in
4 RCW 13.34.025(2).

5 (11) "Indigent" means a person who, at any stage of a court
6 proceeding, is:

7 (a) Receiving one of the following types of public assistance:
8 Temporary assistance for needy families, general assistance, poverty-
9 related veterans' benefits, food stamps or food stamp benefits
10 transferred electronically, refugee resettlement benefits, medicaid, or
11 supplemental security income; or

12 (b) Involuntarily committed to a public mental health facility; or

13 (c) Receiving an annual income, after taxes, of one hundred twenty-
14 five percent or less of the federally established poverty level; or

15 (d) Unable to pay the anticipated cost of counsel for the matter
16 before the court because his or her available funds are insufficient to
17 pay any amount for the retention of counsel.

18 ~~((11))~~ (12) "Out-of-home care" means placement in a foster family
19 home or group care facility licensed pursuant to chapter 74.15 RCW or
20 placement in a home, other than that of the child's parent, guardian,
21 or legal custodian, not required to be licensed pursuant to chapter
22 74.15 RCW.

23 ~~((12))~~ (13) "Preventive services" means preservation services, as
24 defined in chapter 74.14C RCW, and other reasonably available services,
25 including housing ~~(services)~~ assistance, capable of preventing the
26 need for out-of-home placement while protecting the child. ~~((Housing~~
27 ~~services may include, but are not limited to, referrals to federal,~~
28 ~~state, local, or private agencies or organizations, assistance with~~
29 ~~forms and applications, or financial subsidies for housing.~~

30 ~~(13))~~ (14) "Shelter care" means temporary physical care in a
31 facility licensed pursuant to RCW 74.15.030 or in a home not required
32 to be licensed pursuant to RCW 74.15.030.

33 ~~((14))~~ (15) "Sibling" means a child's birth brother, birth
34 sister, adoptive brother, adoptive sister, half-brother, or half-
35 sister, or as defined by the law or custom of the Indian child's tribe
36 for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

37 ~~((15))~~ (16) "Social study" means a written evaluation of matters

1 relevant to the disposition of the case and shall contain the following
2 information:

3 (a) A statement of the specific harm or harms to the child that
4 intervention is designed to alleviate;

5 (b) A description of the specific services and activities, for both
6 the parents and child, that are needed in order to prevent serious harm
7 to the child; the reasons why such services and activities are likely
8 to be useful; the availability of any proposed services; and the
9 agency's overall plan for ensuring that the services will be delivered.
10 The description shall identify the services chosen and approved by the
11 parent;

12 (c) If removal is recommended, a full description of the reasons
13 why the child cannot be protected adequately in the home, including a
14 description of any previous efforts to work with the parents and the
15 child in the home; the in-home treatment programs that have been
16 considered and rejected; the preventive services, including housing
17 assistance, that have been offered or provided and have failed to
18 prevent the need for out-of-home placement, unless the health, safety,
19 and welfare of the child cannot be protected adequately in the home;
20 and the parents' attitude toward placement of the child;

21 (d) A statement of the likely harms the child will suffer as a
22 result of removal;

23 (e) A description of the steps that will be taken to minimize the
24 harm to the child that may result if separation occurs including an
25 assessment of the child's relationship and emotional bond with any
26 siblings, and the agency's plan to provide ongoing contact between the
27 child and the child's siblings if appropriate; and

28 (f) Behavior that will be expected before determination that
29 supervision of the family or placement is no longer necessary.

30 **Sec. 2.** RCW 13.34.065 and 2008 c 267 s 2 are each amended to read
31 as follows:

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

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

9 (2)(a) The department of social and health services shall submit a
10 recommendation to the court as to the further need for shelter care in
11 all cases in which it is the petitioner. In all other cases, the
12 recommendation shall be submitted by the juvenile court probation
13 counselor.

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

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

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

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

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

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

29 (b) If a parent, guardian, or legal custodian desires to waive the
30 shelter care hearing, the court shall determine, on the record and with
31 the parties present, whether such waiver is knowing and voluntary. A
32 parent may not waive his or her right to the shelter care hearing
33 unless he or she appears in court and the court determines that the
34 waiver is knowing and voluntary. Regardless of whether the court
35 accepts the parental waiver of the shelter care hearing, the court must
36 provide notice to the parents of their rights required under (a) of
37 this subsection and make the finding required under subsection (4) of
38 this section.

