

2SHB 2106 - S COMM AMD
By Committee on Ways & Means

NOT ADOPTED 04/16/2009

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW
4 to read as follows:

5 The legislature declares that the safety and well-being of children
6 and families is essential to the social and economic health of
7 Washington. It is the duty of the state to provide children at risk of
8 out-of-home placement and their families with reasonable opportunities
9 to access supportive services that enhance their safety and well-being.
10 The legislature directs the programmatic and administrative changes
11 required in this act to be accomplished in conformance with this
12 foregoing principle.

13 The legislature finds that research in the area of child safety and
14 well-being supports the conclusion that a restructuring of the
15 administration and delivery of child welfare services through the use
16 of performance-based contracts can enhance safety and well-being, when
17 done so in a careful, well-planned and collaborative manner.

18 The legislature intends that the execution of performance-based
19 contracts which transfer the delivery of child welfare services to
20 entities other than the department be done without restricting who may
21 seek to participate in the procurement process of the contracts. The
22 legislature directs that the department retain those positions
23 necessary to provide child protective and investigative services and to
24 administer performance-based contracts.

25 The legislature further intends that the programmatic and
26 administrative changes contained in this act have the result of
27 reducing racial disproportionality in the child welfare system and
28 racial disparities in child outcomes.

29 The legislature, in creating the committee in section 8 of this
30 act, is establishing the mechanism to design, in collaboration with the

1 executive and judicial branches and all affected entities, the
2 transition to performance-based contracts in the delivery of out-of-
3 home care and case management services.

4 **Sec. 2.** RCW 74.13.020 and 1999 c 267 s 7 are each amended to read
5 as follows:

6 ~~((As used in Title 74 RCW, child welfare services shall be defined
7 as public social services including adoption services which strengthen,
8 supplement, or substitute for, parental care and supervision for the
9 purpose of:~~

10 ~~(1) Preventing or remedying, or assisting in the solution of
11 problems which may result in families in conflict, or the neglect,
12 abuse, exploitation, or criminal behavior of children;~~

13 ~~(2) Protecting and caring for dependent or neglected children;~~

14 ~~(3) Assisting children who are in conflict with their parents, and
15 assisting parents who are in conflict with their children with services
16 designed to resolve such conflicts;~~

17 ~~(4) Protecting and promoting the welfare of children, including the
18 strengthening of their own homes where possible, or, where needed;~~

19 ~~(5) Providing adequate care of children away from their homes in
20 foster family homes or day care or other child care agencies or
21 facilities.~~

22 ~~As used in this chapter, child means a person less than eighteen
23 years of age.~~

24 ~~The department's duty to provide services to homeless families with
25 children is set forth in RCW 43.20A.790 and in appropriations provided
26 by the legislature for implementation of the plan.))~~

27 For purposes of this chapter:

28 (1) "Case management" means the management of services delivered to
29 children in the legal custody of the department in the child welfare
30 system, including permanency services, caseworker-child visits, family
31 visits, the convening of family group conferences, the development and
32 revision of the case plan, the coordination and monitoring of services
33 needed by the child and family, and the assumption of court-related
34 duties, including preparing court reports, attending judicial hearings
35 and permanency hearings, and ensuring that the child is progressing
36 toward permanency within state and federal mandates, including the
37 Indian child welfare act.

1 (2) "Child" means a person less than eighteen years of age.

2 (3) "Child protective services" has the same meaning as in RCW
3 26.44.020.

4 (4) "Child welfare services" means social services including out-
5 of-home care, case management, and adoption services which strengthen,
6 supplement, or substitute for, parental care and supervision for the
7 purpose of:

8 (a) Preventing or remedying, or assisting in the solution of
9 problems which may result in families in conflict, or the neglect,
10 abuse, exploitation, or criminal behavior of children;

11 (b) Protecting and caring for dependent, abused, or neglected
12 children;

13 (c) Assisting children who are in conflict with their parents, and
14 assisting parents who are in conflict with their children, with
15 services designed to resolve such conflicts;

16 (d) Protecting and promoting the welfare of children, including the
17 strengthening of their own homes where possible, or, where needed;

18 (e) Providing adequate care of children away from their homes in
19 foster family homes or day care or other child care agencies or
20 facilities.

21 "Child welfare services" does not include child protection
22 services.

23 (5) "Committee" means the child welfare transformation design
24 committee.

25 (6) "Department" means the department of social and health
26 services.

27 (7) "Outcomes" means a statistically significant change which
28 occurs as a result of the service or services a supervising agency is
29 assigned in a performance-based contract, in time periods established
30 in the contract.

31 (8) "Out-of-home care services" means services provided after the
32 shelter care hearing to or for children in out-of-home care, as that
33 term is defined in RCW 13.34.030, and their families, including the
34 recruitment, training, and management of foster parents, the
35 recruitment of adoptive families, and the facilitation of the adoption
36 process, family reunification, independent living, emergency shelter,
37 residential group care, and foster care, including relative placement.

1 (9) "Performance-based contracting" means the structuring of all
2 aspects of the procurement of services around the purpose of the work
3 to be performed and the desired results with the contract requirements
4 set forth in clear, specific, and objective terms with measurable
5 outcomes. Contracts shall also include provisions that link the
6 performance of the contractor to the level and timing of reimbursement.

7 (10) "Permanency services" means long-term services provided to
8 secure a child's safety, permanency, and well-being, including foster
9 care services, family reunification services, adoption services, and
10 preparation for independent living services.

11 (11) "Primary prevention services" means services which are
12 designed and delivered for the primary purpose of enhancing child and
13 family well-being and are shown, by analysis of outcomes, to reduce the
14 risk to the likelihood of the initial need for child welfare services.

15 (12) "Supervising agency" means an agency licensed by the state
16 under RCW 74.15.090, or an Indian tribe under RCW 74.15.190, that has
17 entered into a performance-based contract with the department to
18 provide child welfare services.

19 NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW
20 to read as follows:

21 (1) On and after December 1, 2010, the department shall begin to
22 convert its current contracts with child-placing agencies into
23 performance-based contracts to provide child welfare services in this
24 state.

25 (2) On and after July 1, 2014:

26 (a) Child welfare services for sixty percent of the children for
27 whom the department has legal custody shall be provided by supervising
28 agencies with whom the department has entered into performance-based
29 contracts. Supervising agencies may enter into subcontracts with other
30 licensed agencies; and

31 (b) Except as provided in subsection (4) of this section, and
32 notwithstanding any law to the contrary, in those offices in which
33 child welfare services are provided by supervising agencies, the
34 department may not directly provide child welfare services.

35 (3) On and after July 1, 2014, in the offices in which the
36 department has entered into a performance-based contract with a

1 supervising agency to provide child welfare services, the department is
2 responsible for only the following:

3 (a) Monitoring the quality of services for which the department
4 contracts under this chapter; and

5 (b) Ensuring that the services are provided in accordance with
6 federal law and the laws of this state, including the Indian child
7 welfare act.

8 (4) On and after July 1, 2014, in the offices in which the
9 department has entered into a performance-based contract with a
10 supervising agency to provide child welfare services, the department
11 may provide child welfare services only in an emergency or as a
12 provider of last resort. The department shall adopt rules describing
13 the circumstances under which the department may provide those
14 services. For purposes of this section, "provider of last resort"
15 means the department is unable to contract with a private agency to
16 provide child welfare services in a particular geographic area or,
17 after entering into a contract with a private agency, either the
18 contractor or the department terminates the contract.

19 (5) For purposes of this chapter, on and after July 1, 2010,
20 performance-based contracts shall be structured to hold the supervising
21 agencies accountable for achieving the following goals in order of
22 importance: Child safety; reunification of the child with the child's
23 parents; child permanency; and child well-being.

24 (6) A federally recognized tribe located in this state may enter
25 into a performance-based contract with the department to provide child
26 welfare services to Indian children whether or not they reside on a
27 reservation.

28 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.13 RCW
29 to read as follows:

30 Children whose cases are managed by a supervising agency remain
31 dependents of the state.

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.13 RCW
33 to read as follows:

34 Except for Indian tribes, performance-based contracts with private
35 nonprofit entities who otherwise meet the definition of supervising
36 agency shall be preferred.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.10 RCW
2 to read as follows:

3 The office of the attorney general shall provide, or cause to be
4 provided, legal services in only dependency or termination of parental
5 rights matters to supervising agencies with whom the department of
6 social and health services has entered into performance-based contracts
7 to provide child welfare services as soon as the contracts become
8 effective.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.13 RCW
10 to read as follows:

11 As child welfare services caseworker and staff vacancies occur due
12 to voluntary employee departures, and if the department determines
13 those positions should be filled by state workers because there are
14 insufficient supervising agency resources available in that region to
15 provide the necessary child welfare services, the department shall
16 review its current staff assignments and transfer staff with sufficient
17 child welfare services experience in other units in the region to the
18 vacant child welfare services position or positions. If this occurs,
19 the department shall determine if there are other services in the
20 region where the work could be performed by supervising agencies.

21 NEW SECTION. **Sec. 8.** A new section is added to chapter 74.13 RCW
22 to read as follows:

23 (1)(a) The child welfare transformation design committee is
24 established, with members as provided in this subsection.

25 (i) The governor or the governor's designee;

26 (ii) Four private agencies that, as of the effective date of this
27 section, provide child welfare services to children and families
28 referred to them by the department. Two agencies must be headquartered
29 in western Washington and two must be headquartered in eastern
30 Washington. Two agencies must have an annual budget of at least one
31 million state-contracted dollars and two must have an annual budget of
32 less than one million state-contracted dollars;

33 (iii) The assistant secretary of the children's administration in
34 the department;

35 (iv) Two regional administrators in the children's administration

1 selected by the assistant secretary, one from one of the department's
2 administrative regions one or two, and one from one of the department's
3 administrative regions three, four, five, or six;

4 (v) The administrator for the division of licensed resources in the
5 children's administration;

6 (vi) Two nationally recognized experts in performance-based
7 contracts;

8 (vii) The attorney general or the attorney general's designee;

9 (viii) A representative of the collective bargaining unit that
10 represents the largest number of employees in the children's
11 administration;

12 (ix) A representative from the office of the family and children's
13 ombudsman;

14 (x) Four representatives from federally recognized Indian tribes,
15 two of which operate child welfare programs, selected by the Indian
16 policy advisory committee convened by the department's Indian policy
17 and support services office;

18 (xi) Two present or former superior court judges with significant
19 experience in dependency matters, selected by the superior court
20 judge's association;

21 (xii) One representative from partners for our children affiliated
22 with the University of Washington school of social work;

23 (xiii) A member of the Washington state racial disproportionality
24 advisory committee;

25 (xiv) A foster parent; and

26 (xv) A parent representative who has had personal experience with
27 the dependency system.

28 (b) The president of the senate and the speaker of the house of
29 representatives shall jointly appoint the members under (a)(ii), (v),
30 (xiv), and (xv) of this subsection.

31 (c) The representative from partners for our children shall convene
32 the initial meeting of the committee no later than June 15, 2009.

33 (d) The chair or cochairs of the committee shall be selected from
34 among its membership by a majority vote of those present at the initial
35 meeting.

36 (2) The committee shall establish a transition plan containing
37 recommendations to the legislature and the governor consistent with

1 this section for the provision of child welfare services by supervising
2 agencies pursuant to section 3 of this act.

3 (3) The plan shall include the following:

4 (a) A model or framework for performance-based contracts to be used
5 by the department that clearly defines:

6 (i) The target population;

7 (ii) The referral and exit criteria for the services;

8 (iii) The child welfare services including the use of evidence-
9 based services and practices to be provided by contractors;

10 (iv) The roles and responsibilities of public and private agency
11 workers in key case decisions;

12 (v) Contract performance and outcomes including those related to
13 eliminating racial disparities in child outcomes;

14 (vi) That supervising agencies will provide culturally competent
15 service;

16 (vii) How to measure whether each contractor has met the goals
17 listed in section 3(5) of this act; and

18 (viii) Incentives to meet outcome goals;

19 (b) A method by which the department will substantially reduce its
20 current number of contracts for child welfare services;

21 (c) A method or methods by which clients will access community-
22 based services, how private supervising agencies will engage other
23 services or form local service networks, develop subcontracts, and
24 share information and supervision of children;

25 (d) Methods to address the effects of racial disproportionality, as
26 identified in the 2008 Racial Disproportionality Advisory Committee
27 Report published by the Washington state institute for public policy in
28 June 2008;

29 (e) Methods for inclusion of the principles and requirements of the
30 centennial accord executed in November 2001, executed between the state
31 of Washington and federally recognized tribes in Washington state;

32 (f) Methods for assuring performance-based contracts adhere to the
33 letter and intent of the federal Indian child welfare act;

34 (g) Contract monitoring and evaluation procedures that will ensure
35 that children and families are receiving timely and quality services
36 and that contract terms are being implemented;

37 (h) A method or methods by which to ensure that the children's

1 administration has sufficiently trained and experienced staff to
2 monitor and manage performance-based contracts;

3 (i) A process by which to expand the capacity of supervising and
4 other private agencies to meet the service needs of children and
5 families in a performance-based contractual arrangement;

6 (j) A method or methods by which supervising and other private
7 agencies can expand services in underserved areas of the state;

8 (k) The appropriate amounts and procedures for the reimbursement of
9 supervising agencies given the proposed services restructuring;

10 (l) A method by which to access and enhance existing data systems
11 to include contract performance information;

12 (m) A financing arrangement for the contracts that examines:

13 (i) The use of case rates or performance-based fee-for-service
14 contracts that include incentive payments or payment schedules that
15 link reimbursement to outcomes; and

16 (ii) Ways to reduce a contractor's financial risk that could
17 jeopardize the solvency of the contractor, including consideration of
18 the use of a risk-reward corridor that limits risk of loss and
19 potential profits or the establishment of a statewide risk pool;

20 (n) A description of how the transition will impact the state's
21 ability to obtain federal funding and examine options to further
22 maximize federal funding opportunities and increased flexibility;

23 (o) A review of whether current administrative staffing levels in
24 the regions should be continued when the majority of child welfare
25 services are being provided by supervising agencies;

26 (p) A description of the costs of the transition, the initial
27 start-up costs and the mechanisms to periodically assess the overall
28 adequacy of funds and the fiscal impact of the changes, and the
29 feasibility of the plan and the impact of the plan on department
30 employees during the transition; and

31 (q) Identification of any statutory and regulatory revisions
32 necessary to accomplish the transition.

33 (4) The committee shall also prepare as part of the plan a
34 recommendation as to how to implement this act so that full
35 implementation of the requirement that child welfare services for sixty
36 percent of the children for whom the department has legal custody is
37 achieved no later than July 1, 2014.

1 (5) The committee shall prepare the plan to manage the delivery of
2 child welfare services in a manner that achieves coordination of the
3 services and programs that deliver primary prevention services.

4 (6) The committee shall report quarterly on its progress, beginning
5 on June 30, 2009, to the governor and the legislative children's
6 oversight committee established in RCW 44.04.220. The committee shall
7 report on its progress in meeting its duties under subsections (2) and
8 (3) of this section and on any other matters the committee or the
9 legislative children's oversight committee or the governor deems
10 appropriate. The portion of the plan required in subsection (4) of
11 this section shall be due to the legislative children's oversight
12 committee on or before June 1, 2010. The reports shall be in written
13 form.

14 (7) The committee, by majority vote, may establish advisory
15 committees as it deems necessary.

16 (8) All state executive branch agencies and the agencies with whom
17 the department contracts for child welfare services shall cooperate
18 with the committee and provide timely information as the chair or
19 cochairs may request. Cooperation by the children's administration
20 must include developing and scheduling training for supervising
21 agencies to access data and information necessary to implement and
22 monitor the contracts.

23 (9) It is expected that the administrative costs for the committee
24 will be supported through private funds.

25 (10) Staff support for the committee shall be provided jointly by
26 partners for our children and legislative staff.

27 (11) The committee is subject to chapters 42.30 (open public
28 meetings act) and 42.52 (ethics in public service) RCW.

29 (12) This section expires July 1, 2014.

30 NEW SECTION. **Sec. 9.** A new section is added to chapter 74.13 RCW
31 to read as follows:

32 (1) Eighteen months after the department has entered into
33 performance-based contracts with supervising agencies to provide child
34 welfare services, the Washington state institute for public policy is
35 to conduct a review of outcomes achieved by the supervising agencies
36 and compare those outcomes with the existing services offered by the
37 state. Among the outcomes to be compared are the number of relative

1 placements, number of placements with siblings, rereferral for cases
2 where the children who were placed were reunified and then returned to
3 out-of-home care during the eighteen-month period, the extent to which
4 the programmatic and administrative changes contained in this act have
5 resulted in reducing the disproportionate representation of children of
6 color in the child welfare system and reduced racial disparities in
7 child outcomes, and timelines for achievement of permanency in
8 individual cases. This preliminary report is due to the governor and
9 the legislature by June 30, 2012.

10 (2) No later than July 1, 2013, the Washington state institute for
11 public policy shall provide the legislature and the governor with the
12 final results of the outcomes comparison. If the report indicates
13 improved outcomes through the use of performance-based contracts with
14 supervising agencies, the governor is encouraged to expand statewide
15 the use of performance-based contracts in the manner contemplated in
16 this act.

17 (3) The department shall respond to the Washington institute for
18 public policy's request for data and other information with which to
19 complete these reports in a timely manner.

20 **Sec. 10.** RCW 74.15.010 and 1995 c 302 s 2 are each amended to read
21 as follows:

22 The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

23 (1) To safeguard the health, safety, and well-being of children,
24 expectant mothers and developmentally disabled persons receiving care
25 away from their own homes, which is paramount over the right of any
26 person to provide care;

27 (2) To strengthen and encourage family unity and to sustain
28 parental rights and responsibilities to the end that foster care is
29 provided only when a child's family, through the use of all available
30 resources, is unable to provide necessary care;

31 (3) To promote the development of a sufficient number and variety
32 of adequate (~~child-care~~) foster family homes and maternity-care
33 facilities, both public and private, through the cooperative efforts of
34 public and (~~voluntary~~) supervising agencies and related groups;

35 (4) To provide consultation to agencies caring for children,
36 expectant mothers or developmentally disabled persons in order to help
37 them to improve their methods of and facilities for care;

1 (5) To license agencies as defined in RCW 74.15.020 and to assure
2 the users of such agencies, their parents, the community at large and
3 the agencies themselves that adequate minimum standards are maintained
4 by all agencies caring for children, expectant mothers and
5 developmentally disabled persons.

6 **Sec. 11.** RCW 74.15.020 and 2007 c 412 s 1 are each amended to read
7 as follows:

8 For the purpose of this chapter and RCW 74.13.031, and unless
9 otherwise clearly indicated by the context thereof, the following terms
10 shall mean:

11 (1) "Agency" means any person, firm, partnership, association,
12 corporation, or facility which receives children, expectant mothers, or
13 persons with developmental disabilities for control, care, or
14 maintenance outside their own homes, or which places, arranges the
15 placement of, or assists in the placement of children, expectant
16 mothers, or persons with developmental disabilities for foster care or
17 placement of children for adoption, and shall include the following
18 irrespective of whether there is compensation to the agency or to the
19 children, expectant mothers or persons with developmental disabilities
20 for services rendered:

21 (a) "Child-placing agency" means an agency which places a child or
22 children for temporary care, continued care, or for adoption;

23 (b) "Community facility" means a group care facility operated for
24 the care of juveniles committed to the department under RCW 13.40.185.
25 A county detention facility that houses juveniles committed to the
26 department under RCW 13.40.185 pursuant to a contract with the
27 department is not a community facility;

28 (c) "Crisis residential center" means an agency which is a
29 temporary protective residential facility operated to perform the
30 duties specified in chapter 13.32A RCW, in the manner provided in RCW
31 74.13.032 through 74.13.036;

32 (d) "Emergency respite center" is an agency that may be commonly
33 known as a crisis nursery, that provides emergency and crisis care for
34 up to seventy-two hours to children who have been admitted by their
35 parents or guardians to prevent abuse or neglect. Emergency respite
36 centers may operate for up to twenty-four hours a day, and for up to
37 seven days a week. Emergency respite centers may provide care for

1 children ages birth through seventeen, and for persons eighteen through
2 twenty with developmental disabilities who are admitted with a sibling
3 or siblings through age seventeen. Emergency respite centers may not
4 substitute for crisis residential centers or HOPE centers, or any other
5 services defined under this section, and may not substitute for
6 services which are required under chapter 13.32A or 13.34 RCW;

7 (e) "Foster-family home" means an agency which regularly provides
8 care on a twenty-four hour basis to one or more children, expectant
9 mothers, or persons with developmental disabilities in the family abode
10 of the person or persons under whose direct care and supervision the
11 child, expectant mother, or person with a developmental disability is
12 placed;

13 (f) "Group-care facility" means an agency, other than a foster-
14 family home, which is maintained and operated for the care of a group
15 of children on a twenty-four hour basis;

16 (g) "HOPE center" means an agency licensed by the secretary to
17 provide temporary residential placement and other services to street
18 youth. A street youth may remain in a HOPE center for thirty days
19 while services are arranged and permanent placement is coordinated. No
20 street youth may stay longer than thirty days unless approved by the
21 department and any additional days approved by the department must be
22 based on the unavailability of a long-term placement option. A street
23 youth whose parent wants him or her returned to home may remain in a
24 HOPE center until his or her parent arranges return of the youth, not
25 longer. All other street youth must have court approval under chapter
26 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

27 (h) "Maternity service" means an agency which provides or arranges
28 for care or services to expectant mothers, before or during
29 confinement, or which provides care as needed to mothers and their
30 infants after confinement;

31 (i) "Responsible living skills program" means an agency licensed by
32 the secretary that provides residential and transitional living
33 services to persons ages sixteen to eighteen who are dependent under
34 chapter 13.34 RCW and who have been unable to live in his or her
35 legally authorized residence and, as a result, the minor lived outdoors
36 or in another unsafe location not intended for occupancy by the minor.
37 Dependent minors ages fourteen and fifteen may be eligible if no other

1 placement alternative is available and the department approves the
2 placement;

3 (j) "Service provider" means the entity that operates a community
4 facility.

