

SHB 2680 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 03/05/2010

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that a guardianship  
4 is an appropriate permanent plan for a child who has been found to be  
5 dependent under chapter 13.34 RCW and who cannot safely be reunified  
6 with his or her parents. The legislature is concerned that parents not  
7 be pressured by the department into agreeing to the entry of a  
8 guardianship when further services would increase the chances that the  
9 child could be reunified with his or her parents. The legislature  
10 intends to create a separate guardianship chapter to establish  
11 permanency for children in foster care through the appointment of a  
12 guardian and dismissal of the dependency.

13 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
14 section apply throughout this chapter unless the context clearly  
15 requires otherwise.

16 (1) "Child" means any individual under the age of eighteen years.

17 (2) "Dependent child" means a child who has been found by a court  
18 to be dependent in a proceeding under chapter 13.34 RCW.

19 (3) "Department" means the department of social and health  
20 services.

21 (4) "Guardian" means a person who: (a) Has been appointed by the  
22 court as the guardian of a child in a legal proceeding under this  
23 chapter; and (b) has the legal right to custody of the child pursuant  
24 to court order. The term "guardian" does not include a "dependency  
25 guardian" appointed pursuant to a proceeding under chapter 13.34 RCW  
26 for the purpose of assisting the court in supervising the dependency.

27 (5) "Relative" means a person related to the child in the following  
28 ways: (a) Any blood relative, including those of half-blood, and  
29 including first cousins, second cousins, nephews or nieces, and persons

1 of preceding generations as denoted by prefixes of grand, great, or  
2 great-great; (b) stepfather, stepmother, stepbrother, and stepsister;  
3 (c) a person who legally adopts a child or the child's parent as well  
4 as the natural and other legally adopted children of such persons, and  
5 other relatives of the adoptive parents in accordance with state law;  
6 (d) spouses of any persons named in (a), (b), or (c) of this  
7 subsection, even after the marriage is terminated; (e) relatives, as  
8 named in (a), (b), (c), or (d) of this subsection, of any half sibling  
9 of the child; or (f) extended family members, as defined by the law or  
10 custom of the Indian child's tribe or, in the absence of such law or  
11 custom, a person who has reached the age of eighteen and who is the  
12 Indian child's grandparent, aunt or uncle, brother or sister, brother-  
13 in-law or sister-in-law, niece or nephew, first or second cousin, or  
14 stepparent who provides care in the family abode on a twenty-four hour  
15 basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

16 (6) "Suitable person" means a nonrelative with whom the child or  
17 the child's family has a preexisting relationship; who has completed  
18 all required criminal history background checks and otherwise appears  
19 to be suitable and competent to provide care for the child; and with  
20 whom the child has been placed pursuant to RCW 13.34.130.

21 (7) "Supervising agency" means an agency licensed by the state  
22 under RCW 74.15.090, or licensed by a federally recognized Indian tribe  
23 located in this state under RCW 74.15.190, that has entered into a  
24 performance-based contract with the department to provide case  
25 management for the delivery and documentation of child welfare services  
26 as defined in RCW 74.13.020.

27 NEW SECTION. **Sec. 3.** GUARDIANSHIP PETITION. (1) Any party to a  
28 dependency proceeding under chapter 13.34 RCW may request a  
29 guardianship be established for a dependent child by filing a petition  
30 in juvenile court under this chapter. All parties to the dependency  
31 and the proposed guardian must receive adequate notice of all  
32 proceedings under this chapter. For purposes of this chapter, a  
33 dependent child age twelve years or older is a party to the  
34 proceedings. A proposed guardian has the right to intervene in  
35 proceedings under this chapter.

36 (2) To be designated as a proposed guardian in a petition under  
37 this chapter, a person must be age twenty-one or over and must meet the

1 minimum requirements to care for children as established by the  
2 department under RCW 74.15.030, including but not limited to licensed  
3 foster parents, relatives, and suitable persons.