1 (4) At the shelter care hearing the court shall examine the need
2 for shelter care and inquire into the status of the case. The
3 paramount consideration for the court shall be the health, welfare, and
4 safety of the child. At a minimum, the court shall inquire into the
5 following:

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

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

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

20 (d) What services were provided to the family to prevent or
21 eliminate the need for removal of the child from the child's home. If
22 the dependency petition or other information before the court alleges
23 that homelessness or the lack of suitable housing was a significant
24 factor contributing to the removal of the child, the court shall
25 inquire as to whether housing assistance was provided to the family to
26 prevent or eliminate the need for removal of the child or children;

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

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

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

36 (h) Whether the child is or may be an Indian child as defined in 25
37 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare

1 act apply, and whether there is compliance with the Indian child
2 welfare act, including notice to the child's tribe;

3 (i) Whether, as provided in RCW 26.44.063, restraining orders, or
4 orders expelling an allegedly abusive household member from the home of
5 a nonabusive parent, guardian, or legal custodian, will allow the child
6 to safely remain in the home;

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

11 (k) The terms and conditions for parental, sibling, and family
12 visitation.

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

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

21 (ii)(A) The child has no parent, guardian, or legal custodian to
22 provide supervision and care for such child; or

23 (B) The release of such child would present a serious threat of
24 substantial harm to such child, notwithstanding an order entered
25 pursuant to RCW 26.44.063; or

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

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

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

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

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

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

7 (d) If a relative is not available, the court shall order continued
8 shelter care or order placement with another suitable person, and the
9 court shall set forth its reasons for the order. If the court orders
10 placement of the child with a person not related to the child and not
11 licensed to provide foster care, the placement is subject to all terms
12 and conditions of this section that apply to relative placements.

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

21 (f) Uncertainty by a parent, guardian, legal custodian, relative,
22 or other suitable person that the alleged abuser has in fact abused the
23 child shall not, alone, be the basis upon which a child is removed from
24 the care of a parent, guardian, or legal custodian under (a) of this
25 subsection, nor shall it be a basis, alone, to preclude placement with
26 a relative under (b) of this subsection or with another suitable person
27 under (d) of this subsection.

28 (6)(a) A shelter care order issued pursuant to this section shall
29 include the requirement for a case conference as provided in RCW
30 13.34.067. However, if the parent is not present at the shelter care
31 hearing, or does not agree to the case conference, the court shall not
32 include the requirement for the case conference in the shelter care
33 order.

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

1 (c) The court may order another conference, case staffing, or
2 hearing as an alternative to the case conference required under RCW
3 13.34.067 so long as the conference, case staffing, or hearing ordered
4 by the court meets all requirements under RCW 13.34.067, including the
5 requirement of a written agreement specifying the services to be
6 provided to the parent.

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

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

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

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

24 (b) If a child is returned home from shelter care a second time in
25 the case a law enforcement officer must be present and file a report to
26 the department.

27 **Sec. 3.** RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are
28 each reenacted and amended to read as follows:

29 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
30 been proven by a preponderance of the evidence that the child is
31 dependent within the meaning of RCW 13.34.030 after consideration of
32 the social study prepared pursuant to RCW 13.34.110 and after a
33 disposition hearing has been held pursuant to RCW 13.34.110, the court
34 shall enter an order of disposition pursuant to this section.

35 (1) The court shall order one of the following dispositions of the
36 case:

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

10 (b) Order the child to be removed from his or her home and into the
11 custody, control, and care of a relative or the department or a
12 licensed child placing agency for supervision of the child's placement.
13 The department or agency supervising the child's placement has the
14 authority to place the child, subject to review and approval by the
15 court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a
16 foster family home or group care facility licensed pursuant to chapter
17 74.15 RCW, or (iii) in the home of another suitable person if the child
18 or family has a preexisting relationship with that person, and the
19 person has completed all required criminal history background checks
20 and otherwise appears to the department or supervising agency to be
21 suitable and competent to provide care for the child. Absent good
22 cause, the department or supervising agency shall follow the wishes of
23 the natural parent regarding the placement of the child in accordance
24 with RCW 13.34.260. The department or supervising agency may only
25 place a child with a person not related to the child as defined in RCW
26 74.15.020(2)(a) when the court finds that such placement is in the best
27 interest of the child. Unless there is reasonable cause to believe
28 that the health, safety, or welfare of the child would be jeopardized
29 or that efforts to reunite the parent and child will be hindered, such
30 child shall be placed with a person who is: (A) Related to the child
31 as defined in RCW 74.15.020(2)(a) with whom the child has a
32 relationship and is comfortable; and (B) willing and available to care
33 for the child.