5 (2) "Agency" shall not include the following:

6 (a) Persons related to the child, expectant mother, or person with
7 developmental disability in the following ways:

8 (i) Any blood relative, including those of half-blood, and
9 including first cousins, second cousins, nephews or nieces, and persons
10 of preceding generations as denoted by prefixes of grand, great, or
11 great-great;

12 (ii) Stepfather, stepmother, stepbrother, and stepsister;

13 (iii) A person who legally adopts a child or the child's parent as
14 well as the natural and other legally adopted children of such persons,
15 and other relatives of the adoptive parents in accordance with state
16 law;

17 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
18 subsection (2)(a), even after the marriage is terminated;

19 (v) Relatives, as named in (i), (ii), (iii), or (iv) of this
20 subsection (2)(a), of any half sibling of the child; or

21 (vi) Extended family members, as defined by the law or custom of
22 the Indian child's tribe or, in the absence of such law or custom, a
23 person who has reached the age of eighteen and who is the Indian
24 child's grandparent, aunt or uncle, brother or sister, brother-in-law
25 or sister-in-law, niece or nephew, first or second cousin, or
26 stepparent who provides care in the family abode on a twenty-four-hour
27 basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

28 (b) Persons who are legal guardians of the child, expectant mother,
29 or persons with developmental disabilities;

30 (c) Persons who care for a neighbor's or friend's child or
31 children, with or without compensation, where the parent and person
32 providing care on a twenty-four-hour basis have agreed to the placement
33 in writing and the state is not providing any payment for the care;

34 (d) A person, partnership, corporation, or other entity that
35 provides placement or similar services to exchange students or
36 international student exchange visitors or persons who have the care of
37 an exchange student in their home;

1 (e) A person, partnership, corporation, or other entity that
2 provides placement or similar services to international children who
3 have entered the country by obtaining visas that meet the criteria for
4 medical care as established by the United States citizenship and
5 immigration (~~and naturalization~~) services, or persons who have the
6 care of such an international child in their home;

7 (f) Schools, including boarding schools, which are engaged
8 primarily in education, operate on a definite school year schedule,
9 follow a stated academic curriculum, accept only school-age children
10 and do not accept custody of children;

11 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
12 performing functions defined in chapter 70.41 RCW, nursing homes
13 licensed under chapter 18.51 RCW and boarding homes licensed under
14 chapter 18.20 RCW;

15 (h) Licensed physicians or lawyers;

16 (i) Facilities approved and certified under chapter 71A.22 RCW;

17 (j) Any agency having been in operation in this state ten years
18 prior to June 8, 1967, and not seeking or accepting moneys or
19 assistance from any state or federal agency, and is supported in part
20 by an endowment or trust fund;

21 (k) Persons who have a child in their home for purposes of
22 adoption, if the child was placed in such home by a licensed child-
23 placing agency, an authorized public or tribal agency or court or if a
24 replacement report has been filed under chapter 26.33 RCW and the
25 placement has been approved by the court;

26 (l) An agency operated by any unit of local, state, or federal
27 government or an agency licensed by an Indian tribe pursuant to RCW
28 74.15.190;

29 (m) A maximum or medium security program for juvenile offenders
30 operated by or under contract with the department;

31 (n) An agency located on a federal military reservation, except
32 where the military authorities request that such agency be subject to
33 the licensing requirements of this chapter.

34 (3) "Department" means the state department of social and health
35 services.

36 (4) (~~"Family child care licensee" means a person who: (a)~~
37 ~~Provides regularly scheduled care for a child or children in the home~~
38 ~~of the provider for periods of less than twenty four hours or, if~~

1 ~~necessary due to the nature of the parent's work, for periods equal to~~
2 ~~or greater than twenty-four hours; (b) does not receive child care~~
3 ~~subsidies; and (c) is licensed by the state under RCW 74.15.030.~~

4 (5)) "Juvenile" means a person under the age of twenty-one who has
5 been sentenced to a term of confinement under the supervision of the
6 department under RCW 13.40.185.

7 (5) "Performance-based contracts" or "contracting" means the
8 structuring of all aspects of the procurement of services around the
9 purpose of the work to be performed and the desired results with the
10 contract requirements set forth in clear, specific, and objective terms
11 with measurable outcomes. Contracts may also include provisions that
12 link the performance of the contractor to the level and timing of the
13 reimbursement.

14 (6) "Probationary license" means a license issued as a disciplinary
15 measure to an agency that has previously been issued a full license but
16 is out of compliance with licensing standards.

17 (7) "Requirement" means any rule, regulation, or standard of care
18 to be maintained by an agency.

19 (8) "Secretary" means the secretary of social and health services.

20 (9) "Street youth" means a person under the age of eighteen who
21 lives outdoors or in another unsafe location not intended for occupancy
22 by the minor and who is not residing with his or her parent or at his
23 or her legally authorized residence.

24 (10) "Supervising agency" means an agency licensed by the state
25 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
26 entered into a performance-based contract with the department to
27 provide child welfare services.

28 (11) "Transitional living services" means at a minimum, to the
29 extent funds are available, the following:

30 (a) Educational services, including basic literacy and
31 computational skills training, either in local alternative or public
32 high schools or in a high school equivalency program that leads to
33 obtaining a high school equivalency degree;

34 (b) Assistance and counseling related to obtaining vocational
35 training or higher education, job readiness, job search assistance, and
36 placement programs;

37 (c) Counseling and instruction in life skills such as money

1 management, home management, consumer skills, parenting, health care,
2 access to community resources, and transportation and housing options;

3 (d) Individual and group counseling; and

4 (e) Establishing networks with federal agencies and state and local
5 organizations such as the United States department of labor, employment
6 and training administration programs including the ((~~job-training~~
7 ~~partnership~~)) workforce investment act which administers private
8 industry councils and the job corps; vocational rehabilitation; and
9 volunteer programs.

10 **Sec. 12.** RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are
11 each reenacted and amended to read as follows:

12 The secretary shall have the power and it shall be the secretary's
13 duty:

14 (1) In consultation with the children's services advisory
15 committee, and with the advice and assistance of persons representative
16 of the various type agencies to be licensed, to designate categories of
17 facilities for which separate or different requirements shall be
18 developed as may be appropriate whether because of variations in the
19 ages, sex and other characteristics of persons served, variations in
20 the purposes and services offered or size or structure of the agencies
21 to be licensed ((~~hereunder~~)) under this chapter, or because of any
22 other relevant factor ((~~relevant thereto~~));

23 (2) In consultation with the children's services advisory
24 committee, and with the advice and assistance of persons representative
25 of the various type agencies to be licensed, to adopt and publish
26 minimum requirements for licensing applicable to each of the various
27 categories of agencies to be licensed.

28 The minimum requirements shall be limited to:

29 (a) The size and suitability of a facility and the plan of
30 operation for carrying out the purpose for which an applicant seeks a
31 license;

32 (b) Obtaining background information and any out-of-state
33 equivalent, to determine whether the applicant or service provider is
34 disqualified and to determine the character, competence, and
35 suitability of an agency, the agency's employees, volunteers, and other
36 persons associated with an agency;

1 (c) Conducting background checks for those who will or may have
2 unsupervised access to children, expectant mothers, or individuals with
3 a developmental disability;

4 (d) Obtaining child protective services information or records
5 maintained in the department's ~~((case management))~~ information
6 technology system. ~~((No))~~ Unfounded allegations of child abuse or
7 neglect as defined in RCW 26.44.020 ~~((may))~~ shall be disclosed to ~~((a~~
8 ~~child placing agency, private adoption agency, or any other provider~~
9 ~~licensed))~~ supervising agencies under this chapter;

10 (e) Submitting a fingerprint-based background check through the
11 Washington state patrol under chapter 10.97 RCW and through the federal
12 bureau of investigation for:

13 (i) Agencies and their staff, volunteers, students, and interns
14 when the agency is seeking license or relicense;

15 (ii) Foster care and adoption placements; and

16 (iii) Any adult living in a home where a child may be placed;

17 (f) If any adult living in the home has not resided in the state of
18 Washington for the preceding five years, the department shall review
19 any child abuse and neglect registries maintained by any state where
20 the adult has resided over the preceding five years;

21 (g) The cost of fingerprint background check fees will be paid as
22 required in RCW 43.43.837;

23 (h) National and state background information must be used solely
24 for the purpose of determining eligibility for a license and for
25 determining the character, suitability, and competence of those persons
26 or agencies, excluding parents, not required to be licensed who are
27 authorized to care for children or expectant mothers;

28 (i) The number of qualified persons required to render the type of
29 care and treatment for which an agency seeks a license;

30 (j) The safety, cleanliness, and general adequacy of the premises
31 to provide for the comfort, care and well-being of children, expectant
32 mothers or developmentally disabled persons;

33 (k) The provision of necessary care, including food, clothing,
34 supervision and discipline; physical, mental and social well-being; and
35 educational, recreational and spiritual opportunities for those served;

36 (l) The financial ability of an agency to comply with minimum
37 requirements established pursuant to chapter 74.15 RCW and RCW
38 74.13.031; and

1 (m) The maintenance of records pertaining to the admission,
2 progress, health and discharge of persons served;

3 (3) To investigate any person, including relatives by blood or
4 marriage except for parents, for character, suitability, and competence
5 in the care and treatment of children, expectant mothers, and
6 developmentally disabled persons prior to authorizing that person to
7 care for children, expectant mothers, and developmentally disabled
8 persons. However, if a child is placed with a relative under RCW
9 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
10 and competent to provide care and treatment the criminal history
11 background check required by this section need not be completed before
12 placement, but shall be completed as soon as possible after placement;

13 (4) On reports of alleged child abuse and neglect, to investigate
14 agencies in accordance with chapter 26.44 RCW, including child day-care
15 centers and family day-care homes, to determine whether the alleged
16 abuse or neglect has occurred, and whether child protective services or
17 referral to a law enforcement agency is appropriate;

18 (5) To issue, revoke, or deny licenses to agencies pursuant to
19 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the
20 category of care which an agency is authorized to render and the ages,
21 sex and number of persons to be served;

22 (6) To prescribe the procedures and the form and contents of
23 reports necessary for the administration of chapter 74.15 RCW and RCW
24 74.13.031 and to require regular reports from each licensee;

25 (7) To inspect agencies periodically to determine whether or not
26 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the
27 requirements adopted hereunder;

28 (8) To review requirements adopted hereunder at least every two
29 years and to adopt appropriate changes after consultation with affected
30 groups for child day-care requirements and with the children's services
31 advisory committee for requirements for other agencies; and

32 (9) To consult with public and private agencies in order to help
33 them improve their methods and facilities for the care of children,
34 expectant mothers and developmentally disabled persons.

35 **Sec. 13.** RCW 74.15.050 and 1995 c 369 s 62 are each amended to
36 read as follows:

1 The chief of the Washington state patrol, through the director of
2 fire protection, shall have the power and it shall be his or her duty:

3 (1) In consultation with the children's services advisory committee
4 and with the advice and assistance of persons representative of the
5 various type agencies to be licensed, to adopt recognized minimum
6 standard requirements pertaining to each category of agency established
7 pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family
8 homes and child-placing agencies, necessary to protect all persons
9 residing therein from fire hazards;

10 (2) To make or cause to be made such inspections and investigations
11 of agencies, other than foster-family homes or child-placing agencies,
12 as he or she deems necessary;

13 (3) To make a periodic review of requirements under RCW
14 74.15.030(7) and to adopt necessary changes after consultation as
15 required in subsection (1) of this section;

16 (4) To issue to applicants for licenses hereunder, other than
17 foster-family homes or child-placing agencies, who comply with the
18 requirements, a certificate of compliance, a copy of which shall be
19 presented to the department (~~(of social and health services)~~) before a
20 license shall be issued, except that (~~(a provisional)~~) an initial
21 license may be issued as provided in RCW 74.15.120.

22 **Sec. 14.** RCW 74.15.100 and 2006 c 265 s 403 are each amended to
23 read as follows:

24 Each agency or supervising agency shall make application for a
25 license or renewal of license to the department (~~(of social and health~~
26 ~~services)~~) on forms prescribed by the department. A licensed agency
27 having foster-family homes under its supervision may make application
28 for a license on behalf of any such foster-family home. Such a foster
29 home license shall cease to be valid when the home is no longer under
30 the supervision of that agency. Upon receipt of such application, the
31 department shall either grant or deny a license within ninety days
32 unless the application is for licensure as a foster-family home, in
33 which case RCW 74.15.040 shall govern. A license shall be granted if
34 the agency meets the minimum requirements set forth in chapter 74.15
35 RCW and RCW 74.13.031 and the departmental requirements consistent
36 herewith, except that an initial license may be issued as provided in
37 RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW

1 74.13.031 shall be issued for a period of three years. The licensee,
2 however, shall advise the secretary of any material change in
3 circumstances which might constitute grounds for reclassification of
4 license as to category. The license issued under this chapter is not
5 transferable and applies only to the licensee and the location stated
6 in the application. For licensed foster-family homes having an
7 acceptable history of child care, the license may remain in effect for
8 two weeks after a move, except that this will apply only if the family
9 remains intact.

10 **Sec. 15.** RCW 26.44.020 and 2007 c 220 s 1 are each amended to read
11 as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Abuse or neglect" means sexual abuse, sexual exploitation, or
15 injury of a child by any person under circumstances which cause harm to
16 the child's health, welfare, or safety, excluding conduct permitted
17 under RCW 9A.16.100; or the negligent treatment or maltreatment of a
18 child by a person responsible for or providing care to the child. An
19 abused child is a child who has been subjected to child abuse or
20 neglect as defined in this section.

21 (2) "Child" or "children" means any person under the age of
22 eighteen years of age.

23 (3) "Child protective services" means those services provided by
24 the department designed to protect children from child abuse and
25 neglect and safeguard such children from future abuse and neglect, and
26 conduct investigations of child abuse and neglect reports.
27 Investigations may be conducted regardless of the location of the
28 alleged abuse or neglect. Child protective services includes referral
29 to services to ameliorate conditions that endanger the welfare of
30 children, the coordination of necessary programs and services relevant
31 to the prevention, intervention, and treatment of child abuse and
32 neglect, and services to children to ensure that each child has a
33 permanent home. In determining whether protective services should be
34 provided, the department shall not decline to provide such services
35 solely because of the child's unwillingness or developmental inability
36 to describe the nature and severity of the abuse or neglect.

1 (4) "Child protective services section" means the child protective
2 services section of the department.

3 (5) "Clergy" means any regularly licensed or ordained minister,
4 priest, or rabbi of any church or religious denomination, whether
5 acting in an individual capacity or as an employee or agent of any
6 public or private organization or institution.

7 (6) "Court" means the superior court of the state of Washington,
8 juvenile department.

9 (7) "Department" means the state department of social and health
10 services.

11 (8) "Founded" means the determination following an investigation by
12 the department that, based on available information, it is more likely
13 than not that child abuse or neglect did occur.

14 (9) "Inconclusive" means the determination following an
15 investigation by the department, prior to October 1, 2008, that based
16 on available information a decision cannot be made that more likely
17 than not, child abuse or neglect did or did not occur.

18 (10) "Institution" means a private or public hospital or any other
19 facility providing medical diagnosis, treatment, or care.

20 (11) "Law enforcement agency" means the police department, the
21 prosecuting attorney, the state patrol, the director of public safety,
22 or the office of the sheriff.

23 (12) "Malice" or "maliciously" means an intent, wish, or design to
24 intimidate, annoy, or injure another person. Such malice may be
25 inferred from an act done in willful disregard of the rights of
26 another, or an act wrongfully done without just cause or excuse, or an
27 act or omission of duty betraying a willful disregard of social duty.

28 (13) "Negligent treatment or maltreatment" means an act or a
29 failure to act, or the cumulative effects of a pattern of conduct,
30 behavior, or inaction, that evidences a serious disregard of
31 consequences of such magnitude as to constitute a clear and present
32 danger to a child's health, welfare, or safety, including but not
33 limited to conduct prohibited under RCW 9A.42.100. When considering
34 whether a clear and present danger exists, evidence of a parent's
35 substance abuse as a contributing factor to negligent treatment or
36 maltreatment shall be given great weight. The fact that siblings share
37 a bedroom is not, in and of itself, negligent treatment or
38 maltreatment. Poverty, homelessness, or exposure to domestic violence

1 as defined in RCW 26.50.010 that is perpetrated against someone other
2 than the child does not constitute negligent treatment or maltreatment
3 in and of itself.

4 (14) "Pharmacist" means any registered pharmacist under chapter
5 18.64 RCW, whether acting in an individual capacity or as an employee
6 or agent of any public or private organization or institution.

7 (15) "Practitioner of the healing arts" or "practitioner" means a
8 person licensed by this state to practice podiatric medicine and
9 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
10 medicine and surgery, or medicine and surgery or to provide other
11 health services. The term "practitioner" includes a duly accredited
12 Christian Science practitioner(~~(: PROVIDED, HOWEVER, That)~~). A person
13 who is being furnished Christian Science treatment by a duly accredited
14 Christian Science practitioner will not be considered, for that reason
15 alone, a neglected person for the purposes of this chapter.

16 (16) "Professional school personnel" include, but are not limited
17 to, teachers, counselors, administrators, child care facility
18 personnel, and school nurses.

19 (17) "Psychologist" means any person licensed to practice
20 psychology under chapter 18.83 RCW, whether acting in an individual
21 capacity or as an employee or agent of any public or private
22 organization or institution.

23 (18) "Screened-out report" means a report of alleged child abuse or
24 neglect that the department has determined does not rise to the level
25 of a credible report of abuse or neglect and is not referred for
26 investigation.

27 (19) "Sexual exploitation" includes: (a) Allowing, permitting, or
28 encouraging a child to engage in prostitution by any person; or (b)
29 allowing, permitting, encouraging, or engaging in the obscene or
30 pornographic photographing, filming, or depicting of a child by any
31 person.

32 (20) "Sexually aggressive youth" means a child who is defined in
33 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

34 (21) "Social service counselor" means anyone engaged in a
35 professional capacity during the regular course of employment in
36 encouraging or promoting the health, welfare, support, or education of
37 children, or providing social services to adults or families, including

1 mental health, drug and alcohol treatment, and domestic violence
2 programs, whether in an individual capacity, or as an employee or agent
3 of any public or private organization or institution.

4 (22) "Supervising agency" means an agency licensed by the state
5 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
6 entered into a performance-based contract with the department to
7 provide child welfare services.

8 (23) "Unfounded" means the determination following an investigation
9 by the department that available information indicates that, more
10 likely than not, child abuse or neglect did not occur, or that there is
11 insufficient evidence for the department to determine whether the
12 alleged child abuse did or did not occur.

13 **Sec. 16.** RCW 26.44.200 and 2002 c 134 s 4 are each amended to read
14 as follows:

15 A law enforcement agency in the course of investigating: (1) An
16 allegation under RCW 69.50.401(~~(a)~~) (1) and (2) (a) through (e)
17 relating to manufacture of methamphetamine; or (2) an allegation under
18 RCW 69.50.440 relating to possession of ephedrine or any of its salts
19 or isomers or salts of isomers, pseudoephedrine or any of its salts or
20 isomers or salts of isomers, pressurized ammonia gas, or pressurized
21 ammonia gas solution with intent to manufacture methamphetamine, that
22 discovers a child present at the site, shall contact the department
23 immediately.

24 NEW SECTION. **Sec. 17.** A new section is added to chapter 26.44 RCW
25 to read as follows:

26 Within existing resources, the department shall develop a
27 curriculum designed to train child protective services staff in
28 forensic techniques used for investigating allegations of child abuse
29 or neglect.

30 **Sec. 18.** RCW 13.34.025 and 2007 c 410 s 2 are each amended to read
31 as follows:

32 (1) The department (~~(of social and health services)~~) and
33 supervising agencies shall develop methods for coordination of services
34 to parents and children in child dependency cases. To the maximum

1 extent possible under current funding levels, the department and
2 supervising agencies must:

3 (a) Coordinate and integrate services to children and families,
4 using service plans and activities that address the children's and
5 families' multiple needs, including ensuring that siblings have regular
6 visits with each other, as appropriate. Assessment criteria should
7 screen for multiple needs;

8 (b) Develop treatment plans for the individual needs of the client
9 in a manner that minimizes the number of contacts the client is
10 required to make; and

11 (c) Access training for department and supervising agency staff to
12 increase skills across disciplines to assess needs for mental health,
13 substance abuse, developmental disabilities, and other areas.

14 (2) The department shall coordinate within the administrations of
15 the department, and with contracted service providers including
16 supervising agencies, to ensure that parents in dependency proceedings
17 under this chapter receive priority access to remedial services
18 recommended by the department or supervising agency in its social study
19 or ordered by the court for the purpose of correcting any parental
20 deficiencies identified in the dependency proceeding that are capable
21 of being corrected in the foreseeable future. Services may also be
22 provided to caregivers other than the parents as identified in RCW
23 13.34.138.

24 (a) For purposes of this chapter, remedial services are those
25 services defined in the federal adoption and safe families act as
26 time-limited family reunification services. Remedial services include
27 individual, group, and family counseling; substance abuse treatment
28 services; mental health services; assistance to address domestic
29 violence; services designed to provide temporary child care and
30 therapeutic services for families; and transportation to or from any of
31 the above services and activities.

32 (b) The department shall provide funds for remedial services if the
33 parent is unable to pay to the extent funding is appropriated in the
34 operating budget or otherwise available to the department for such
35 specific services. As a condition for receiving funded remedial
36 services, the court may inquire into the parent's ability to pay for
37 all or part of such services or may require that the parent make

1 appropriate applications for funding to alternative funding sources for
2 such services.

3 (c) If court-ordered remedial services are unavailable for any
4 reason, including lack of funding, lack of services, or language
5 barriers, the department or supervising agency shall promptly notify
6 the court that the parent is unable to engage in the treatment due to
7 the inability to access such services.

8 (d) This section does not create an entitlement to services and
9 does not create judicial authority to order the provision of services
10 except for the specific purpose of making reasonable efforts to remedy
11 parental deficiencies identified in a dependency proceeding under this
12 chapter.

13 **Sec. 19.** RCW 13.34.030 and 2003 c 227 s 2 are each amended to read
14 as follows:

15 For purposes of this chapter:

16 (1) "Abandoned" means when the child's parent, guardian, or other
17 custodian has expressed, either by statement or conduct, an intent to
18 forego, for an extended period, parental rights or responsibilities
19 despite an ability to exercise such rights and responsibilities. If
20 the court finds that the petitioner has exercised due diligence in
21 attempting to locate the parent, no contact between the child and the
22 child's parent, guardian, or other custodian for a period of three
23 months creates a rebuttable presumption of abandonment, even if there
24 is no expressed intent to abandon.

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

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

34 (4) "Department" means the department of social and health
35 services.

36 (5) "Dependency guardian" means the person, nonprofit corporation,

1 or Indian tribe appointed by the court pursuant to this chapter for the
2 limited purpose of assisting the court in the supervision of the
3 dependency.

4 ~~((+5))~~ (6) "Dependent child" means any child who:

5 (a) Has been abandoned;

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

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

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

21 ~~((+7))~~ (8) "Guardian" means the person or agency that: (a) Has
22 been appointed as the guardian of a child in a legal proceeding other
23 than a proceeding under this chapter; and (b) has the legal right to
24 custody of the child pursuant to such appointment. The term "guardian"
25 shall not include a "dependency guardian" appointed pursuant to a
26 proceeding under this chapter.

27 ~~((+8))~~ (9) "Guardian ad litem" means a person, appointed by the
28 court to represent the best interests of a child in a proceeding under
29 this chapter, or in any matter which may be consolidated with a
30 proceeding under this chapter. A "court-appointed special advocate"
31 appointed by the court to be the guardian ad litem for the child, or to
32 perform substantially the same duties and functions as a guardian ad
33 litem, shall be deemed to be guardian ad litem for all purposes and
34 uses of this chapter.

35 ~~((+9))~~ (10) "Guardian ad litem program" means a court-authorized
36 volunteer program, which is or may be established by the superior court
37 of the county in which such proceeding is filed, to manage all aspects
38 of volunteer guardian ad litem representation for children alleged or

1 found to be dependent. Such management shall include but is not
2 limited to: Recruitment, screening, training, supervision, assignment,
3 and discharge of volunteers.

4 ~~((+10+))~~ (11) "Indigent" means a person who, at any stage of a
5 court proceeding, is:

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

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

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

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

17 ~~((+11+))~~ (12) "Out-of-home care" means placement in a foster family
18 home or group care facility licensed pursuant to chapter 74.15 RCW or
19 placement in a home, other than that of the child's parent, guardian,
20 or legal custodian, not required to be licensed pursuant to chapter
21 74.15 RCW.

22 ~~((+12+))~~ (13) "Preventive services" means preservation services, as
23 defined in chapter 74.14C RCW, and other reasonably available services,
24 including housing services, capable of preventing the need for out-of-
25 home placement while protecting the child. Housing services may
26 include, but are not limited to, referrals to federal, state, local, or
27 private agencies or organizations, assistance with forms and
28 applications, or financial subsidies for housing.

29 ~~((+13+))~~ (14) "Shelter care" means temporary physical care in a
30 facility licensed pursuant to RCW 74.15.030 or in a home not required
31 to be licensed pursuant to RCW 74.15.030.

32 ~~((+14+))~~ (15) "Sibling" means a child's birth brother, birth
33 sister, adoptive brother, adoptive sister, half-brother, or half-
34 sister, or as defined by the law or custom of the Indian child's tribe
35 for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

36 ~~((+15+))~~ (16) "Social study" means a written evaluation of matters
37 relevant to the disposition of the case and shall contain the following
38 information:

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

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

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

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

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

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

28 (17) "Supervising agency" means an agency licensed by the state
29 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 with whom
30 the department has entered into a performance-based contract to provide
31 child welfare services as defined in RCW 74.13.020.

32 **Sec. 20.** RCW 13.34.065 and 2008 c 267 s 2 are each amended to read
33 as follows:

34 (1)(a) When a child is taken into custody, the court shall hold a
35 shelter care hearing within seventy-two hours, excluding Saturdays,
36 Sundays, and holidays. The primary purpose of the shelter care hearing

1 is to determine whether the child can be immediately and safely
2 returned home while the adjudication of the dependency is pending.

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

11 (2)(a) If it is likely that the child will remain in shelter care
12 longer than seventy-two hours, in those areas in which child welfare
13 services are being provided by a supervising agency, the supervising
14 agency shall assume case management responsibilities of the case. The
15 department (~~(of social and health services)~~) or supervising agency
16 shall submit a recommendation to the court as to the further need for
17 shelter care in all cases in which (~~(it is the petitioner)~~) the child
18 will remain in shelter care longer than the seventy-two hour period.
19 In all other cases, the recommendation shall be submitted by the
20 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
21 to 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 department or supervising
30 agency the least disruptive and most family-like setting that meets the
31 needs of the child;

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

38 (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, as provided in RCW 26.44.063, restraining orders, or
6 orders expelling an allegedly abusive household member from the home of
7 a nonabusive parent, guardian, or legal custodian, will allow the child
8 to safely remain in the home;

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

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

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

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

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

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

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

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

36 (i) Care for the child and be able to meet any special needs of the
37 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 or supervising agency in
5 providing necessary 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. If the court orders
13 placement of the child with a person not related to the child and not
14 licensed to provide foster care, the placement is subject to all terms
15 and conditions of this section that apply to relative placements.

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

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

32 (6)(a) A shelter care order issued pursuant to this section shall
33 include the requirement for a case conference as provided in RCW
34 13.34.067. However, if the parent is not present at the shelter care
35 hearing, or does not agree to the case conference, the court shall not
36 include the requirement for the case conference in the shelter care
37 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 (8)(a) If a child is returned home from shelter care a second time
26 in the case, or if the supervisor of the caseworker deems it necessary,
27 the multidisciplinary team may be reconvened.

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

31 **Sec. 21.** RCW 13.34.067 and 2004 c 147 s 1 are each amended to read
32 as follows:

33 (1)(a) Following shelter care and no later than thirty days prior
34 to fact-finding, the department or supervising agency shall convene a
35 case conference as required in the shelter care order to develop and
36 specify in a written service agreement the expectations of both the

1 department or supervising agency and the parent regarding voluntary
2 services for the parent.

3 (b) The case conference shall include the parent, counsel for the
4 parent, caseworker, counsel for the state, guardian ad litem, counsel
5 for the child, and any other person agreed upon by the parties. Once
6 the shelter care order is entered, the department or supervising agency
7 is not required to provide additional notice of the case conference to
8 any participants in the case conference.

9 (c) The written service agreement expectations must correlate with
10 the court's findings at the shelter care hearing. The written service
11 agreement must set forth specific services to be provided to the
12 parent.

13 (d) The case conference agreement must be agreed to and signed by
14 the parties. The court shall not consider the content of the
15 discussions at the case conference at the time of the fact-finding
16 hearing for the purposes of establishing that the child is a dependent
17 child, and the court shall not consider any documents or written
18 materials presented at the case conference but not incorporated into
19 the case conference agreement, unless the documents or written
20 materials were prepared for purposes other than or as a result of the
21 case conference and are otherwise admissible under the rules of
22 evidence.

23 (2) At any other stage in a dependency proceeding, the department
24 or supervising agency, upon the parent's request, shall convene a case
25 conference.

26 **Sec. 22.** RCW 13.34.094 and 2004 c 147 s 3 are each amended to read
27 as follows:

28 The department, or supervising agency after the shelter care
29 hearing, shall, within existing resources, provide to parents
30 requesting or participating in a multidisciplinary team, family group
31 conference, case conference, or prognostic staffing information that
32 describes these processes prior to the processes being undertaken.

33 **Sec. 23.** RCW 13.34.096 and 2007 c 409 s 1 are each amended to read
34 as follows:

35 The department (~~(of social and health services or other)~~) or
36 supervising agency shall provide the child's foster parents,

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

9 **Sec. 24.** RCW 13.34.125 and 1999 c 173 s 2 are each amended to read
10 as follows:

11 In those cases where an alleged father, birth parent, or parent has
12 indicated his or her intention to make a voluntary adoption plan for
13 the child and has agreed to the termination of his or her parental
14 rights, the department or supervising agency shall follow the wishes of
15 the alleged father, birth parent, or parent regarding the proposed
16 adoptive placement of the child, if the court determines that the
17 adoption is in the best interest of the child, and the prospective
18 adoptive parents chosen by the alleged father, birth parent, or parent
19 are properly qualified to adopt in compliance with the standards in
20 this chapter and chapter 26.33 RCW. If the department or supervising
21 agency has filed a termination petition, an alleged father's, birth
22 parent's, or parent's preferences regarding the proposed adoptive
23 placement of the child shall be given consideration.

24 **Sec. 25.** RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are
25 each reenacted and amended to read as follows:

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

32 (1) The court shall order one of the following dispositions of the
33 case:

34 (a) Order a disposition other than removal of the child from his or
35 her home, which shall provide a program designed to alleviate the
36 immediate danger to the child, to mitigate or cure any damage the child

1 has already suffered, and to aid the parents so that the child will not
2 be endangered in the future. In determining the disposition, the court
3 should choose those services, including housing assistance, that least
4 interfere with family autonomy and are adequate to protect the child.

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

29 (2) Placement of the child with a relative under this subsection
30 shall be given preference by the court. An order for out-of-home
31 placement may be made only if the court finds that reasonable efforts
32 have been made to prevent or eliminate the need for removal of the
33 child from the child's home and to make it possible for the child to
34 return home, specifying the services that have been provided to the
35 child and the child's parent, guardian, or legal custodian, and that
36 preventive services have been offered or provided and have failed to
37 prevent the need for out-of-home placement, unless the health, safety,

1 and welfare of the child cannot be protected adequately in the home,
2 and that:

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

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

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

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

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

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

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

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

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

37 (5) If the court has ordered a child removed from his or her home

1 pursuant to subsection (1)(b) of this section, the court may order that
2 a petition seeking termination of the parent and child relationship be
3 filed if the requirements of RCW 13.34.132 are met.

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

22 **Sec. 26.** RCW 13.34.136 and 2008 c 267 s 3 and 2008 c 152 s 2 are
23 each reenacted and amended to read as follows:

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

32 (2) The agency supervising the dependency shall submit a written
33 permanency plan to all parties and the court not less than fourteen
34 days prior to the scheduled hearing. Responsive reports of parties not
35 in agreement with the department's or supervising agency's proposed
36 permanency plan must be provided to the department or supervising

1 agency, all other parties, and the court at least seven days prior to
2 the hearing.

3 The permanency plan shall include:

4 (a) A permanency plan of care that shall identify one of the
5 following outcomes as a primary goal and may identify additional
6 outcomes as alternative goals: Return of the child to the home of the
7 child's parent, guardian, or legal custodian; adoption; guardianship;
8 permanent legal custody; long-term relative or foster care, until the
9 child is age eighteen, with a written agreement between the parties and
10 the care provider; successful completion of a responsible living skills
11 program; or independent living, if appropriate and if the child is age
12 sixteen or older. The department or supervising agency shall not
13 discharge a child to an independent living situation before the child
14 is eighteen years of age unless the child becomes emancipated pursuant
15 to chapter 13.64 RCW;

16 (b) Unless the court has ordered, pursuant to RCW 13.34.130(5),
17 that a termination petition be filed, a specific plan as to where the
18 child will be placed, what steps will be taken to return the child
19 home, what steps the supervising agency or the department will take to
20 promote existing appropriate sibling relationships and/or facilitate
21 placement together or contact in accordance with the best interests of
22 each child, and what actions the department or supervising agency will
23 take to maintain parent-child ties. All aspects of the plan shall
24 include the goal of achieving permanence for the child.

25 (i) The department's or supervising agency's plan shall specify
26 what services the parents will be offered to enable them to resume
27 custody, what requirements the parents must meet to resume custody, and
28 a time limit for each service plan and parental requirement.

29 (ii) Visitation is the right of the family, including the child and
30 the parent, in cases in which visitation is in the best interest of the
31 child. Early, consistent, and frequent visitation is crucial for
32 maintaining parent-child relationships and making it possible for
33 parents and children to safely reunify. The supervising agency or
34 department shall encourage the maximum parent and child and sibling
35 contact possible, when it is in the best interest of the child,
36 including regular visitation and participation by the parents in the
37 care of the child while the child is in placement. Visitation shall
38 not be limited as a sanction for a parent's failure to comply with

1 court orders or services where the health, safety, or welfare of the
2 child is not at risk as a result of the visitation. Visitation may be
3 limited or denied only if the court determines that such limitation or
4 denial is necessary to protect the child's health, safety, or welfare.
5 The court and the department or supervising agency should rely upon
6 community resources, relatives, foster parents, and other appropriate
7 persons to provide transportation and supervision for visitation to the
8 extent that such resources are available, and appropriate, and the
9 child's safety would not be compromised.

10 (iii) A child shall be placed as close to the child's home as
11 possible, preferably in the child's own neighborhood, unless the court
12 finds that placement at a greater distance is necessary to promote the
13 child's or parents' well-being.

14 (iv) The plan shall state whether both in-state and, where
15 appropriate, out-of-state placement options have been considered by the
16 department or supervising agency.

17 (v) Unless it is not in the best interests of the child, whenever
18 practical, the plan should ensure the child remains enrolled in the
19 school the child was attending at the time the child entered foster
20 care.

21 (vi) The supervising agency (~~(charged with supervising a child in~~
22 ~~placement))~~ or department shall provide all reasonable services that
23 are available within the department or supervising agency, or within
24 the community, or those services which the department has existing
25 contracts to purchase. It shall report to the court if it is unable to
26 provide such services; and

27 (c) If the court has ordered, pursuant to RCW 13.34.130(5), that a
28 termination petition be filed, a specific plan as to where the child
29 will be placed, what steps will be taken to achieve permanency for the
30 child, services to be offered or provided to the child, and, if
31 visitation would be in the best interests of the child, a
32 recommendation to the court regarding visitation between parent and
33 child pending a fact-finding hearing on the termination petition. The
34 department or supervising agency shall not be required to develop a
35 plan of services for the parents or provide services to the parents if
36 the court orders a termination petition be filed. However, reasonable
37 efforts to ensure visitation and contact between siblings shall be made

1 unless there is reasonable cause to believe the best interests of the
2 child or siblings would be jeopardized.

3 (3) Permanency planning goals should be achieved at the earliest
4 possible date. If the child has been in out-of-home care for fifteen
5 of the most recent twenty-two months, the court shall require the
6 department or supervising agency to file a petition seeking termination
7 of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In
8 cases where parental rights have been terminated, the child is legally
9 free for adoption, and adoption has been identified as the primary
10 permanency planning goal, it shall be a goal to complete the adoption
11 within six months following entry of the termination order.

12 (4) If the court determines that the continuation of reasonable
13 efforts to prevent or eliminate the need to remove the child from his
14 or her home or to safely return the child home should not be part of
15 the permanency plan of care for the child, reasonable efforts shall be
16 made to place the child in a timely manner and to complete whatever
17 steps are necessary to finalize the permanent placement of the child.

18 (5) The identified outcomes and goals of the permanency plan may
19 change over time based upon the circumstances of the particular case.

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

22 (7) For purposes related to permanency planning:

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

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

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

31 **Sec. 27.** RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are
32 each reenacted and amended to read as follows:

33 (1) Except for children whose cases are reviewed by a citizen
34 review board under chapter 13.70 RCW, the status of all children found
35 to be dependent shall be reviewed by the court at least every six
36 months from the beginning date of the placement episode or the date

1 dependency is established, whichever is first. The purpose of the
2 hearing shall be to review the progress of the parties and determine
3 whether court supervision should continue.

4 (a) The initial review hearing shall be an in-court review and
5 shall be set six months from the beginning date of the placement
6 episode or no more than ninety days from the entry of the disposition
7 order, whichever comes first. The requirements for the initial review
8 hearing, including the in-court review requirement, shall be
9 accomplished within existing resources.

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

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 by the supervising agency or department shall continue for
19 a period of six months, at which time there shall be a hearing on the
20 need for continued intervention.

21 (b) Prior to the child returning home, the department or
22 supervising agency must complete the following:

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

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

37 (iii) Notify the parent with whom the child is being placed that he
38 or she has an ongoing duty to notify the department or supervising

1 agency of all persons who reside in the home or who may act as a
2 caregiver for the child both prior to the placement of the child in the
3 home and subsequent to the placement of the child in the home as long
4 as the court retains jurisdiction of the dependency proceeding or the
5 department is providing or monitoring either remedial services to the
6 parent or services to ensure the safety of the child to any caregivers.

7 Caregivers may be required to engage in services under this
8 subsection solely for the purpose of ensuring the present and future
9 safety of a child who is a ward of the court. This subsection does not
10 grant party status to any individual not already a party to the
11 dependency proceeding, create an entitlement to services or a duty on
12 the part of the department or supervising agency to provide services,
13 or create judicial authority to order the provision of services to any
14 person other than for the express purposes of this section or RCW
15 13.34.025 or if the services are unavailable or unsuitable or the
16 person is not eligible for such services.

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

19 (i) Whether the supervising agency or the department is making
20 reasonable efforts to provide services to the family and eliminate the
21 need for placement of the child. If additional services, including
22 housing assistance, are needed to facilitate the return of the child to
23 the child's parents, the court shall order that reasonable services be
24 offered specifying such services;

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

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

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

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

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

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

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

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

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

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

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

8 (xiii) The projected date by which the child will be returned home
9 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~~) the
17 supervising agency's 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 department's or
25 supervising agency's case plan or court 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 to order housing assistance under RCW
5 13.34.130 and this section is: (a) Limited to cases in which
6 homelessness or the lack of adequate and safe housing is the primary
7 reason for an out-of-home placement; and (b) subject to the
8 availability of funds appropriated for this specific purpose.