34 (2) Placement of the child with a relative under this subsection
35 shall be given preference by the court. An order for out-of-home
36 placement may be made only if the court finds that reasonable efforts
37 have been made to prevent or eliminate the need for removal of the
38 child from the child's home and to make it possible for the child to

1 return home, specifying the services, including housing assistance,
2 that have been provided to the child and the child's parent, guardian,
3 or legal custodian, and that preventive services have been offered or
4 provided and have failed to prevent the need for out-of-home placement,
5 unless the health, safety, and welfare of the child cannot be protected
6 adequately in the home, and that:

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

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

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

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

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

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

25 (ii) There is no reasonable cause to believe that the health,
26 safety, or welfare of any child subject to the order of placement,
27 contact, or visitation would be jeopardized or that efforts to reunite
28 the parent and child would be hindered by such placement, contact, or
29 visitation. In no event shall parental visitation time be reduced in
30 order to provide sibling visitation.

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

35 (4) If the court has ordered a child removed from his or her home
36 pursuant to subsection (1)(b) of this section and placed into
37 nonparental or nonrelative care, the court shall order a placement that

1 allows the child to remain in the same school he or she attended prior
2 to the initiation of the dependency proceeding when such a placement is
3 practical and in the child's best interest.

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

8 (6) If there is insufficient information at the time of the
9 disposition hearing upon which to base a determination regarding the
10 suitability of a proposed placement with a relative, the child shall
11 remain in foster care and the court shall direct the supervising agency
12 to conduct necessary background investigations as provided in chapter
13 74.15 RCW and report the results of such investigation to the court
14 within thirty days. However, if such relative appears otherwise
15 suitable and competent to provide care and treatment, the criminal
16 history background check need not be completed before placement, but as
17 soon as possible after placement. Any placements with relatives,
18 pursuant to this section, shall be contingent upon cooperation by the
19 relative with the agency case plan and compliance with court orders
20 related to the care and supervision of the child including, but not
21 limited to, court orders regarding parent-child contacts, sibling
22 contacts, and any other conditions imposed by the court. Noncompliance
23 with the case plan or court order shall be grounds for removal of the
24 child from the relative's home, subject to review by the court.

25 **Sec. 4.** RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are
26 each reenacted and amended to read as follows:

27 (1) Except for children whose cases are reviewed by a citizen
28 review board under chapter 13.70 RCW, the status of all children found
29 to be dependent shall be reviewed by the court at least every six
30 months from the beginning date of the placement episode or the date
31 dependency is established, whichever is first. The purpose of the
32 hearing shall be to review the progress of the parties and determine
33 whether court supervision should continue.

34 (a) The initial review hearing shall be an in-court review and
35 shall be set six months from the beginning date of the placement
36 episode or no more than ninety days from the entry of the disposition

1 order, whichever comes first. The requirements for the initial review
2 hearing, including the in-court review requirement, shall be
3 accomplished within existing resources.

4 (b) The initial review hearing may be a permanency planning hearing
5 when necessary to meet the time frames set forth in RCW 13.34.145
6 (1)(a) or 13.34.134.

7 (2)(a) A child shall not be returned home at the review hearing
8 unless the court finds that a reason for removal as set forth in RCW
9 13.34.130 no longer exists. The parents, guardian, or legal custodian
10 shall report to the court the efforts they have made to correct the
11 conditions which led to removal. If a child is returned, casework
12 supervision shall continue for a period of six months, at which time
13 there shall be a hearing on the need for continued intervention.

14 (b) Prior to the child returning home, the department must complete
15 the following:

16 (i) Identify all adults residing in the home and conduct background
17 checks on those persons;

18 (ii) Identify any persons who may act as a caregiver for the child
19 in addition to the parent with whom the child is being placed and
20 determine whether such persons are in need of any services in order to
21 ensure the safety of the child, regardless of whether such persons are
22 a party to the dependency. The department or supervising agency may
23 recommend to the court and the court may order that placement of the
24 child in the parent's home be contingent on or delayed based on the
25 need for such persons to engage in or complete services to ensure the
26 safety of the child prior to placement. If services are recommended
27 for the caregiver, and the caregiver fails to engage in or follow
28 through with the recommended services, the department or supervising
29 agency must promptly notify the court; and

30 (iii) Notify the parent with whom the child is being placed that he
31 or she has an ongoing duty to notify the department or supervising
32 agency of all persons who reside in the home or who may act as a
33 caregiver for the child both prior to the placement of the child in the
34 home and subsequent to the placement of the child in the home as long
35 as the court retains jurisdiction of the dependency proceeding or the
36 department is providing or monitoring either remedial services to the
37 parent or services to ensure the safety of the child to any caregivers.

1 Caregivers may be required to engage in services under this
2 subsection solely for the purpose of ensuring the present and future
3 safety of a child who is a ward of the court. This subsection does not
4 grant party status to any individual not already a party to the
5 dependency proceeding, create an entitlement to services or a duty on
6 the part of the department or supervising agency to provide services,
7 or create judicial authority to order the provision of services to any
8 person other than for the express purposes of this section or RCW
9 13.34.025 or if the services are unavailable or unsuitable or the
10 person is not eligible for such services.

11 (c) If the child is not returned home, the court shall establish in
12 writing:

13 (i) Whether the agency is making reasonable efforts to provide
14 services to the family and eliminate the need for placement of the
15 child. If additional services, including housing assistance, are
16 needed to facilitate the return of the child to the child's parents,
17 the court shall order that reasonable services be offered specifying
18 such services;

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

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

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

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

27 (vi) Whether a parent's homelessness or lack of suitable housing is
28 a significant factor delaying permanency for the child by preventing
29 the return of the child to the home of the child's parent and whether
30 housing assistance should be provided by the department or supervising
31 agency;

32 (vii) Whether the child is in an appropriate placement which
33 adequately meets all physical, emotional, and educational needs;

34 (~~(vii)~~) (viii) Whether preference has been given to placement
35 with the child's relatives;

36 (~~(viii)~~) (ix) Whether both in-state and, where appropriate, out-
37 of-state placements have been considered;

1 (~~(ix)~~) (x) Whether the parents have visited the child and any
2 reasons why visitation has not occurred or has been infrequent;

3 (~~(x)~~) (xi) Whether terms of visitation need to be modified;

4 (~~(xi)~~) (xii) Whether the court-approved long-term permanent plan
5 for the child remains the best plan for the child;

6 (~~(xii)~~) (xiii) Whether any additional court orders need to be
7 made to move the case toward permanency; and

8 (~~(xiii)~~) (xiv) The projected date by which the child will be
9 returned home or other permanent plan of care will be implemented.

10 (d) The court at the review hearing may order that a petition
11 seeking termination of the parent and child relationship be filed.

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

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

18 (ii) The continued participation of the parents, if applicable, in
19 available substance abuse or mental health treatment if substance abuse
20 or mental illness was a contributing factor to the removal of the
21 child.

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

24 (i) Noncompliance by the parents with the agency case plan or court
25 order;

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

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

34 (c) In a pending dependency case in which the court orders that a
35 dependent child may be returned home and that child is later removed
36 from the home, the court shall hold a review hearing within thirty days
37 from the date of removal to determine whether the permanency plan

1 should be changed, a termination petition should be filed, or other
2 action is warranted. The best interests of the child shall be the
3 court's primary consideration in the review hearing.

4 (4) The court's (~~ability~~) authority to order housing assistance
5 under (~~RCW 13.34.130 and this section~~) this chapter is: (a) Limited
6 to cases in which (~~homelessness or the lack of adequate and safe~~
7 ~~housing is the primary reason for an out-of-home placement~~) a parent's
8 homelessness or lack of suitable housing is a significant factor
9 delaying permanency for the child and housing assistance would aid the
10 parent in providing an appropriate home for the child; and (b) subject
11 to the availability of funds appropriated for this specific purpose.
12 Nothing in this chapter shall be construed to create an entitlement to
13 housing assistance nor to create judicial authority to order the
14 provision of such assistance to any person or family if the assistance
15 or funding are unavailable or the child or family are not eligible for
16 such assistance.

17 (5) The court shall consider the child's relationship with siblings
18 in accordance with RCW 13.34.130(3)."

SHB 1769 - S COMM AMD
By Committee on Human Services & Corrections

ADOPTED 04/09/2009

19 On page 1, line 2 of the title, after "matters;" strike the
20 remainder of the title and insert "amending RCW 13.34.030 and
21 13.34.065; and reenacting and amending RCW 13.34.130 and 13.34.138."

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