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

11 **Sec. 28.** RCW 13.34.145 and 2008 c 152 s 3 are each amended to read
12 as follows:

13 (1) The purpose of a permanency planning hearing is to review the
14 permanency plan for the child, inquire into the welfare of the child
15 and progress of the case, and reach decisions regarding the permanent
16 placement of the child.

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

23 (b) Whenever a child is removed from the home of a dependency
24 guardian or long-term relative or foster care provider, and the child
25 is not returned to the home of the parent, guardian, or legal custodian
26 but is placed in out-of-home care, a permanency planning hearing shall
27 take place no later than twelve months, as provided in this section,
28 following the date of removal unless, prior to the hearing, the child
29 returns to the home of the dependency guardian or long-term care
30 provider, the child is placed in the home of the parent, guardian, or
31 legal custodian, an adoption decree, guardianship order, or a permanent
32 custody order is entered, or the dependency is dismissed.

33 (c) Permanency planning goals should be achieved at the earliest
34 possible date, preferably before the child has been in out-of-home care
35 for fifteen months. In cases where parental rights have been
36 terminated, the child is legally free for adoption, and adoption has

1 been identified as the primary permanency planning goal, it shall be a
2 goal to complete the adoption within six months following entry of the
3 termination order.

4 (2) No later than ten working days prior to the permanency planning
5 hearing, the agency having custody of the child shall submit a written
6 permanency plan to the court and shall mail a copy of the plan to all
7 parties and their legal counsel, if any.

8 (3) At the permanency planning hearing, the court shall conduct the
9 following inquiry:

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

14 (b) In cases where the primary permanency planning goal has not
15 been achieved, the court shall inquire regarding the reasons why the
16 primary goal has not been achieved and determine what needs to be done
17 to make it possible to achieve the primary goal. The court shall
18 review the permanency plan prepared by the agency and make explicit
19 findings regarding each of the following:

20 (i) The continuing necessity for, and the safety and
21 appropriateness of, the placement;

22 (ii) The extent of compliance with the permanency plan by the
23 department or supervising agency and any other service providers, the
24 child's parents, the child, and the child's guardian, if any;

25 (iii) The extent of any efforts to involve appropriate service
26 providers in addition to department or supervising agency staff in
27 planning to meet the special needs of the child and the child's
28 parents;

29 (iv) The progress toward eliminating the causes for the child's
30 placement outside of his or her home and toward returning the child
31 safely to his or her home or obtaining a permanent placement for the
32 child;

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

36 (vi) If the child has been placed outside of his or her home for
37 fifteen of the most recent twenty-two months, not including any period
38 during which the child was a runaway from the out-of-home placement or

1 the first six months of any period during which the child was returned
2 to his or her home for a trial home visit, the appropriateness of the
3 permanency plan, whether reasonable efforts were made by the department
4 or supervising agency to achieve the goal of the permanency plan, and
5 the circumstances which prevent the child from any of the following:

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

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

9 (C) Being placed for adoption;

10 (D) Being placed with a guardian;

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

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

15 At this hearing, the court shall order the department or
16 supervising agency to file a petition seeking termination of parental
17 rights if the child has been in out-of-home care for fifteen of the
18 last twenty-two months since the date the dependency petition was filed
19 unless the court makes a good cause exception as to why the filing of
20 a termination of parental rights petition is not appropriate. Any good
21 cause finding shall be reviewed at all subsequent hearings pertaining
22 to the child. For purposes of this section, "good cause exception"
23 includes but is not limited to the following: The child is being cared
24 for by a relative; the department has not provided to the child's
25 family such services as the court and the department have deemed
26 necessary for the child's safe return home; or the department has
27 documented in the case plan a compelling reason for determining that
28 filing a petition to terminate parental rights would not be in the
29 child's best interests.

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

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

1 (iii) The department or supervising agency shall not discharge a
2 child to an independent living situation before the child is eighteen
3 years of age unless the child becomes emancipated pursuant to chapter
4 13.64 RCW.

5 (d) If the child has resided in the home of a foster parent or
6 relative for more than six months prior to the permanency planning
7 hearing, the court shall also enter a finding regarding whether the
8 foster parent or relative was informed of the hearing as required in
9 RCW 74.13.280, 13.34.215(5), and 13.34.096.

10 (4) In all cases, at the permanency planning hearing, the court
11 shall:

12 (a)(i) Order the permanency plan prepared by the supervising agency
13 to be implemented; or

14 (ii) Modify the permanency plan, and order implementation of the
15 modified plan; and

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

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

21 (5) Following the first permanency planning hearing, the court
22 shall hold a further permanency planning hearing in accordance with
23 this section at least once every twelve months until a permanency
24 planning goal is achieved or the dependency is dismissed, whichever
25 occurs first.

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

29 (7) If the court orders the child returned home, casework
30 supervision by the department or supervising agency shall continue for
31 at least six months, at which time a review hearing shall be held
32 pursuant to RCW 13.34.138, and the court shall determine the need for
33 continued intervention.

34 (8) The juvenile court may hear a petition for permanent legal
35 custody when: (a) The court has ordered implementation of a permanency
36 plan that includes permanent legal custody; and (b) the party pursuing
37 the permanent legal custody is the party identified in the permanency
38 plan as the prospective legal custodian. During the pendency of such

1 proceeding, the court shall conduct review hearings and further
2 permanency planning hearings as provided in this chapter. At the
3 conclusion of the legal guardianship or permanent legal custody
4 proceeding, a juvenile court hearing shall be held for the purpose of
5 determining whether dependency should be dismissed. If a guardianship
6 or permanent custody order has been entered, the dependency shall be
7 dismissed.

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

12 (10) Nothing in this chapter may be construed to limit the ability
13 of the agency that has custody of the child to file a petition for
14 termination of parental rights or a guardianship petition at any time
15 following the establishment of dependency. Upon the filing of such a
16 petition, a fact-finding hearing shall be scheduled and held in
17 accordance with this chapter unless the department or supervising
18 agency requests dismissal of the petition prior to the hearing or
19 unless the parties enter an agreed order terminating parental rights,
20 establishing guardianship, or otherwise resolving the matter.

21 (11) The approval of a permanency plan that does not contemplate
22 return of the child to the parent does not relieve the supervising
23 agency of its obligation to provide reasonable services, under this
24 chapter, intended to effectuate the return of the child to the parent,
25 including but not limited to, visitation rights. The court shall
26 consider the child's relationships with siblings in accordance with RCW
27 13.34.130.

28 (12) Nothing in this chapter may be construed to limit the
29 procedural due process rights of any party in a termination or
30 guardianship proceeding filed under this chapter.

31 **Sec. 29.** RCW 13.34.155 and 2000 c 135 s 1 are each amended to read
32 as follows:

33 (1) The court hearing the dependency petition may hear and
34 determine issues related to chapter 26.10 RCW in a dependency
35 proceeding as necessary to facilitate a permanency plan for the child
36 or children as part of the dependency disposition order or a dependency
37 review order or as otherwise necessary to implement a permanency plan

1 of care for a child. The parents, guardians, or legal custodian of the
2 child must agree, subject to court approval, to establish a permanent
3 custody order. This agreed order may have the concurrence of the other
4 parties to the dependency including the supervising agency, the
5 guardian ad litem of the child, and the child if age twelve or older,
6 and must also be in the best interests of the child. If the petitioner
7 for a custody order under chapter 26.10 RCW is not a party to the
8 dependency proceeding, he or she must agree on the record or by the
9 filing of a declaration to the entry of a custody order. Once an order
10 is entered under chapter 26.10 RCW, and the dependency petition
11 dismissed, the department or supervising agency shall not continue to
12 supervise the placement.

13 (2) Any court order determining issues under chapter 26.10 RCW is
14 subject to modification upon the same showing and standards as a court
15 order determining Title 26 RCW issues.

16 (3) Any order entered in the dependency court establishing or
17 modifying a permanent legal custody order under chapter 26.10 RCW shall
18 also be filed in the chapter 26.10 RCW action by the prevailing party.
19 Once filed, any order establishing or modifying permanent legal custody
20 shall survive dismissal of the dependency proceeding.

21 **Sec. 30.** RCW 13.34.174 and 2000 c 122 s 23 are each amended to
22 read as follows:

23 (1) The provisions of this section shall apply when a court orders
24 a party to undergo an alcohol or substance abuse diagnostic
25 investigation and evaluation.

26 (2) The facility conducting the investigation and evaluation shall
27 make a written report to the court stating its findings and
28 recommendations including family-based services or treatment when
29 appropriate. If its findings and recommendations support treatment, it
30 shall also recommend a treatment plan setting out:

- 31 (a) Type of treatment;
32 (b) Nature of treatment;
33 (c) Length of treatment;
34 (d) A treatment time schedule; and
35 (e) Approximate cost of the treatment.

36 The affected person shall be included in developing the appropriate
37 treatment plan. The treatment plan must be signed by the treatment

1 provider and the affected person. The initial written progress report
2 based on the treatment plan shall be sent to the appropriate persons
3 six weeks after initiation of treatment. Subsequent progress reports
4 shall be provided after three months, six months, twelve months, and
5 thereafter every six months if treatment exceeds twelve months.
6 Reports are to be filed with the court in a timely manner. Close-out
7 of the treatment record must include summary of pretreatment and
8 posttreatment, with final outcome and disposition. The report shall
9 also include recommendations for ongoing stability and decrease in
10 destructive behavior.

11 Each report shall also be filed with the court and a copy given to
12 the person evaluated and the person's counsel. A copy of the treatment
13 plan shall also be given to the department's or supervising agency's
14 caseworker and to the guardian ad litem. Any program for chemical
15 dependency shall meet the program requirements contained in chapter
16 70.96A RCW.

17 (3) If the court has ordered treatment pursuant to a dependency
18 proceeding it shall also require the treatment program to provide, in
19 the reports required by subsection (2) of this section, status reports
20 to the court, the department, the supervising (~~((child-placing))~~) agency
21 (~~((if-any))~~), and the person or person's counsel regarding the person's
22 cooperation with the treatment plan proposed and the person's progress
23 in treatment.

24 (4) If a person subject to this section fails or neglects to carry
25 out and fulfill any term or condition of the treatment plan, the
26 program or agency administering the treatment shall report such breach
27 to the court, the department, the guardian ad litem, the supervising
28 (~~((child-placing))~~) agency if any, and the person or person's counsel,
29 within twenty-four hours, together with its recommendation. These
30 reports shall be made as a declaration by the person who is personally
31 responsible for providing the treatment.

32 (5) Nothing in this chapter may be construed as allowing the court
33 to require the department to pay for the cost of any alcohol or
34 substance abuse evaluation or treatment program.

35 **Sec. 31.** RCW 13.34.176 and 2000 c 122 s 24 are each amended to
36 read as follows:

37 (1) The court, upon receiving a report under RCW 13.34.174(4) or at

1 the department's or supervising agency's request, may schedule a show
2 cause hearing to determine whether the person is in violation of the
3 treatment conditions. All parties shall be given notice of the
4 hearing. The court shall hold the hearing within ten days of the
5 request for a hearing. At the hearing, testimony, declarations,
6 reports, or other relevant information may be presented on the person's
7 alleged failure to comply with the treatment plan and the person shall
8 have the right to present similar information on his or her own behalf.

9 (2) If the court finds that there has been a violation of the
10 treatment conditions it shall modify the dependency order, as
11 necessary, to ensure the safety of the child. The modified order shall
12 remain in effect until the party is in full compliance with the
13 treatment requirements.

14 **Sec. 32.** RCW 13.34.180 and 2001 c 332 s 4 are each amended to read
15 as follows:

16 (1) A petition seeking termination of a parent and child
17 relationship may be filed in juvenile court by any party, including the
18 supervising agency, to the dependency proceedings concerning that
19 child. Such petition shall conform to the requirements of RCW
20 13.34.040, shall be served upon the parties as provided in RCW
21 13.34.070(8), and shall allege all of the following unless subsection
22 (2) or (3) of this section applies:

23 (a) That the child has been found to be a dependent child;

24 (b) That the court has entered a dispositional order pursuant to
25 RCW 13.34.130;

26 (c) That the child has been removed or will, at the time of the
27 hearing, have been removed from the custody of the parent for a period
28 of at least six months pursuant to a finding of dependency;

29 (d) That the services ordered under RCW 13.34.136 have been
30 expressly and understandably offered or provided and all necessary
31 services, reasonably available, capable of correcting the parental
32 deficiencies within the foreseeable future have been expressly and
33 understandably offered or provided;

34 (e) That there is little likelihood that conditions will be
35 remedied so that the child can be returned to the parent in the near
36 future. A parent's failure to substantially improve parental
37 deficiencies within twelve months following entry of the dispositional

1 order shall give rise to a rebuttable presumption that there is little
2 likelihood that conditions will be remedied so that the child can be
3 returned to the parent in the near future. The presumption shall not
4 arise unless the petitioner makes a showing that all necessary services
5 reasonably capable of correcting the parental deficiencies within the
6 foreseeable future have been clearly offered or provided. In
7 determining whether the conditions will be remedied the court may
8 consider, but is not limited to, the following factors:

9 (i) Use of intoxicating or controlled substances so as to render
10 the parent incapable of providing proper care for the child for
11 extended periods of time or for periods of time that present a risk of
12 imminent harm to the child, and documented unwillingness of the parent
13 to receive and complete treatment or documented multiple failed
14 treatment attempts; or

15 (ii) Psychological incapacity or mental deficiency of the parent
16 that is so severe and chronic as to render the parent incapable of
17 providing proper care for the child for extended periods of time or for
18 periods of time that present a risk of imminent harm to the child, and
19 documented unwillingness of the parent to receive and complete
20 treatment or documentation that there is no treatment that can render
21 the parent capable of providing proper care for the child in the near
22 future; and

23 (f) That continuation of the parent and child relationship clearly
24 diminishes the child's prospects for early integration into a stable
25 and permanent home.

26 (2) In lieu of the allegations in subsection (1) of this section,
27 the petition may allege that the child was found under such
28 circumstances that the whereabouts of the child's parent are unknown
29 and no person has acknowledged paternity or maternity and requested
30 custody of the child within two months after the child was found.

31 (3) In lieu of the allegations in subsection (1)(b) through (f) of
32 this section, the petition may allege that the parent has been
33 convicted of:

34 (a) Murder in the first degree, murder in the second degree, or
35 homicide by abuse as defined in chapter 9A.32 RCW against another child
36 of the parent;

37 (b) Manslaughter in the first degree or manslaughter in the second

1 degree, as defined in chapter 9A.32 RCW against another child of the
2 parent;

3 (c) Attempting, conspiring, or soliciting another to commit one or
4 more of the crimes listed in (a) or (b) of this subsection; or

5 (d) Assault in the first or second degree, as defined in chapter
6 9A.36 RCW, against the surviving child or another child of the parent.

7 (4) Notice of rights shall be served upon the parent, guardian, or
8 legal custodian with the petition and shall be in substantially the
9 following form:

10 "NOTICE

11 A petition for termination of parental rights has been filed
12 against you. You have important legal rights and you must take
13 steps to protect your interests. This petition could result in
14 permanent loss of your parental rights.

15 1. You have the right to a fact-finding hearing before
16 a judge.

17 2. You have the right to have a lawyer represent you at
18 the hearing. A lawyer can look at the files in your case, talk
19 to the (~~department of social and health services~~) supervising
20 agency and other agencies, tell you about the law, help you
21 understand your rights, and help you at hearings. If you
22 cannot afford a lawyer, the court will appoint one to represent
23 you. To get a court-appointed lawyer you must contact:
24 (explain local procedure).

25 3. At the hearing, you have the right to speak on your
26 own behalf, to introduce evidence, to examine witnesses, and to
27 receive a decision based solely on the evidence presented to
28 the judge.

29 You should be present at this hearing.

30 You may call (insert agency) for more information
31 about your child. The agency's name and telephone number are
32 (insert name and telephone number)."

33 **Sec. 33.** RCW 13.34.210 and 2003 c 227 s 8 are each amended to read
34 as follows:

35 If, upon entering an order terminating the parental rights of a
36 parent, there remains no parent having parental rights, the court shall

1 commit the child to the custody of the department or ((to)) a
2 ((licensed child placing)) supervising agency willing to accept custody
3 for the purpose of placing the child for adoption. If an adoptive home
4 has not been identified, the department or supervising agency shall
5 place the child in a licensed foster home, or take other suitable
6 measures for the care and welfare of the child. The custodian shall
7 have authority to consent to the adoption of the child consistent with
8 chapter 26.33 RCW, the marriage of the child, the enlistment of the
9 child in the armed forces of the United States, necessary surgical and
10 other medical treatment for the child, and to consent to such other
11 matters as might normally be required of the parent of the child.

12 If a child has not been adopted within six months after the date of
13 the order and a guardianship of the child under RCW 13.34.231 or
14 chapter 11.88 RCW, or a permanent custody order under chapter 26.10
15 RCW, has not been entered by the court, the court shall review the case
16 every six months until a decree of adoption is entered except for those
17 cases which are reviewed by a citizen review board under chapter 13.70
18 RCW. The supervising agency shall take reasonable steps to ensure that
19 the child maintains relationships with siblings as provided in RCW
20 13.34.130(3) and shall report to the court the status and extent of
21 such relationships.

22 **Sec. 34.** RCW 13.34.215 and 2008 c 267 s 1 are each amended to read
23 as follows:

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

27 (a) The child was previously found to be a dependent child under
28 this chapter;

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

31 (c) The child has not achieved his or her permanency plan within
32 three years of a final order of termination; and

33 (d) The child must be at least twelve years old at the time the
34 petition is filed. Upon the child's motion for good cause shown, or on
35 its own motion, the court may hear a petition filed by a child younger
36 than twelve years old.

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

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

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

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

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

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

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

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

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

34 (7) In determining whether the child has or has not achieved his or
35 her permanency plan or whether the child is likely to achieve his or
36 her permanency plan, the department or supervising agency shall provide
37 the court, and the court shall review, information related to any

1 efforts to achieve the permanency plan including efforts to achieve
2 adoption or a permanent guardianship.

3 (8)(a) If the court conditionally grants the petition under
4 subsection (6) of this section, the case will be continued for six
5 months and a temporary order of reinstatement entered. During this
6 period, the child shall be placed in the custody of the parent. The
7 department or supervising agency shall develop a permanency plan for
8 the 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) After the child has been placed with the parent for six months,
19 the court shall hold a hearing. If the placement with the parent has
20 been successful, the court shall enter a final order of reinstatement
21 of parental rights, which shall restore all rights, powers, privileges,
22 immunities, duties, and obligations of the parent as to the child,
23 including those relating to custody, control, and support of the child.
24 The court shall dismiss the dependency and direct the clerk's office to
25 provide a certified copy of the final order of reinstatement of
26 parental rights to the parent at no cost.

27 (10) The granting of the petition under this section does not
28 vacate or otherwise affect the validity of the original termination
29 order.

30 (11) Any parent whose rights are reinstated under this section
31 shall not be liable for any child support owed to the department
32 pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services
33 provided to a child for the time period from the date of termination of
34 parental rights to the date parental rights are reinstated.

35 (12) A proceeding to reinstate parental rights is a separate action
36 from the termination of parental rights proceeding and does not vacate
37 the original termination of parental rights. An order granted under
38 this section reinstates the parental rights to the child. This

1 reinstatement is a recognition that the situation of the parent and
2 child have changed since the time of the termination of parental rights
3 and reunification is now appropriate.

4 (13) This section is retroactive and applies to any child who is
5 under the jurisdiction of the juvenile court at the time of the hearing
6 regardless of the date parental rights were terminated.

7 (14) The state, the department, the supervising agency, and its
8 employees are not liable for civil damages resulting from any act or
9 omission in the provision of services under this section, unless the
10 act or omission constitutes gross negligence. This section does not
11 create any duty and shall not be construed to create a duty where none
12 exists. This section does not create a cause of action against the
13 state, the department, the supervising agency, or its employees
14 concerning the original termination.

15 **Sec. 35.** RCW 13.34.230 and 1981 c 195 s 1 are each amended to read
16 as follows:

17 Any party to a dependency proceeding, including the supervising
18 agency, may file a petition in juvenile court requesting that
19 guardianship be created as to a dependent child. The department (~~of~~
20 ~~social and health services~~) or supervising agency shall receive notice
21 of any guardianship proceedings and have the right to intervene in the
22 proceedings.

23 **Sec. 36.** RCW 13.34.233 and 2000 c 122 s 30 are each amended to
24 read as follows:

25 (1) Any party may request the court under RCW 13.34.150 to modify
26 or terminate a dependency guardianship order. Notice of any motion to
27 modify or terminate the guardianship shall be served on all other
28 parties, including any agency that was responsible for supervising the
29 child's placement at the time the guardianship petition was filed.
30 Notice in all cases shall be served upon the department. If the
31 department or supervising agency was not previously a party to the
32 guardianship proceeding, the department or supervising agency shall
33 nevertheless have the right to: (a) Initiate a proceeding to modify or
34 terminate a guardianship; and (b) intervene at any stage of such a
35 proceeding.

1 (2) The guardianship may be modified or terminated upon the motion
2 of any party ((or)), the department, or the supervising agency if the
3 court finds by a preponderance of the evidence that there has been a
4 substantial change of circumstances subsequent to the establishment of
5 the guardianship and that it is in the child's best interest to modify
6 or terminate the guardianship. The court shall hold a hearing on the
7 motion before modifying or terminating a guardianship.

8 (3) Upon entry of an order terminating the guardianship, the
9 dependency guardian shall not have any rights or responsibilities with
10 respect to the child and shall not have legal standing to participate
11 as a party in further dependency proceedings pertaining to the child.
12 The court may allow the child's dependency guardian to attend
13 dependency review proceedings pertaining to the child for the sole
14 purpose of providing information about the child to the court.

15 (4) Upon entry of an order terminating the guardianship, the child
16 shall remain dependent and the court shall either return the child to
17 the child's parent or order the child into the custody, control, and
18 care of the department or a ((~~licensed child placing~~)) supervising
19 agency for placement in a foster home or group care facility licensed
20 pursuant to chapter 74.15 RCW or in a home not required to be licensed
21 pursuant to such chapter. The court shall not place a child in the
22 custody of the child's parent unless the court finds that reasons for
23 removal as set forth in RCW 13.34.130 no longer exist and that such
24 placement is in the child's best interest. The court shall thereafter
25 conduct reviews as provided in RCW 13.34.138 and, where applicable,
26 shall hold a permanency planning hearing in accordance with RCW
27 13.34.145.

28 **Sec. 37.** RCW 13.34.245 and 1997 c 386 s 18 are each amended to
29 read as follows:

30 (1) Where any parent or Indian custodian voluntarily consents to
31 foster care placement of an Indian child and a petition for dependency
32 has not been filed regarding the child, such consent shall not be valid
33 unless executed in writing before the court and filed with the court.
34 The consent shall be accompanied by the written certification of the
35 court that the terms and consequences of the consent were fully
36 explained in detail to the parent or Indian custodian during the court
37 proceeding and were fully understood by the parent or Indian custodian.

1 The court shall also certify in writing either that the parent or
2 Indian custodian fully understood the explanation in English or that it
3 was interpreted into a language that the parent or Indian custodian
4 understood. Any consent given prior to, or within ten days after, the
5 birth of the Indian child shall not be valid.

6 (2) To obtain court validation of a voluntary consent to foster
7 care placement, any person may file a petition for validation alleging
8 that there is located or residing within the county an Indian child
9 whose parent or Indian custodian wishes to voluntarily consent to
10 foster care placement of the child and requesting that the court
11 validate the consent as provided in this section. The petition shall
12 contain the name, date of birth, and residence of the child, the names
13 and residences of the consenting parent or Indian custodian, and the
14 name and location of the Indian tribe in which the child is a member or
15 eligible for membership. The petition shall state whether the
16 placement preferences of 25 U.S.C. Sec. 1915 (b) or (c) will be
17 followed. Reasonable attempts shall be made by the petitioner to
18 ascertain and set forth in the petition the identity, location, and
19 custodial status of any parent or Indian custodian who has not
20 consented to foster care placement and why that parent or Indian
21 custodian cannot assume custody of the child.

22 (3) Upon filing of the petition for validation, the clerk of the
23 court shall schedule the petition for a hearing on the court validation
24 of the voluntary consent no later than forty-eight hours after the
25 petition has been filed, excluding Saturdays, Sundays, and holidays.
26 Notification of time, date, location, and purpose of the validation
27 hearing shall be provided as soon as possible to the consenting parent
28 or Indian custodian, the department or (~~other—child-placing~~)
29 supervising agency which is to assume responsibility for the child's
30 placement and care pursuant to the consent to foster care placement,
31 and the Indian tribe in which the child is enrolled or eligible for
32 enrollment as a member. If the identity and location of any
33 nonconsenting parent or Indian custodian is known, reasonable attempts
34 shall be made to notify the parent or Indian custodian of the consent
35 to placement and the validation hearing. Notification under this
36 subsection may be given by the most expedient means, including, but not
37 limited to, mail, personal service, telephone, and telegraph.

1 (4) Any parent or Indian custodian may withdraw consent to a
2 voluntary foster care placement, made under this section, at any time.
3 Unless the Indian child has been taken in custody pursuant to RCW
4 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW
5 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the
6 Indian child shall be returned to the parent or Indian custodian upon
7 withdrawal of consent to foster care placement of the child.

8 (5) Upon termination of the voluntary foster care placement and
9 return of the child to the parent or Indian custodian, the department
10 or (~~other child placing~~) supervising agency which had assumed
11 responsibility for the child's placement and care pursuant to the
12 consent to foster care placement shall file with the court written
13 notification of the child's return and shall also send such
14 notification to the Indian tribe in which the child is enrolled or
15 eligible for enrollment as a member and to any other party to the
16 validation proceeding including any noncustodial parent.

17 **Sec. 38.** RCW 13.34.320 and 1999 c 188 s 2 are each amended to read
18 as follows:

19 The department or supervising agency shall obtain the prior consent
20 of a child's parent, legal guardian, or legal custodian before a
21 dependent child is admitted into an inpatient mental health treatment
22 facility. If the child's parent, legal guardian, or legal custodian is
23 unavailable or does not agree with the proposed admission, the
24 department or supervising agency shall request a hearing and provide
25 notice to all interested parties to seek prior approval of the juvenile
26 court before such admission. In the event that an emergent situation
27 creating a risk of substantial harm to the health and welfare of a
28 child in the custody of the department or supervising agency does not
29 allow time for the department or supervising agency to obtain prior
30 approval or to request a court hearing before consenting to the
31 admission of the child into an inpatient mental health hospital, the
32 department or supervising agency shall seek court approval by
33 requesting that a hearing be set on the first available court date.

34 **Sec. 39.** RCW 13.34.330 and 1999 c 188 s 3 are each amended to read
35 as follows:

36 A dependent child who is admitted to an inpatient mental health

1 facility shall be placed in a facility, with available treatment space,
2 that is closest to the family home, unless the department or
3 supervising agency, in consultation with the admitting authority finds
4 that admission in the facility closest to the child's home would
5 jeopardize the health or safety of the child.

6 **Sec. 40.** RCW 13.34.340 and 2000 c 122 s 35 are each amended to
7 read as follows:

8 For minors who cannot consent to the release of their records with
9 the department or supervising agency because they are not old enough to
10 consent to treatment, or, if old enough, lack the capacity to consent,
11 or if the minor is receiving treatment involuntarily with a provider
12 the department or supervising agency has authorized to provide mental
13 health treatment under RCW 13.34.320, the department or supervising
14 agency shall disclose, upon the treating physician's request, all
15 relevant records, including the minor's passport as established under
16 RCW 74.13.285, in the department's or supervising agency's possession
17 that the treating physician determines contain information required for
18 treatment of the minor. The treating physician shall maintain all
19 records received from the department or supervising agency in a manner
20 that distinguishes the records from any other records in the minor's
21 file with the treating physician and the department or supervising
22 agency records may not be disclosed by the treating physician to any
23 other person or entity absent a court order except that, for medical
24 purposes only, a treating physician may disclose the department or
25 supervising agency records to another treating physician.

26 **Sec. 41.** RCW 13.34.350 and 2001 c 52 s 2 are each amended to read
27 as follows:

28 In order to facilitate communication of information needed to serve
29 the best interest of any child who is the subject of a dependency case
30 filed under this chapter, the department (~~(of social and health~~
31 ~~services)) shall, consistent with state and federal law governing the~~
32 release of confidential information, establish guidelines, and shall
33 use those guidelines for the facilitation of communication of relevant
34 information among divisions, providers, the courts, the family,
35 caregivers, caseworkers, and others.

1 **Sec. 42.** RCW 13.34.370 and 2004 c 146 s 2 are each amended to read
2 as follows:

3 The court may order expert evaluations of parties to obtain
4 information regarding visitation issues or other issues in a case.
5 These evaluations shall be performed by appointed evaluators who are
6 mutually agreed upon by the court, the ~~((state))~~ supervising agency,
7 the department, and the parents' counsel, and, if the child is to be
8 evaluated, by the representative for the child. If no agreement can be
9 reached, the court shall select the expert evaluator.

10 **Sec. 43.** RCW 13.34.380 and 2004 c 146 s 3 are each amended to read
11 as follows:

12 The department ~~((of social and health services))~~ shall develop
13 consistent policies and protocols, based on current relevant research,
14 concerning visitation for dependent children to be implemented
15 consistently throughout the state. The department shall develop the
16 policies and protocols in consultation with researchers in the field,
17 community-based agencies, court-appointed special advocates, parents'
18 representatives, and court representatives. The policies and protocols
19 shall include, but not be limited to: The structure and quality of
20 visitations; and training for department and supervising agency
21 caseworkers, visitation supervisors, and foster parents related to
22 visitation.

23 The policies and protocols shall be consistent with the provisions
24 of this chapter and implementation of the policies and protocols shall
25 be consistent with relevant orders of the court.

26 **Sec. 44.** RCW 13.34.385 and 2008 c 259 s 1 are each amended to read
27 as follows:

28 (1) A relative of a dependent child may petition the juvenile court
29 for reasonable visitation with the child if:

30 (a) The child has been found to be a dependent child under this
31 chapter;

32 (b) The parental rights of both of the child's parents have been
33 terminated;

34 (c) The child is in the custody of the department ~~((or))~~, another
35 public ~~((or private))~~ agency, or a supervising agency; and

1 (d) The child has not been adopted and is not in a preadoptive home
2 or other permanent placement at the time the petition for visitation is
3 filed.

4 (2) The court shall give prior notice for any proceeding under this
5 section, or cause prior notice to be given, to the department (~~(or)~~)
6 other public (~~(or private)) agency, or supervising agency~~ having
7 custody of the child, the child's attorney or guardian ad litem if
8 applicable, and the child. The court shall also order the custodial
9 agency to give prior notice of any hearing to the child's current
10 foster parent, relative caregiver, guardian or custodian, and the
11 child's tribe, if applicable.

12 (3) The juvenile court may grant the petition for visitation if it
13 finds that the requirements of subsection (1) of this section have been
14 met, and that unsupervised visitation between the child and the
15 relative does not present a risk to the child's safety or well-being
16 and that the visitation is in the best interests of the child. In
17 determining the best interests of the child the court shall consider,
18 but is not limited to, the following:

19 (a) The love, affection, and strength of the relationship between
20 the child and the relative;

21 (b) The length and quality of the prior relationship between the
22 child and the relative;

23 (c) Any criminal convictions for or founded history of abuse or
24 neglect of a child by the relative;

25 (d) Whether the visitation will present a risk to the child's
26 health, welfare, or safety;

27 (e) The child's reasonable preference, if the court considers the
28 child to be of sufficient age to express a preference;

29 (f) Any other factor relevant to the child's best interest.

30 (4) The visitation order may be modified at any time upon a showing
31 that the visitation poses a risk to the child's safety or well-being.
32 The visitation order shall state that visitation will automatically
33 terminate upon the child's placement in a preadoptive home, if the
34 child is adopted, or if there is a subsequent founded abuse or neglect
35 allegation against the relative.

36 (5) The granting of the petition under this section does not grant
37 the relative the right to participate in the dependency action and does

1 not grant any rights to the relative not otherwise specified in the
2 visitation order.

3 (6) This section is retroactive and applies to any eligible
4 dependent child at the time of the filing of the petition for
5 visitation, regardless of the date parental rights were terminated.

6 (7) For the purpose of this section, "relative" means a relative as
7 defined in RCW 74.15.020(2)(a), except parents.

8 (8) This section is intended to provide an additional procedure by
9 which a relative may request visitation with a dependent child. It is
10 not intended to impair or alter the ability a court currently has to
11 order visitation with a relative under the dependency statutes.

12 **Sec. 45.** RCW 13.34.390 and 2005 c 504 s 303 are each amended to
13 read as follows:

14 The department (~~of social and health services~~) and the department
15 of health shall develop and expand comprehensive services for drug-
16 affected and alcohol-affected mothers and infants. Subject to funds
17 appropriated for this purpose, the expansion shall be in evidence-
18 based, research-based, or consensus-based practices, (~~as those terms~~
19 ~~are defined in section 603 of this act,~~) and shall expand capacity in
20 underserved regions of the state.

21 **Sec. 46.** RCW 13.34.400 and 2007 c 411 s 2 are each amended to read
22 as follows:

23 In any proceeding under this chapter, if the department or
24 supervising agency submits a report to the court in which the
25 department is recommending a new placement or a change in placement,
26 the department or supervising agency shall include the documents
27 relevant to persons in the home in which a child will be placed and
28 listed in subsections (1) through (5) of this section to the report.
29 The department or supervising agency shall include only these relevant
30 documents and shall not attach the entire history of the subject of the
31 report.

32 (1) If the report contains a recommendation, opinion, or assertion
33 by the department or supervising agency relating to substance abuse
34 treatment, mental health treatment, anger management classes, or
35 domestic violence classes, the department or supervising agency shall
36 attach the document upon which the recommendation, opinion, or

1 assertion was based. The documentation may include the progress report
2 or evaluation submitted by the provider, but may not include the entire
3 history with the provider.

4 (2) If the report contains a recommendation, opinion, or assertion
5 by the department or supervising agency relating to visitation with a
6 child, the department or supervising agency shall attach the document
7 upon which the recommendation, opinion, or assertion was based. The
8 documentation may include the most recent visitation report, a
9 visitation report referencing a specific incident alleged in the
10 report, or summary of the visitation prepared by the person who
11 supervised the visitation. The documentation attached to the report
12 shall not include the entire visitation history.

13 (3) If the report contains a recommendation, opinion, or assertion
14 by the department or supervising agency relating to the psychological
15 status of a person, the department or supervising agency shall attach
16 the document upon which the recommendation, opinion, or assertion was
17 based. The documentation may include the progress report, evaluation,
18 or summary submitted by the provider, but shall not include the entire
19 history of the person.

20 (4) If the report contains a recommendation, opinion, or assertion
21 by the department or supervising agency relating to injuries to a
22 child, the department or supervising agency shall attach a summary of
23 the physician's report, prepared by the physician or the physician's
24 designee, relating to the recommendation, opinion, or assertion by the
25 department.

26 (5) If the report contains a recommendation, opinion, or assertion
27 by the department or supervising agency relating to a home study,
28 licensing action, or background check information, the department or
29 supervising agency shall attach the document or documents upon which
30 that recommendation, opinion, or assertion is based.

31 **Sec. 47.** RCW 41.06.142 and 2008 c 267 s 9 are each amended to read
32 as follows:

33 (1) Any department, agency, or institution of higher education may
34 purchase services, including services that have been customarily and
35 historically provided by employees in the classified service under this
36 chapter, by contracting with individuals, nonprofit organizations,

1 businesses, employee business units, or other entities if the following
2 criteria are met:

3 (a) The invitation for bid or request for proposal contains
4 measurable standards for the performance of the contract;

5 (b) Employees in the classified service whose positions or work
6 would be displaced by the contract are provided an opportunity to offer
7 alternatives to purchasing services by contract and, if these
8 alternatives are not accepted, compete for the contract under
9 competitive contracting procedures in subsection (4) of this section;

10 (c) The contract with an entity other than an employee business
11 unit includes a provision requiring the entity to consider employment
12 of state employees who may be displaced by the contract;

13 (d) The department, agency, or institution of higher education has
14 established a contract monitoring process to measure contract
15 performance, costs, service delivery quality, and other contract
16 standards, and to cancel contracts that do not meet those standards;
17 and

18 (e) The department, agency, or institution of higher education has
19 determined that the contract results in savings or efficiency
20 improvements. The contracting agency must consider the consequences
21 and potential mitigation of improper or failed performance by the
22 contractor.

23 (2) Any provision contrary to or in conflict with this section in
24 any collective bargaining agreement in effect on July 1, 2005, is not
25 effective beyond the expiration date of the agreement.

26 (3) Contracting for services that is expressly mandated by the
27 legislature or was authorized by law prior to July 1, 2005, including
28 contracts and agreements between public entities, shall not be subject
29 to the processes set forth in subsections (1), (4), and (5) of this
30 section.

31 (4) Competitive contracting shall be implemented as follows:

32 (a) At least ninety days prior to the date the contracting agency
33 requests bids from private entities for a contract for services
34 provided by classified employees, the contracting agency shall notify
35 the classified employees whose positions or work would be displaced by
36 the contract. The employees shall have sixty days from the date of
37 notification to offer alternatives to purchasing services by contract,
38 and the agency shall consider the alternatives before requesting bids.

1 (b) If the employees decide to compete for the contract, they shall
2 notify the contracting agency of their decision. Employees must form
3 one or more employee business units for the purpose of submitting a bid
4 or bids to perform the services.

5 (c) The director of personnel, with the advice and assistance of
6 the department of general administration, shall develop and make
7 available to employee business units training in the bidding process
8 and general bid preparation.

9 (d) The director of general administration, with the advice and
10 assistance of the department of personnel, shall, by rule, establish
11 procedures to ensure that bids are submitted and evaluated in a fair
12 and objective manner and that there exists a competitive market for the
13 service. Such rules shall include, but not be limited to: (i)
14 Prohibitions against participation in the bid evaluation process by
15 employees who prepared the business unit's bid or who perform any of
16 the services to be contracted; (ii) provisions to ensure no bidder
17 receives an advantage over other bidders and that bid requirements are
18 applied equitably to all parties; and (iii) procedures that require the
19 contracting agency to receive complaints regarding the bidding process
20 and to consider them before awarding the contract. Appeal of an
21 agency's actions under this subsection is an adjudicative proceeding
22 and subject to the applicable provisions of chapter 34.05 RCW, the
23 administrative procedure act, with the final decision to be rendered by
24 an administrative law judge assigned under chapter 34.12 RCW.

25 (e) An employee business unit's bid must include the fully
26 allocated costs of the service, including the cost of the employees'
27 salaries and benefits, space, equipment, materials, and other costs
28 necessary to perform the function. An employee business unit's cost
29 shall not include the state's indirect overhead costs unless those
30 costs can be attributed directly to the function in question and would
31 not exist if that function were not performed in state service.

32 (f) A department, agency, or institution of higher education may
33 contract with the department of general administration to conduct the
34 bidding process.

35 (5) As used in this section:

36 (a) "Employee business unit" means a group of employees who perform
37 services to be contracted under this section and who submit a bid for
38 the performance of those services under subsection (4) of this section.

1 (b) "Indirect overhead costs" means the pro rata share of existing
2 agency administrative salaries and benefits, and rent, equipment costs,
3 utilities, and materials associated with those administrative
4 functions.

5 (c) "Competitive contracting" means the process by which classified
6 employees of a department, agency, or institution of higher education
7 compete with businesses, individuals, nonprofit organizations, or other
8 entities for contracts authorized by subsection (1) of this section.

9 (6) The requirements of this section do not apply to RCW
10 74.13.031(5) or section 3 of this act.

11 **Sec. 48.** RCW 74.13.010 and 1965 c 30 s 2 are each amended to read
12 as follows:

13 The purpose of this chapter is to safeguard, protect, and
14 contribute to the welfare of the children of the state, through a
15 comprehensive and coordinated program of ~~((public))~~ child welfare
16 services provided by both the department and supervising agencies
17 providing for: Social services and facilities for children who require
18 guidance, care, control, protection, treatment, or rehabilitation;
19 setting of standards for social services and facilities for children;
20 cooperation with public and voluntary agencies, organizations, and
21 citizen groups in the development and coordination of programs and
22 activities in behalf of children; and promotion of community conditions
23 and resources that help parents to discharge their responsibilities for
24 the care, development, and well-being of their children.

25 NEW SECTION. **Sec. 49.** A new section is added to chapter 74.13 RCW
26 to read as follows:

27 The department's duty to provide services to homeless families with
28 children is set forth in RCW 43.20A.790 and in appropriations provided
29 by the legislature for implementation of the comprehensive plan for
30 homeless families with children.

31 **Sec. 50.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read
32 as follows:

33 ~~((The department shall have the duty to provide child welfare
34 services and shall:))~~

1 (1) The department and supervising agencies shall develop,
2 administer, supervise, and monitor a coordinated and comprehensive plan
3 that establishes, aids, and strengthens services for the protection and
4 care of runaway, dependent, or neglected children.

5 (2) Within available resources, the department and supervising
6 agencies shall recruit an adequate number of prospective adoptive and
7 foster homes, both regular and specialized, i.e. homes for children of
8 ethnic minority, including Indian homes for Indian children, sibling
9 groups, handicapped and emotionally disturbed, teens, pregnant and
10 parenting teens, and the department shall annually report to the
11 governor and the legislature concerning the department's and
12 supervising agency's success in: (a) Meeting the need for adoptive and
13 foster home placements; (b) reducing the foster parent turnover rate;
14 (c) completing home studies for legally free children; and (d)
15 implementing and operating the passport program required by RCW
16 74.13.285. The report shall include a section entitled "Foster Home
17 Turn-Over, Causes and Recommendations."

18 (3) The department shall investigate complaints of any recent act
19 or failure to act on the part of a parent or caretaker that results in
20 death, serious physical or emotional harm, or sexual abuse or
21 exploitation, or that presents an imminent risk of serious harm, and on
22 the basis of the findings of such investigation, offer child welfare
23 services in relation to the problem to such parents, legal custodians,
24 or persons serving in loco parentis, and/or bring the situation to the
25 attention of an appropriate court, or another community agency. An
26 investigation is not required of nonaccidental injuries which are
27 clearly not the result of a lack of care or supervision by the child's
28 parents, legal custodians, or persons serving in loco parentis. If the
29 investigation reveals that a crime against a child may have been
30 committed, the department shall notify the appropriate law enforcement
31 agency.

32 (4) The department or supervising agencies shall offer, on a
33 voluntary basis, family reconciliation services to families who are in
34 conflict.

35 (5) The department or supervising agencies shall monitor placements
36 of children in out-of-home care and in-home dependencies to assure the
37 safety, well- being, and quality of care being provided is within the
38 scope of the intent of the legislature as defined in RCW 74.13.010 and

1 74.15.010. (~~The policy for monitoring placements~~) Under this section
2 (~~shall require that~~) children in out-of-home care and in-home
3 dependencies and their caregivers shall receive a private and
4 individual face-to-face visit each month.

5 (~~(a)~~) The department or supervising agencies shall conduct the
6 monthly visits with children and caregivers (~~required under this~~
7 ~~section unless the child's placement is being supervised under a~~
8 ~~contract between the department and a private agency accredited by a~~
9 ~~national child welfare accrediting entity, in which case the private~~
10 ~~agency shall, within existing resources, conduct the monthly visits~~
11 ~~with the child and with the child's caregiver according to the~~
12 ~~standards described in this subsection and shall provide the department~~
13 ~~with a written report of the visits within fifteen days of completing~~
14 ~~the visits.~~

15 (~~b~~) ~~n cases where the monthly visits required under this subsection~~
16 ~~are being conducted by a private agency, the department shall conduct~~
17 ~~a face-to-face health and safety visit with the child at least once~~
18 ~~every ninety days~~) to whom it is providing child welfare services.

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

31 (7) The department and supervising agency shall have authority to
32 provide temporary shelter to children who have run away from home and
33 who are admitted to crisis residential centers.

34 (8) The department and supervising agency shall have authority to
35 purchase care for children (~~and shall follow in general the policy of~~
36 ~~using properly approved private agency services for the actual care and~~
37 ~~supervision of such children insofar as they are available, paying for~~

1 ~~care of such children as are accepted by the department as eligible for~~
2 ~~support at reasonable rates established by the department)).~~

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

10 (10)(a) The department and supervising agencies shall have
11 authority to provide continued foster care or group care as needed to
12 participate in or complete a high school or vocational school program.

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

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

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

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

36 (12) The department and supervising agencies shall have authority
37 within funds appropriated for foster care services to purchase care for
38 Indian children who are in the custody of a federally recognized Indian

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

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

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

17 (14) The department and supervising agencies shall have authority
18 to provide independent living services to youths, including individuals
19 who have attained eighteen years of age, and have not attained twenty-
20 one years of age who are or have been in foster care.

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

32 **Sec. 51.** RCW 74.13.0311 and 2002 c 219 s 13 are each amended to
33 read as follows:

34 The department or (~~its contractors~~) supervising agencies may
35 provide child welfare services pursuant to a deferred prosecution plan
36 ordered under chapter 10.05 RCW. Child welfare services provided under
37 this chapter pursuant to a deferred prosecution order may not be

1 construed to prohibit the department or supervising agencies from
2 providing services or undertaking proceedings pursuant to chapter 13.34
3 or 26.44 RCW.

4 **Sec. 52.** RCW 74.13.032 and 1998 c 296 s 4 are each amended to read
5 as follows:

6 (1) The department shall establish, (~~by~~) through performance-
7 based contracts with private or public vendors, regional crisis
8 residential centers with semi-secure facilities. These facilities
9 shall be structured group care facilities licensed under rules adopted
10 by the department and shall have an average of at least four adult
11 staff members and in no event less than three adult staff members to
12 every eight children.

13 (2) Within available funds appropriated for this purpose, the
14 department shall establish, (~~by~~) through performance-based contracts
15 with private or public vendors, regional crisis residential centers
16 with secure facilities. These facilities shall be facilities licensed
17 under rules adopted by the department. These centers may also include
18 semi-secure facilities and to such extent shall be subject to
19 subsection (1) of this section.

20 (3) The department shall, in addition to the facilities established
21 under subsections (1) and (2) of this section, establish additional
22 crisis residential centers pursuant to performance-based contracts with
23 licensed private group care facilities.

24 (4) The staff at the facilities established under this section
25 shall be trained so that they may effectively counsel juveniles
26 admitted to the centers, provide treatment, supervision, and structure
27 to the juveniles that recognize the need for support and the varying
28 circumstances that cause children to leave their families, and carry
29 out the responsibilities stated in RCW 13.32A.090. The
30 responsibilities stated in RCW 13.32A.090 may, in any of the centers,
31 be carried out by the department.

32 (5) The secure facilities located within crisis residential centers
33 shall be operated to conform with the definition in RCW 13.32A.030.
34 The facilities shall have an average of no less than one adult staff
35 member to every ten children. The staffing ratio shall continue to
36 ensure the safety of the children.

1 (6) If a secure crisis residential center is located in or adjacent
2 to a secure juvenile detention facility, the center shall be operated
3 in a manner that prevents in-person contact between the residents of
4 the center and the persons held in such facility.

5 **Sec. 53.** RCW 74.13.036 and 2003 c 207 s 2 are each amended to read
6 as follows:

7 (1) The department (~~(of social and health services)~~) shall oversee
8 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
9 oversight shall be comprised of working with affected parts of the
10 criminal justice and child care systems as well as with local
11 government, legislative, and executive authorities to effectively carry
12 out these chapters. The department shall work with all such entities
13 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
14 uniform manner throughout the state.

15 (2) The department shall develop a plan and procedures, in
16 cooperation with the statewide advisory committee, to insure the full
17 implementation of the provisions of chapter 13.32A RCW. Such plan and
18 procedures shall include but are not limited to:

19 (a) Procedures defining and delineating the role of the department
20 and juvenile court with regard to the execution of the child in need of
21 services placement process;

22 (b) Procedures for designating department or supervising agency
23 staff responsible for family reconciliation services;

24 (c) Procedures assuring enforcement of contempt proceedings in
25 accordance with RCW 13.32A.170 and 13.32A.250; and

26 (d) Procedures for the continued education of all individuals in
27 the criminal juvenile justice and child care systems who are affected
28 by chapter 13.32A RCW, as well as members of the legislative and
29 executive branches of government.

30 There shall be uniform application of the procedures developed by
31 the department and juvenile court personnel, to the extent practicable.
32 Local and regional differences shall be taken into consideration in the
33 development of procedures required under this subsection.

34 (3) In addition to its other oversight duties, the department
35 shall:

36 (a) Identify and evaluate resource needs in each region of the
37 state;

1 (b) Disseminate information collected as part of the oversight
2 process to affected groups and the general public;

3 (c) Educate affected entities within the juvenile justice and child
4 care systems, local government, and the legislative branch regarding
5 the implementation of chapters 13.32A and 13.34 RCW;

6 (d) Review complaints concerning the services, policies, and
7 procedures of those entities charged with implementing chapters 13.32A
8 and 13.34 RCW; and

9 (e) Report any violations and misunderstandings regarding the
10 implementation of chapters 13.32A and 13.34 RCW.

11 (4) The department shall provide an annual report to the
12 legislature not later than December 1 of each year only when it has
13 declined to accept custody of a child from a law enforcement agency or
14 it has received a report of a child being released without placement.
15 The report shall indicate the number of times it has declined to accept
16 custody of a child from a law enforcement agency under chapter 13.32A
17 RCW and the number of times it has received a report of a child being
18 released without placement under RCW 13.32A.060(1)(c). The report
19 shall include the dates, places, and reasons the department declined to
20 accept custody and the dates and places children are released without
21 placement.

22 **Sec. 54.** RCW 74.13.037 and 1997 c 146 s 9 are each amended to read
23 as follows:

24 Within available funds appropriated for this purpose, the
25 department shall establish, (~~by~~) through performance-based contracts
26 with private vendors, transitional living programs for youth who are
27 being assisted by the department in being emancipated as part of their
28 permanency plan under chapter 13.34 RCW. These programs shall be
29 licensed under rules adopted by the department.

30 **Sec. 55.** RCW 74.13.042 and 1995 c 311 s 14 are each amended to
31 read as follows:

32 If the department or supervising agency is denied lawful access to
33 records or information, or requested records or information is not
34 provided in a timely manner, the department or supervising agency may
35 petition the court for an order compelling disclosure.

1 (1) The petition shall be filed in the juvenile court for the
2 county in which the record or information is located or the county in
3 which the person who is the subject of the record or information
4 resides. If the person who is the subject of the record or information
5 is a party to or the subject of a pending proceeding under chapter
6 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

7 (2) Except as otherwise provided in this section, the persons from
8 whom and about whom the record or information is sought shall be served
9 with a summons and a petition at least seven calendar days prior to a
10 hearing on the petition. The court may order disclosure upon ex parte
11 application of the department or supervising agency, without prior
12 notice to any person, if the court finds there is reason to believe
13 access to the record or information is necessary to determine whether
14 the child is in imminent danger and in need of immediate protection.

15 (3) The court shall grant the petition upon a showing that there is
16 reason to believe that the record or information sought is necessary
17 for the health, safety, or welfare of the child who is currently
18 receiving child welfare services.

19 **Sec. 56.** RCW 74.13.045 and 1998 c 245 s 146 are each amended to
20 read as follows:

21 The department shall develop and implement an informal,
22 nonadversarial complaint resolution process to be used by clients of
23 the department or supervising agency, foster parents, and other
24 affected individuals who have complaints regarding a department policy
25 or procedure, (~~or~~) the application of such a policy or procedure, or
26 the performance of an entity that has entered into a performance-based
27 contract with the department, related to programs administered under
28 this chapter. The process shall not apply in circumstances where the
29 complainant has the right under Title 13, 26, or 74 RCW to seek
30 resolution of the complaint through judicial review or through an
31 adjudicative proceeding.

32 Nothing in this section shall be construed to create substantive or
33 procedural rights in any person. Participation in the complaint
34 resolution process shall not entitle any person to an adjudicative
35 proceeding under chapter 34.05 RCW or to superior court review.
36 Participation in the process shall not affect the right of any person
37 to seek other statutorily or constitutionally permitted remedies.

1 The department shall develop procedures to assure that clients and
2 foster parents are informed of the availability of the complaint
3 resolution process and how to access it. The department shall
4 incorporate information regarding the complaint resolution process into
5 the training for foster parents and department and supervising agency
6 caseworkers.

7 The department shall compile complaint resolution data including
8 the nature of the complaint and the outcome of the process.

9 **Sec. 57.** RCW 74.13.055 and 1998 c 245 s 147 are each amended to
10 read as follows:

11 The department shall adopt rules pursuant to chapter 34.05 RCW
12 which establish goals as to the maximum number of children who will
13 remain in foster care for a period of longer than twenty-four months.
14 The department shall also work cooperatively with (~~the major private~~
15 ~~child care providers~~) supervising agencies to assure that a
16 partnership plan for utilizing the resources of the public and private
17 sector in all matters pertaining to child welfare is developed and
18 implemented.

19 **Sec. 58.** RCW 74.13.060 and 1971 ex.s. c 169 s 7 are each amended
20 to read as follows:

21 (1) The secretary or his or her designees or delegates shall be
22 the custodian without compensation of such moneys and other funds of
23 any person which may come into the possession of the secretary during
24 the period such person is placed with the department (~~of social and~~
25 ~~health services~~) or an entity with which it has entered into a
26 performance-based contract pursuant to chapter 74.13 RCW. As such
27 custodian, the secretary shall have authority to disburse moneys from
28 the person's funds for the following purposes only and subject to the
29 following limitations:

30 (~~(1) The secretary may disburse any of the funds belonging to such~~
31 ~~person~~) (a) For such personal needs of such person as the secretary
32 may deem proper and necessary.

33 (~~(2) The secretary may apply such funds~~) (b) Against the amount
34 of public assistance otherwise payable to such person. This includes
35 applying, as reimbursement, any benefits, payments, funds, or accrual

1 paid to or on behalf of said person from any source against the amount
2 of public assistance expended on behalf of said person during the
3 period for which the benefits, payments, funds or accruals were paid.

4 ((+3)) (2) All funds held by the secretary as custodian may be
5 deposited in a single fund, the receipts and expenditures therefrom to
6 be accurately accounted for by him or her on an individual basis.
7 Whenever, the funds belonging to any one person exceed the sum of five
8 hundred dollars, the secretary may deposit said funds in a savings and
9 loan association account on behalf of that particular person.

10 ((+4)) (3) When the conditions of placement no longer exist and
11 public assistance is no longer being provided for such person, upon a
12 showing of legal competency and proper authority, the secretary shall
13 deliver to such person, or the parent, person, or agency legally
14 responsible for such person, all funds belonging to the person
15 remaining in his or her possession as custodian, together with a full
16 and final accounting of all receipts and expenditures made therefrom.

17 ((+5)) (4) The appointment of a guardian for the estate of such
18 person shall terminate the secretary's authority as custodian of said
19 funds upon receipt by the secretary of a certified copy of letters of
20 guardianship. Upon the guardian's request, the secretary shall
21 immediately forward to such guardian any funds of such person remaining
22 in the secretary's possession together with full and final accounting
23 of all receipts and expenditures made therefrom.

24 **Sec. 59.** RCW 74.13.065 and 2002 c 52 s 8 are each amended to read
25 as follows:

26 (1) The department((7)) or supervising agency ((responsible for
27 ~~supervising a child in out-of-home care,~~) shall conduct a social study
28 whenever a child is placed in out-of-home care under the supervision of
29 the department or ((other)) supervising agency. The study shall be
30 conducted prior to placement, or, if it is not feasible to conduct the
31 study prior to placement due to the circumstances of the case, the
32 study shall be conducted as soon as possible following placement.

33 (2) The social study shall include, but not be limited to, an
34 assessment of the following factors:

- 35 (a) The physical and emotional strengths and needs of the child;
36 (b) Emotional bonds with siblings and the need to maintain regular
37 sibling contacts;

- 1 (c) The proximity of the child's placement to the child's family to
2 aid reunification;
- 3 (d) The possibility of placement with the child's relatives or
4 extended family;
- 5 (e) The racial, ethnic, cultural, and religious background of the
6 child;
- 7 (f) The least-restrictive, most family-like placement reasonably
8 available and capable of meeting the child's needs; and
- 9 (g) Compliance with RCW 13.34.260 regarding parental preferences
10 for placement of their children.

11 **Sec. 60.** RCW 74.13.075 and 1994 c 169 s 1 are each amended to read
12 as follows:

13 (1) For the purposes of funds appropriated for the treatment of
14 sexually aggressive youth, the term "sexually aggressive youth" means
15 those juveniles who:

16 (a) Have been abused and have committed a sexually aggressive act
17 or other violent act that is sexual in nature; and

18 (i) Are in the care and custody of the state or a federally
19 recognized Indian tribe located within the state; or

20 (ii) Are the subject of a proceeding under chapter 13.34 RCW or a
21 child welfare proceeding held before a tribal court located within the
22 state; or

23 (b) Cannot be detained under the juvenile justice system due to
24 being under age twelve and incompetent to stand trial for acts that
25 could be prosecuted as sex offenses as defined by RCW 9.94A.030 if the
26 juvenile was over twelve years of age, or competent to stand trial if
27 under twelve years of age.

28 (2) In expending these funds, the department (~~(of social and health~~
29 ~~services)) shall establish in each region a case review committee to
30 review all cases for which the funds are used. In determining whether
31 to use these funds in a particular case, the committee shall consider:~~

- 32 (a) The age of the juvenile;
- 33 (b) The extent and type of abuse to which the juvenile has been
34 subjected;
- 35 (c) The juvenile's past conduct;
- 36 (d) The benefits that can be expected from the treatment;
- 37 (e) The cost of the treatment; and

1 (f) The ability of the juvenile's parent or guardian to pay for the
2 treatment.

3 (3) The department may provide funds, under this section, for youth
4 in the care and custody of a tribe or through a tribal court, for the
5 treatment of sexually aggressive youth only if: (a) The tribe uses the
6 same or equivalent definitions and standards for determining which
7 youth are sexually aggressive; and (b) the department seeks to recover
8 any federal funds available for the treatment of youth.

9 **Sec. 61.** RCW 74.13.077 and 1993 c 402 s 4 are each amended to read
10 as follows:

11 The secretary (~~(of the department of social and health services)~~)
12 is authorized to transfer surplus, unused treatment funds from the
13 civil commitment center operated under chapter 71.09 RCW to the
14 division of children and family services to provide treatment services
15 for sexually aggressive youth.

16 **Sec. 62.** RCW 74.13.096 and 2007 c 465 s 2 are each amended to read
17 as follows:

18 (1) The secretary (~~(of the department of social and health~~
19 ~~services)~~) shall convene an advisory committee to analyze and make
20 recommendations on the disproportionate representation of children of
21 color in Washington's child welfare system. The department shall
22 collaborate with the Washington institute for public policy and private
23 sector entities to develop a methodology for the advisory committee to
24 follow in conducting a baseline analysis of data from the child welfare
25 system to determine whether racial disproportionality and racial
26 disparity exist in this system. The Washington institute for public
27 policy shall serve as technical staff for the advisory committee. In
28 determining whether racial disproportionality or racial disparity
29 exists, the committee shall utilize existing research and evaluations
30 conducted within Washington state, nationally, and in other states and
31 localities that have similarly analyzed the prevalence of racial
32 disproportionality and disparity in child welfare.

33 (2) At a minimum, the advisory committee shall examine and analyze:
34 (a) The level of involvement of children of color at each stage in the
35 state's child welfare system, including the points of entry and exit,
36 and each point at which a treatment decision is made; (b) the number of

1 children of color in low-income or single-parent families involved in
2 the state's child welfare system; (c) the family structures of families
3 involved in the state's child welfare system; and (d) the outcomes for
4 children in the existing child welfare system. This analysis shall be
5 disaggregated by racial and ethnic group, and by geographic region.

6 (3) The committee of not more than fifteen individuals shall
7 consist of experts in social work, law, child welfare, psychology, or
8 related fields, at least two tribal representatives, a representative
9 of the governor's juvenile justice advisory committee, a representative
10 of a community-based organization involved with child welfare issues,
11 a representative of the department (~~(of social and health services)~~),
12 a current or former foster care youth, a current or former foster care
13 parent, and a parent previously involved with Washington's child
14 welfare system. Committee members shall be selected as follows: (a)
15 Five members selected by the senate majority leader; (b) five members
16 selected by the speaker of the house of representatives; and (c) five
17 members selected by the secretary of the department (~~(of social and~~
18 ~~health services)~~). The secretary, the senate majority leader, and the
19 speaker of the house of representatives shall coordinate appointments
20 to ensure the representation specified in this subsection is achieved.
21 After the advisory committee appointments are finalized, the committee
22 shall select two individuals to serve as cochairs of the committee, one
23 of whom shall be a representative from a nongovernmental entity.

24 (4) The secretary shall make reasonable efforts to seek public and
25 private funding for the advisory committee.

26 (5) Not later than June 1, 2008, the advisory committee created in
27 subsection (1) of this section shall report to the secretary of the
28 department (~~(of social and health services)~~) on the results of the
29 analysis. If the results of the analysis indicate disproportionality
30 or disparity exists for any racial or ethnic group in any region of the
31 state, the committee, in conjunction with the secretary of the
32 department (~~(of social and health services)~~), shall develop a plan for
33 remedying the disproportionality or disparity. The remediation plan
34 shall include: (a) Recommendations for administrative and legislative
35 actions related to appropriate programs and services to reduce and
36 eliminate disparities in the system and improve the long-term outcomes
37 for children of color who are served by the system; and (b) performance
38 measures for implementing the remediation plan. To the extent possible

1 and appropriate, the remediation plan shall be developed to integrate
2 the recommendations required in this subsection with the department's
3 existing compliance plans, training efforts, and other practice
4 improvement and reform initiatives in progress. The advisory committee
5 shall be responsible for ongoing evaluation of current and prospective
6 policies and procedures for their contribution to or effect on racial
7 disproportionality and disparity.

8 (6) Not later than December 1, 2008, the secretary shall report the
9 results of the analysis conducted under subsection (2) of this section
10 and shall describe the remediation plan required under subsection (5)
11 of this section to the appropriate committees of the legislature with
12 jurisdiction over policy and fiscal matters relating to children,
13 families, and human services. Beginning January 1, 2010, the secretary
14 shall report annually to the appropriate committees of the legislature
15 on the implementation of the remediation plan, including any measurable
16 progress made in reducing and eliminating racial disproportionality and
17 disparity in the state's child welfare system.

18 **Sec. 63.** RCW 74.13.103 and 1971 ex.s. c 63 s 2 are each amended to
19 read as follows:

20 When a child proposed for adoption is placed with a prospective
21 adoptive parent the department may charge such parent a fee in payment
22 or part payment of such adoptive parent's part of the cost of the
23 adoption services rendered and to be rendered by the department.

24 In charging such fees the department shall treat a husband and wife
25 as a single prospective adoptive parent.

26 Each such fee shall be fixed according to a sliding scale based on
27 the ability to pay of the prospective adoptive parent or parents.

28 Such fee scale shall be annually fixed by the secretary after
29 considering the recommendations of the committee designated by the
30 secretary to advise him or her on child welfare and pursuant to the
31 regulations to be issued by the secretary in accordance with the
32 provisions of Title 34 RCW.

33 The secretary may waive, defer, or provide for payment in
34 installments without interest of, any such fee whenever in his or her
35 judgment payment or immediate payment would cause economic hardship to
36 such adoptive parent or parents.

1 Nothing in this section shall require the payment of a fee to the
2 state of Washington in a case in which an adoption results from
3 independent placement or placement by a licensed child-placing or
4 supervising agency.

5 **Sec. 64.** RCW 74.13.106 and 1985 c 7 s 134 are each amended to read
6 as follows:

7 All fees paid for adoption services pursuant to RCW 26.33.320 and
8 74.13.100 through 74.13.145 (as recodified by this act) shall be
9 credited to the general fund. Expenses incurred in connection with
10 supporting the adoption of hard to place children shall be paid by
11 warrants drawn against such appropriations as may be available. The
12 secretary may for such purposes, contract with any public agency or
13 ~~((licensed child placing))~~ supervising agency and/or adoptive parent
14 and is authorized to accept funds from other sources including federal,
15 private, and other public funding sources to carry out such purposes.

16 The secretary shall actively seek, where consistent with the
17 policies and programs of the department, and shall make maximum use of,
18 such federal funds as are or may be made available to the department
19 for the purpose of supporting the adoption of hard to place children.
20 The secretary may, if permitted by federal law, deposit federal funds
21 for adoption support, aid to adoptions, or subsidized adoption in the
22 general fund and may use such funds, subject to such limitations as may
23 be imposed by federal or state law, to carry out the program of
24 adoption support authorized by RCW 26.33.320 and 74.13.100 through
25 74.13.145 (as recodified by this act).

26 **Sec. 65.** RCW 74.13.109 and 1990 c 285 s 7 are each amended to read
27 as follows:

28 The secretary shall issue rules and regulations to assist in the
29 administration of the program of adoption support authorized by RCW
30 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act).

31 Disbursements from the appropriations available from the general
32 fund shall be made pursuant to such rules and regulations and pursuant
33 to agreements conforming thereto to be made by the secretary with
34 parents for the purpose of supporting the adoption of children in, or
35 likely to be placed in, foster homes or child caring institutions who
36 are found by the secretary to be difficult to place in adoption because

1 of physical or other reasons; including, but not limited to, physical
2 or mental handicap, emotional disturbance, ethnic background, language,
3 race, color, age, or sibling grouping.

4 Such agreements shall meet the following criteria:

5 (1) The child whose adoption is to be supported pursuant to such
6 agreement shall be or have been a child hard to place in adoption.

7 (2) Such agreement must relate to a child who was or is residing in
8 a foster home or child-caring institution or a child who, in the
9 judgment of the secretary, is both eligible for, and likely to be
10 placed in, either a foster home or a child-caring institution.

11 (3) Such agreement shall provide that adoption support shall not
12 continue beyond the time that the adopted child reaches eighteen years
13 of age, becomes emancipated, dies, or otherwise ceases to need
14 support(~~(, provided that)~~). If the secretary ((shall)) finds that
15 continuing dependency of such child after such child reaches eighteen
16 years of age warrants the continuation of support pursuant to RCW
17 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act)
18 the secretary may do so, subject to all the provisions of RCW 26.33.320
19 and 74.13.100 through 74.13.145 (as recodified by this act), including
20 annual review of the amount of such support.

21 (4) Any prospective parent who is to be a party to such agreement
22 shall be a person who has the character, judgment, sense of
23 responsibility, and disposition which make him or her suitable as an
24 adoptive parent of such child.

25 **Sec. 66.** RCW 74.13.124 and 1985 c 7 s 140 are each amended to read
26 as follows:

27 An agreement for adoption support made (~~(pursuant to RCW~~
28 ~~26.32.115))~~ before January 1, 1985, or pursuant to RCW 26.33.320 and
29 74.13.100 through 74.13.145 (as recodified by this act), although
30 subject to review and adjustment as provided for herein, shall, as to
31 the standard used by the secretary in making such review or reviews and
32 any such adjustment, constitutes a contract within the meaning of
33 section 10, Article I of the United States Constitution and section 23,
34 Article I of the state Constitution. For that reason once such an
35 agreement has been made any review of and adjustment under such
36 agreement shall as to the standards used by the secretary, be made only
37 subject to the provisions of RCW 26.33.320 and 74.13.100 through

1 74.13.145 (as recodified by this act) and such rules and regulations
2 relating thereto as they exist on the date of the initial determination
3 in connection with such agreement or such more generous standard or
4 parts of such standard as may hereafter be provided for by law or
5 regulation. Once made such an agreement shall constitute a solemn
6 undertaking by the state of Washington with such adoptive parent or
7 parents. The termination of the effective period of RCW 26.33.320 and
8 74.13.100 through 74.13.145 (as recodified by this act) or a decision
9 by the state or federal government to discontinue or reduce general
10 appropriations made available for the purposes to be served by RCW
11 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act),
12 shall not affect the state's specific continuing obligations to support
13 such adoptions, subject to such annual review and adjustment for all
14 such agreements as have theretofore been entered into by the state.

15 The purpose of this section is to assure any such parent that, upon
16 his or her consenting to assume the burdens of adopting a hard to place
17 child, the state will not in future so act by way of general reduction
18 of appropriations for the program authorized by RCW 26.33.320 and
19 74.13.100 through 74.13.145 (as recodified by this act) or ratable
20 reductions, to impair the trust and confidence necessarily reposed by
21 such parent in the state as a condition of such parent taking upon
22 himself or herself the obligations of parenthood of a difficult to
23 place child.

24 Should the secretary and any such adoptive parent differ as to
25 whether any standard or part of a standard adopted by the secretary
26 after the date of an initial agreement, which standard or part is used
27 by the secretary in making any review and adjustment, is more generous
28 than the standard in effect as of the date of the initial determination
29 with respect to such agreement such adoptive parent may invoke his or
30 her rights, including all rights of appeal under the fair hearing
31 provisions, available to him or her under RCW 74.13.127 (as recodified
32 by this act).

33 **Sec. 67.** RCW 74.13.136 and 1985 c 7 s 144 are each amended to read
34 as follows:

35 Any (~~child-caring~~) supervising agency or person having a child in
36 foster care or institutional care and wishing to recommend to the
37 secretary support of the adoption of such child as provided for in RCW

1 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act)
2 may do so, and may include in its or his or her recommendation advice
3 as to the appropriate level of support and any other information likely
4 to assist the secretary in carrying out the functions vested in the
5 secretary by RCW 26.33.320 and 74.13.100 through 74.13.145 (as
6 recodified by this act). Such agency may, but is not required to, be
7 retained by the secretary to make the required preplacement study of
8 the prospective adoptive parent or parents.

9 **Sec. 68.** RCW 74.13.165 and 1997 c 272 s 4 are each amended to read
10 as follows:

11 The secretary or the secretary's designee (~~(may)~~) shall purchase
12 services from nonprofit agencies for the purpose of conducting home
13 studies for legally free children who have been awaiting adoption
14 finalization for more than (~~(ninety)~~) sixty days. The home studies
15 selected to be done under this section shall be for the children who
16 have been legally free and awaiting adoption finalization the longest
17 period of time.

18 This section expires June 30, 2011.

19 **Sec. 69.** RCW 74.13.170 and 1991 c 326 s 2 are each amended to read
20 as follows:

21 The department (~~(of social and health services)~~) may, through
22 performance-based contracts with supervising agencies, implement a
23 therapeutic family home program for up to fifteen youth in the custody
24 of the department under chapter 13.34 RCW. The program shall strive to
25 develop and maintain a mutually reinforcing relationship between the
26 youth and the therapeutic staff associated with the program.

27 **Sec. 70.** RCW 74.13.250 and 1990 c 284 s 2 are each amended to read
28 as follows:

29 (1) Preservice training is recognized as a valuable tool to reduce
30 placement disruptions, the length of time children are in care, and
31 foster parent turnover rates. Preservice training also assists
32 potential foster parents in making their final decisions about foster
33 parenting and assists social service agencies in obtaining information
34 about whether to approve potential foster parents.

1 (2) Foster parent preservice training shall include information
2 about the potential impact of placement on foster children; social
3 service agency administrative processes; the requirements,
4 responsibilities, expectations, and skills needed to be a foster
5 parent; attachment, separation, and loss issues faced by birth parents,
6 foster children, and foster parents; child management and discipline;
7 birth family relationships; and helping children leave foster care.
8 Preservice training shall assist applicants in making informed
9 decisions about whether they want to be foster parents. Preservice
10 training shall be designed to enable the agency to assess the ability,
11 readiness, and appropriateness of families to be foster parents. As a
12 decision tool, effective preservice training provides potential foster
13 parents with enough information to make an appropriate decision,
14 affords potential foster parents an opportunity to discuss their
15 decision with others and consider its implications for their family,
16 clarifies foster family expectations, presents a realistic picture of
17 what foster parenting involves, and allows potential foster parents to
18 consider and explore the different types of children they might serve.

19 (3) Foster parents shall complete preservice training (~~shall be~~
20 ~~completed prior to~~) before the issuance of a foster care license,
21 except that the department may, on a case by case basis, issue a
22 written waiver that allows the foster parent to complete the training
23 after licensure, so long as the training is completed within ninety
24 days following licensure.

25 **Sec. 71.** RCW 74.13.280 and 2007 c 409 s 6 and 2007 c 220 s 4 are
26 each reenacted and amended to read as follows:

27 (1) Except as provided in RCW 70.24.105, whenever a child is placed
28 in out-of-home care by the department or a (~~child-placing~~)
29 supervising agency, the department or agency shall share information
30 known to the department or agency about the child and the child's
31 family with the care provider and shall consult with the care provider
32 regarding the child's case plan. If the child is dependent pursuant to
33 a proceeding under chapter 13.34 RCW, the department or supervising
34 agency shall keep the care provider informed regarding the dates and
35 location of dependency review and permanency planning hearings
36 pertaining to the child.

1 (2) Information about the child and the child's family shall
2 include information known to the department or agency as to whether the
3 child is a sexually reactive child, has exhibited high-risk behaviors,
4 or is physically assaultive or physically aggressive, as defined in
5 this section.

6 (3) Information about the child shall also include information
7 known to the department or agency that the child:

8 (a) Has received a medical diagnosis of fetal alcohol syndrome or
9 fetal alcohol effect;

10 (b) Has been diagnosed by a qualified mental health professional as
11 having a mental health disorder;

12 (c) Has witnessed a death or substantial physical violence in the
13 past or recent past; or

14 (d) Was a victim of sexual or severe physical abuse in the recent
15 past.

16 (4) Any person who receives information about a child or a child's
17 family pursuant to this section shall keep the information confidential
18 and shall not further disclose or disseminate the information except as
19 authorized by law. Care providers shall agree in writing to keep the
20 information that they receive confidential and shall affirm that the
21 information will not be further disclosed or disseminated, except as
22 authorized by law.

23 (5) Nothing in this section shall be construed to limit the
24 authority of the department or (~~child-placing~~) supervising agencies
25 to disclose client information or to maintain client confidentiality as
26 provided by law.

27 (6) As used in this section:

28 (a) "Sexually reactive child" means a child who exhibits sexual
29 behavior problems including, but not limited to, sexual behaviors that
30 are developmentally inappropriate for their age or are harmful to the
31 child or others.

32 (b) "High-risk behavior" means an observed or reported and
33 documented history of one or more of the following:

34 (i) Suicide attempts or suicidal behavior or ideation;

35 (ii) Self-mutilation or similar self-destructive behavior;

36 (iii) Fire-setting or a developmentally inappropriate fascination
37 with fire;

38 (iv) Animal torture;

1 (v) Property destruction; or

2 (vi) Substance or alcohol abuse.

3 (c) "Physically assaultive or physically aggressive" means a child
4 who exhibits one or more of the following behaviors that are
5 developmentally inappropriate and harmful to the child or to others:

6 (i) Observed assaultive behavior;

7 (ii) Reported and documented history of the child willfully
8 assaulting or inflicting bodily harm; or

9 (iii) Attempting to assault or inflict bodily harm on other
10 children or adults under circumstances where the child has the apparent
11 ability or capability to carry out the attempted assaults including
12 threats to use a weapon.

13 **Sec. 72.** RCW 74.13.283 and 2008 c 267 s 7 are each amended to read
14 as follows:

15 (1) For the purpose of assisting foster youth in obtaining a
16 Washington state identicard, submission of the information and
17 materials listed in this subsection from the department or supervising
18 agency to the department of licensing is sufficient proof of identity
19 and residency and shall serve as the necessary authorization for the
20 youth to apply for and obtain a Washington state identicard:

21 (a) A written signed statement prepared on department or
22 supervising agency letterhead, verifying the following:

23 (i) The youth is a minor who resides in Washington;

24 (ii) Pursuant to a court order, the youth is dependent and the
25 department or (~~other~~) supervising agency is the legal custodian of
26 the youth under chapter 13.34 RCW or under the interstate compact on
27 the placement of children;

28 (iii) The youth's full name and date of birth;

29 (iv) The youth's social security number, if available;

30 (v) A brief physical description of the youth;

31 (vi) The appropriate address to be listed on the youth's
32 identicard; and

33 (vii) Contact information for the appropriate person (~~at~~) with
34 the department or supervising agency.

35 (b) A photograph of the youth, which may be digitized and
36 integrated into the statement.

1 (2) The department or supervising agency may provide the statement
2 and the photograph via any of the following methods, whichever is most
3 efficient or convenient:

4 (a) Delivered via first-class mail or electronically to the
5 headquarters office of the department of licensing; or

6 (b) Hand-delivered to a local office of the department of licensing
7 by a department or supervising agency case worker.

8 (3) A copy of the statement shall be provided to the youth who
9 shall provide the copy to the department of licensing when making an
10 in-person application for a Washington state identicard.

11 (4) To the extent other identifying information is readily
12 available, the department or supervising agency shall include the
13 additional information with the submission of information required
14 under subsection (1) of this section.

15 **Sec. 73.** RCW 74.13.285 and 2007 c 409 s 7 are each amended to read
16 as follows:

17 (1) Within available resources, the department or supervising
18 agency shall prepare a passport containing all known and available
19 information concerning the mental, physical, health, and educational
20 status of the child for any child who has been in a foster home for
21 ninety consecutive days or more. The passport shall contain education
22 records obtained pursuant to RCW 28A.150.510. The passport shall be
23 provided to a foster parent at any placement of a child covered by this
24 section. The department or supervising agency shall update the
25 passport during the regularly scheduled court reviews required under
26 chapter 13.34 RCW.

27 New placements (~~((after July 1, 1997,))~~) shall have first priority in
28 the preparation of passports. (~~((Within available resources, the~~
29 ~~department may prepare passports for any child in a foster home on July~~
30 ~~1, 1997, provided that no time spent in a foster home before July 1,~~
31 ~~1997, shall be included in the computation of the ninety days.))~~)

32 (2) In addition to the requirements of subsection (1) of this
33 section, the department or supervising agency shall, within available
34 resources, notify a foster parent before placement of a child of any
35 known health conditions that pose a serious threat to the child and any
36 known behavioral history that presents a serious risk of harm to the
37 child or others.

1 (3) The department shall hold harmless the provider including
2 supervising agencies for any unauthorized disclosures caused by the
3 department.

4 (4) Any foster parent who receives information about a child or a
5 child's family pursuant to this section shall keep the information
6 confidential and shall not further disclose or disseminate the
7 information, except as authorized by law. Such individuals shall agree
8 in writing to keep the information that they receive confidential and
9 shall affirm that the information will not be further disclosed or
10 disseminated, except as authorized by law.

11 **Sec. 74.** RCW 74.13.288 and 2004 c 40 s 2 are each amended to read
12 as follows:

13 ~~((1))~~ The department of health shall develop recommendations
14 concerning evidence-based practices for testing for blood-borne
15 pathogens of children under one year of age who have been placed in
16 out-of-home care and shall identify the specific pathogens for which
17 testing is recommended.

18 ~~((2) The department shall report to the appropriate committees of
19 the legislature on the recommendations developed in accordance with
20 subsection (1) of this section by January 1, 2005.))~~

21 **Sec. 75.** RCW 74.13.289 and 2004 c 40 s 3 are each amended to read
22 as follows:

23 (1) Upon any placement, the department ~~((of social and health
24 services))~~ or supervising agency shall inform each out-of-home care
25 provider if the child to be placed in that provider's care is infected
26 with a blood-borne pathogen, and shall identify the specific blood-
27 borne pathogen for which the child was tested if known by the
28 department or supervising agency.

29 (2) All out-of-home care providers licensed by the department shall
30 receive training related to blood-borne pathogens, including
31 prevention, transmission, infection control, treatment, testing, and
32 confidentiality.

33 (3) Any disclosure of information related to HIV must be in
34 accordance with RCW 70.24.105.

35 (4) The department of health shall identify by rule the term
36 "blood-borne pathogen" as used in this section.

1 **Sec. 76.** RCW 74.13.300 and 1990 c 284 s 12 are each amended to
2 read as follows:

3 (1) Whenever a child has been placed in a foster family home by the
4 department or ((~~a child placing~~)) supervising agency and the child has
5 thereafter resided in the home for at least ninety consecutive days,
6 the department or ((~~child placing~~)) supervising agency shall notify the
7 foster family at least five days prior to moving the child to another
8 placement, unless:

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

11 (b) The child is being returned home;

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

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

14 (2) If the child has resided in a foster family home for less than
15 ninety days or if, due to one or more of the circumstances in
16 subsection (1) of this section, it is not possible to give five days'
17 notification, the department or ((~~child placing~~)) supervising agency
18 shall notify the foster family of proposed placement changes as soon as
19 reasonably possible.

20 (3) This section is intended solely to assist in minimizing
21 disruption to the child in changing foster care placements. Nothing in
22 this section shall be construed to require that a court hearing be held
23 prior to changing a child's foster care placement nor to create any
24 substantive custody rights in the foster parents.

25 **Sec. 77.** RCW 74.13.310 and 1990 c 284 s 13 are each amended to
26 read as follows:

27 Adequate foster parent training has been identified as directly
28 associated with increasing the length of time foster parents are
29 willing to provide foster care and reducing the number of placement
30 disruptions for children. Placement disruptions can be harmful to
31 children by denying them consistent and nurturing support. Foster
32 parents have expressed the desire to receive training in addition to
33 the foster parent ((~~SCOPE~~)) training currently offered. Foster parents
34 who care for more demanding children, such as children with severe
35 emotional, mental, or physical handicaps, would especially benefit from
36 additional training. The department and supervising agency shall

1 develop additional training for foster parents that focuses on skills
2 to assist foster parents in caring for emotionally, mentally, or
3 physically handicapped children.

4 **Sec. 78.** RCW 74.13.315 and 1997 c 272 s 6 are each amended to read
5 as follows:

6 The department or supervising agency may provide child care for all
7 foster parents who are required to attend department-sponsored or
8 supervising agency-sponsored meetings or training sessions. If the
9 department or supervising agency does not provide such child care, the
10 department or supervising agency, where feasible, shall conduct the
11 activities covered by this section in the foster parent's home or other
12 location acceptable to the foster parent.

13 **Sec. 79.** RCW 74.13.320 and 1990 c 284 s 15 are each amended to
14 read as follows:

15 ~~((The legislature finds that during the fiscal years 1987 to 1989~~
16 ~~the number of children in foster care has risen by 14.3 percent. At~~
17 ~~the same time there has been a 31 percent turnover rate in foster homes~~
18 ~~because many foster parents have declined to continue to care for~~
19 ~~foster children. This situation has caused a dangerously critical~~
20 ~~shortage of foster homes.~~

21 ~~The department of social and health services shall develop and~~
22 ~~implement a project to recruit more foster homes and adoptive homes for~~
23 ~~special needs children by developing a request for proposal to licensed~~
24 ~~private foster care, licensed adoption agencies, and other~~
25 ~~organizations qualified to provide this service.~~

26 ~~The project shall consist of one statewide administrator of~~
27 ~~recruitment programs, and one or more licensed foster care or adoption~~
28 ~~agency contracts in each of the six departmental regions. These~~
29 ~~contracts shall enhance currently provided services and may not replace~~
30 ~~services currently funded by the agencies. No more than sixty thousand~~
31 ~~dollars may be spent annually to fund the administrator position.~~

32 ~~The agencies shall recruit foster care homes and adoptive homes for~~
33 ~~children classified as special needs children under chapter 74.08 RCW.~~
34 ~~The agencies shall utilize their own network of contacts and shall also~~
35 ~~develop programs similar to those used effectively in other states.~~
36 ~~The department shall expand the foster adopt program statewide to~~

1 ~~encourage stable placements for foster children for whom permanent out-~~
2 ~~of home placement is a likelihood. The department shall carefully~~
3 ~~consider existing programs to eliminate duplication of services.))~~

4 The department shall assist (~~(the private contractors)~~) supervising
5 agencies by providing printing services for informational brochures and
6 other necessary recruitment materials. No more than fifty thousand
7 dollars of the funds provided for this section may be expended annually
8 for recruitment materials.

9 **Sec. 80.** RCW 74.13.325 and 1997 c 272 s 3 are each amended to read
10 as follows:

11 Within available resources, the department and supervising agencies
12 shall increase the number of adoptive and foster families available to
13 accept children through an intensive recruitment and retention program.
14 The department shall (~~(contract with a private agency to)~~) enter into
15 performance-based contracts with supervising agencies, under which the
16 agencies will coordinate all foster care and adoptive home recruitment
17 activities (~~(for the department and private agencies)~~).

18 **Sec. 81.** RCW 74.13.333 and 2004 c 181 s 1 are each amended to read
19 as follows:

20 A foster parent who believes that a department or supervising
21 agency employee has retaliated against the foster parent or in any
22 other manner discriminated against the foster parent because:

23 (1) The foster parent made a complaint with the office of the
24 family and children's ombudsman, the attorney general, law enforcement
25 agencies, (~~(or)~~) the department, or the supervising agency, provided
26 information, or otherwise cooperated with the investigation of such a
27 complaint;

28 (2) The foster parent has caused to be instituted any proceedings
29 under or related to Title 13 RCW;

30 (3) The foster parent has testified or is about to testify in any
31 proceedings under or related to Title 13 RCW;

32 (4) The foster parent has advocated for services on behalf of the
33 foster child;

34 (5) The foster parent has sought to adopt a foster child in the
35 foster parent's care; or

1 (6) The foster parent has discussed or consulted with anyone
2 concerning the foster parent's rights under this chapter or chapter
3 74.15 or 13.34 RCW,
4 may file a complaint with the office of the family and children's
5 ombudsman. The office of the family and children's ombudsman shall
6 include its recommendations regarding complaints filed under this
7 section in its annual report pursuant to RCW 43.06A.030. The office of
8 the family and children's ombudsman shall identify trends which may
9 indicate a need to improve relations between the department or
10 supervising agency and foster parents.

11 **Sec. 82.** RCW 74.13.334 and 2004 c 181 s 2 are each amended to read
12 as follows:

13 The department and supervising agency shall develop procedures for
14 responding to recommendations of the office of the family and
15 children's ombudsman as a result of any and all complaints filed by
16 foster parents under RCW 74.13.333.

17 **Sec. 83.** RCW 74.13.500 and 2005 c 274 s 351 are each amended to
18 read as follows:

19 (1) Consistent with the provisions of chapter 42.56 RCW and
20 applicable federal law, the secretary, or the secretary's designee,
21 shall disclose information regarding the abuse or neglect of a child,
22 the investigation of the abuse, neglect, or near fatality of a child,
23 and any services related to the abuse or neglect of a child if any one
24 of the following factors is present:

25 (a) The subject of the report has been charged in an accusatory
26 instrument with committing a crime related to a report maintained by
27 the department in its case and management information system;

28 (b) The investigation of the abuse or neglect of the child by the
29 department or the provision of services by the department or a
30 supervising agency has been publicly disclosed in a report required to
31 be disclosed in the course of their official duties, by a law
32 enforcement agency or official, a prosecuting attorney, any other state
33 or local investigative agency or official, or by a judge of the
34 superior court;

35 (c) There has been a prior knowing, voluntary public disclosure by

1 an individual concerning a report of child abuse or neglect in which
2 such individual is named as the subject of the report; or

3 (d) The child named in the report has died and the child's death
4 resulted from abuse or neglect or the child was in the care of, or
5 receiving services from the department or a supervising agency at the
6 time of death or within twelve months before death.

7 (2) The secretary is not required to disclose information if the
8 factors in subsection (1) of this section are present if he or she
9 specifically determines the disclosure is contrary to the best
10 interests of the child, the child's siblings, or other children in the
11 household.

12 (3) Except for cases in subsection (1)(d) of this section, requests
13 for information under this section shall specifically identify the case
14 about which information is sought and the facts that support a
15 determination that one of the factors specified in subsection (1) of
16 this section is present.

17 (4) For the purposes of this section, "near fatality" means an act
18 that, as certified by a physician, places the child in serious or
19 critical condition. The secretary is under no obligation to have an
20 act certified by a physician in order to comply with this section.

21 **Sec. 84.** RCW 74.13.515 and 2005 c 274 s 352 are each amended to
22 read as follows:

23 For purposes of RCW 74.13.500(1)(d), the secretary must make the
24 fullest possible disclosure consistent with chapter 42.56 RCW and
25 applicable federal law in cases of all fatalities of children who were
26 in the care of, or receiving services from, the department or a
27 supervising agency at the time of their death or within the twelve
28 months previous to their death.

29 If the secretary specifically determines that disclosure of the
30 name of the deceased child is contrary to the best interests of the
31 child's siblings or other children in the household, the secretary may
32 remove personally identifying information.

33 For the purposes of this section, "personally identifying
34 information" means the name, street address, social security number,
35 and day of birth of the child who died and of private persons who are
36 relatives of the child named in child welfare records. "Personally
37 identifying information" shall not include the month or year of birth

1 of the child who has died. Once this personally identifying
2 information is removed, the remainder of the records pertaining to a
3 child who has died must be released regardless of whether the remaining
4 facts in the records are embarrassing to the unidentifiable other
5 private parties or to identifiable public workers who handled the case.

6 **Sec. 85.** RCW 74.13.525 and 2005 c 274 s 353 are each amended to
7 read as follows:

8 The department or supervising agency, when acting in good faith, is
9 immune from any criminal or civil liability, except as provided under
10 RCW 42.56.550, for any action taken under RCW 74.13.500 through
11 74.13.520.

12 **Sec. 86.** RCW 74.13.530 and 2001 c 318 s 4 are each amended to read
13 as follows:

14 (1) No child may be placed or remain in a specific out-of-home
15 placement under this chapter or chapter 13.34 RCW when there is a
16 conflict of interest on the part of any adult residing in the home in
17 which the child is to be or has been placed. A conflict of interest
18 exists when:

19 (a) There is an adult in the home who, as a result of: (i) His or
20 her employment; and (ii) an allegation of abuse or neglect of the
21 child, conducts or has conducted an investigation of the allegation; or

22 (b) The child has been, is, or is likely to be a witness in any
23 pending cause of action against any adult in the home when the cause
24 includes: (i) An allegation of abuse or neglect against the child or
25 any sibling of the child; or (ii) a claim of damages resulting from
26 wrongful interference with the parent-child relationship of the child
27 and his or her biological or adoptive parent.

28 (2) For purposes of this section, "investigation" means the
29 exercise of professional judgment in the review of allegations of abuse
30 or neglect by: (a) Law enforcement personnel; (b) persons employed by,
31 or under contract with, the state; (c) persons licensed to practice law
32 and their employees; and (d) mental health professionals as defined in
33 chapter 71.05 RCW.

34 (3) The prohibition set forth in subsection (1) of this section may
35 not be waived or deferred by the department or a supervising agency

1 under any circumstance or at the request of any person, regardless of
2 who has made the request or the length of time of the requested
3 placement.

4 **Sec. 87.** RCW 74.13.560 and 2003 c 112 s 3 are each amended to read
5 as follows:

6 The administrative regions of the department and the supervising
7 agencies shall develop protocols with the respective school districts
8 in their regions specifying specific strategies for communication,
9 coordination, and collaboration regarding the status and progress of
10 foster children placed in the region, in order to maximize the
11 educational continuity and achievement for foster children. The
12 protocols shall include methods to assure effective sharing of
13 information consistent with RCW 28A.225.330.

14 **Sec. 88.** RCW 74.13.590 and 2003 c 112 s 6 are each amended to read
15 as follows:

16 The department and supervising agencies shall perform the tasks
17 provided in RCW 74.13.550 through 74.13.580 based on available
18 resources.

19 **Sec. 89.** RCW 74.13.600 and 2003 c 284 s 1 are each amended to read
20 as follows:

21 (1) For the purposes of this section, "kin" means persons eighteen
22 years of age or older to whom the child is related by blood, adoption,
23 or marriage, including marriages that have been dissolved, and means:
24 (a) Any person denoted by the prefix "grand" or "great"; (b) sibling,
25 whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or
26 (e) first cousin.

27 (2) The department and supervising agencies shall plan, design, and
28 implement strategies to prioritize the placement of children with
29 willing and able kin when out-of-home placement is required.

30 These strategies must include at least the following:

31 (a) Development of standardized, statewide procedures to be used by
32 supervising agencies when searching for kin of children prior to out-
33 of-home placement. The procedures must include a requirement that
34 documentation be maintained in the child's case record that identifies
35 kin, and documentation that identifies the assessment criteria and

1 procedures that were followed during all kin searches. The procedures
2 must be used when a child is placed in out-of-home care under authority
3 of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or
4 when a child is placed under a voluntary placement agreement. To
5 assist with implementation of the procedures, the department or
6 supervising agencies shall request that the juvenile court require
7 parents to disclose to the ((department)) agencies all contact
8 information for available and appropriate kin within two weeks of an
9 entered order. For placements under signed voluntary agreements, the
10 department and supervising agencies shall encourage the parents to
11 disclose to the department and agencies all contact information for
12 available and appropriate kin within two weeks of the date the parent
13 signs the voluntary placement agreement.

14 (b) Development of procedures for conducting active outreach
15 efforts to identify and locate kin during all searches. The procedures
16 must include at least the following elements:

17 (i) Reasonable efforts to interview known kin, friends, teachers,
18 and other identified community members who may have knowledge of the
19 child's kin, within sixty days of the child entering out-of-home care;

20 (ii) Increased use of those procedures determined by research to be
21 the most effective methods of promoting reunification efforts,
22 permanency planning, and placement decisions;

23 (iii) Contacts with kin identified through outreach efforts and
24 interviews under this subsection as part of permanency planning
25 activities and change of placement discussions;

26 (iv) Establishment of a process for ongoing contact with kin who
27 express interest in being considered as a placement resource for the
28 child; and

29 (v) A requirement that when the decision is made to not place the
30 child with any kin, the department or supervising agency provides
31 documentation as part of the child's individual service and safety plan
32 that clearly identifies the rationale for the decision and corrective
33 action or actions the kin must take to be considered as a viable
34 placement option.

35 (3) Nothing in this section shall be construed to create an
36 entitlement to services or to create judicial authority to order the
37 provision of services to any person or family if the services are

1 unavailable or unsuitable or the child or family is not eligible for
2 such services.

3 **Sec. 90.** RCW 74.13.640 and 2008 c 211 s 1 are each amended to read
4 as follows:

5 (1) The department (~~(of social and health services)~~) shall conduct
6 a child fatality review in the event of an unexpected death of a minor
7 in the state who is in the care of or receiving services described in
8 chapter 74.13 RCW from the department or a supervising agency or who
9 has been in the care of or received services described in chapter 74.13
10 RCW from the department or a supervising agency within one year
11 preceding the minor's death.

12 (2) Upon conclusion of a child fatality review required pursuant to
13 subsection (1) of this section, the department shall within one hundred
14 eighty days following the fatality issue a report on the results of the
15 review, unless an extension has been granted by the governor. Reports
16 shall be distributed to the appropriate committees of the legislature,
17 and the department shall create a public web site where all child
18 fatality review reports required under this section shall be posted and
19 maintained.

20 (3) The department shall develop and implement procedures to carry
21 out the requirements of subsections (1) and (2) of this section.

22 (4) In the event a child fatality is the result of apparent abuse
23 or neglect by the child's parent or caregiver, the department shall
24 ensure that the fatality review team is comprised of individuals who
25 had no previous involvement in the case and whose professional
26 expertise is pertinent to the dynamics of the case.

27 (5) In the event of a near-fatality of a child who is in the care
28 of or receiving services described in this chapter from the department
29 or who has been in the care of or received services described in this
30 chapter from the department within one year preceding the
31 near-fatality, the department shall promptly notify the office of the
32 family and children's ombudsman.

33 **Sec. 91.** RCW 74.13.650 and 2007 c 220 s 7 are each amended to read
34 as follows:

35 A foster parent critical support and retention program is
36 established to retain foster parents who care for sexually reactive

1 children, physically assaultive children, or children with other high-
2 risk behaviors, as defined in RCW 74.13.280. Services shall consist of
3 short-term therapeutic and educational interventions to support the
4 stability of the placement. The (~~Foster parent critical support and
5 retention program is to be implemented under the division of children
6 and family services' contract and supervision. A contractor must
7 demonstrate experience providing in-home case management, as well as
8 experience working with caregivers of children with significant
9 behavioral issues that pose a threat to others or themselves or the
10 stability of the placement~~) department shall enter into performance-
11 based contracts with supervising agencies to provide this program.

12 **Sec. 92.** RCW 74.13.670 and 2007 c 220 s 5 are each amended to read
13 as follows:

14 (1) A care provider may not be found to have abused or neglected a
15 child under chapter 26.44 RCW or be denied a license pursuant to
16 chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to
17 supervise (~~wherein~~) in which:

18 (a) The allegations arise from the child's conduct that is
19 substantially similar to prior behavior of the child, and:

20 (i) The child is a sexually reactive youth, exhibits high-risk
21 behaviors, or is physically assaultive or physically aggressive as
22 defined in RCW 74.13.280, and this information and the child's prior
23 behavior was not disclosed to the care provider as required by RCW
24 74.13.280; and

25 (ii) The care provider did not know or have reason to know that the
26 child needed supervision as a sexually reactive or physically
27 assaultive or physically aggressive youth, or because of a documented
28 history of high-risk behaviors, as a result of the care provider's
29 involvement with or independent knowledge of the child or training and
30 experience; or

31 (b) The child was not within the reasonable control of the care
32 provider at the time of the incident that is the subject of the
33 allegation, and the care provider was acting in good faith and did not
34 know or have reason to know that reasonable control or supervision of
35 the child was necessary to prevent harm or risk of harm to the child or
36 other persons.

1 (2) Allegations of child abuse or neglect that meet the provisions
2 of this section shall be designated as "unfounded" as defined in RCW
3 26.44.020.

4 NEW SECTION. **Sec. 93.** RCW 74.13.085, 74.13.0902, 74.13.095, and
5 74.15.031 are each recodified as new sections in chapter 43.215 RCW.

6 NEW SECTION. **Sec. 94.** RCW 74.13.100, 74.13.103, 74.13.106,
7 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121,
8 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139,
9 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155,
10 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170
11 are each recodified as a new chapter in Title 74 RCW.

12 NEW SECTION. **Sec. 95.** Section 62 of this act expires June 30,
13 2014.

14 NEW SECTION. **Sec. 96.** The following acts or parts of acts are
15 each repealed:

16 (1) RCW 13.34.803 (Drug-affected and alcohol-affected infants--
17 Comprehensive plan--Report) and 1998 c 314 s 40;

18 (2) RCW 13.34.805 (Drug-affected infants--Study) and 1998 c 314 s
19 31;

20 (3) RCW 13.34.8051 (Drug-affected infants--Study--Alcohol-affected
21 infants to be included) and 1998 c 314 s 32;

22 (4) RCW 13.34.810 (Implementation of chapter 314, Laws of 1998) and
23 1998 c 314 s 48;

24 (5) RCW 26.44.230 (Abuse of adolescents--Reviews and reports) and
25 2005 c 345 s 2;

26 (6) RCW 74.13.200 (Demonstration project for protection, care, and
27 treatment of children at-risk of abuse or neglect) and 1979 ex.s. c 248
28 s 1;

29 (7) RCW 74.13.210 (Project day care center--Definition) and 1979
30 ex.s. c 248 s 2;

31 (8) RCW 74.13.220 (Project services) and 1979 ex.s. c 248 s 3;

32 (9) RCW 74.13.230 (Project shall utilize community services) and
33 1979 ex.s. c 248 s 4;

34 (10) RCW 74.13.340 (Foster parent liaison) and 1997 c 272 s 2;

1 (11) RCW 74.13.630 (Family decision meetings) and 2004 c 182 s 2;
2 and
3 (12) RCW 74.13.800 (Intensive resource home pilot) and 2008 c 281
4 s 2.

5 NEW SECTION. **Sec. 97.** (1) Except for sections 1 through 8 of this
6 act, this act takes effect July 1, 2011.

7 (2) Sections 1 through 7 of this act take effect July 1, 2010.

8 (3) Section 8 of this act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and takes effect
11 immediately.

12 NEW SECTION. **Sec. 98.** This act shall be in effect only if funds
13 are specifically appropriated for this purpose."

2SHB 2106 - S COMM AMD
By Committee on Ways & Means

NOT ADOPTED 04/16/2009

14 On page 1, line 2 of the title, after "reforms;" strike the
15 remainder of the title and insert "amending RCW 74.13.020, 74.15.010,
16 74.15.020, 74.15.050, 74.15.100, 26.44.020, 26.44.200, 13.34.025,
17 13.34.030, 13.34.065, 13.34.067, 13.34.094, 13.34.096, 13.34.125,
18 13.34.145, 13.34.155, 13.34.174, 13.34.176, 13.34.180, 13.34.210,
19 13.34.215, 13.34.230, 13.34.233, 13.34.245, 13.34.320, 13.34.330,
20 13.34.340, 13.34.350, 13.34.370, 13.34.380, 13.34.385, 13.34.390,
21 13.34.400, 41.06.142, 74.13.010, 74.13.031, 74.13.0311, 74.13.032,
22 74.13.036, 74.13.037, 74.13.042, 74.13.045, 74.13.055, 74.13.060,
23 74.13.065, 74.13.075, 74.13.077, 74.13.096, 74.13.103, 74.13.106,
24 74.13.109, 74.13.124, 74.13.136, 74.13.165, 74.13.170, 74.13.250,
25 74.13.283, 74.13.285, 74.13.288, 74.13.289, 74.13.300, 74.13.310,
26 74.13.315, 74.13.320, 74.13.325, 74.13.333, 74.13.334, 74.13.500,
27 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590, 74.13.600,
28 74.13.640, 74.13.650, and 74.13.670; reenacting and amending RCW

1 74.15.030, 13.34.130, 13.34.136, 13.34.138, and 74.13.280; adding new
2 sections to chapter 74.13 RCW; adding a new section to chapter 43.10
3 RCW; adding a new section to chapter 26.44 RCW; creating a new section;
4 recodifying RCW 74.13.085, 74.13.0902, 74.13.095, 74.15.031, 74.13.100,
5 74.13.103, 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.116,
6 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133,
7 74.13.136, 74.13.139, 74.13.145, 74.13.150, 74.13.152, 74.13.153,
8 74.13.154, 74.13.155, 74.13.156, 74.13.157, 74.13.158, 74.13.159,
9 74.13.165, and 74.13.170; repealing RCW 13.34.803, 13.34.805,
10 13.34.8051, 13.34.810, 26.44.230, 74.13.200, 74.13.210, 74.13.220,
11 74.13.230, 74.13.340, 74.13.630, and 74.13.800; providing effective
12 dates; providing expiration dates; and declaring an emergency."

--- END ---