4 (3) Every petition filed in proceedings under this chapter shall  
5 contain: (a) A statement alleging whether the child is or may be an  
6 Indian child as defined in 25 U.S.C. Sec. 1903. If the child is an  
7 Indian child as defined under the Indian child welfare act, the  
8 provisions of that act shall apply; (b) a statement alleging whether  
9 the federal servicemembers civil relief act of 2003, 50 U.S.C. Sec. 501  
10 et seq. applies to the proceeding; and (c) a statement alleging whether  
11 the Washington service members' civil relief act, chapter 38.42 RCW,  
12 applies to the proceeding.

13 (4) Every order or decree entered in any proceeding under this  
14 chapter shall contain: (a) A finding that the Indian child welfare act  
15 does or does not apply. Where there is a finding that the Indian child  
16 welfare act does apply, the decree or order must also contain a finding  
17 that all notice requirements and evidentiary requirements under the  
18 Indian child welfare act have been satisfied; (b) a finding that the  
19 federal servicemembers civil relief act of 2003 does or does not apply;  
20 and (c) a finding that the Washington service members' civil relief  
21 act, chapter 38.42 RCW, does or does not apply.

22 NEW SECTION. **Sec. 4.** GUARDIANSHIP HEARING. (1) At the hearing on  
23 a guardianship petition, all parties have the right to present evidence  
24 and cross-examine witnesses. The rules of evidence apply to the  
25 conduct of the hearing. The hearing under this section to establish a  
26 guardianship or convert an existing dependency guardianship to a  
27 guardianship under this section is a stage of the dependency  
28 proceedings for purposes of RCW 13.34.090(2).

29 (2) A guardianship shall be established if:

30 (a) The court finds by a preponderance of the evidence that it is  
31 in the child's best interests to establish a guardianship, rather than  
32 to terminate the parent-child relationship and proceed with adoption,  
33 or to continue efforts to return custody of the child to the parent;  
34 and

35 (b) All parties agree to entry of the guardianship order and the  
36 proposed guardian is qualified, appropriate, and capable of performing  
37 the duties of guardian under section 5 of this act; or

1 (c)(i) The child has been found to be a dependent child under RCW  
2 13.34.030;

3 (ii) A dispositional order has been entered pursuant to RCW  
4 13.34.130;

5 (iii) At the time of the hearing on the guardianship petition, the  
6 child has or will have been removed from the custody of the parent for  
7 at least six consecutive months following a finding of dependency under  
8 RCW 13.34.030;

9 (iv) The services ordered under RCW 13.34.130 and 13.34.136 have  
10 been offered or provided and all necessary services, reasonably  
11 available, capable of correcting the parental deficiencies within the  
12 foreseeable future have been offered or provided;

13 (v) There is little likelihood that conditions will be remedied so  
14 that the child can be returned to the parent in the near future; and

15 (vi) The proposed guardian has signed a statement acknowledging the  
16 guardian's rights and responsibilities toward the child and affirming  
17 the guardian's understanding and acceptance that the guardianship is a  
18 commitment to provide care for the child until the child reaches age  
19 eighteen.

20 (3) The court may not establish a guardianship for a child who has  
21 no legal parent unless the court, in addition to making the required  
22 findings set forth in subsection (2) of this section, finds one or more  
23 exceptional circumstances exist and the benefits for the child of  
24 establishing the guardianship outweigh any potential disadvantage to  
25 the child of having no legal parent. Exceptional circumstances may  
26 include but are not limited to:

27 (a) The child has special needs and a suitable guardian is willing  
28 to accept custody and able to meet the needs of the child to an extent  
29 unlikely to be achieved through adoption; or

30 (b) The proposed guardian has demonstrated a commitment to provide  
31 for the long-term care of the child and: (i) Is a relative of the  
32 child; (ii) has been a long-term caregiver for the child and has acted  
33 as a parent figure to the child and is viewed by the child as a parent  
34 figure; or (iii) the child's family has identified the proposed  
35 guardian as the preferred guardian, and, if the child is age twelve  
36 years or older, the child also has identified the proposed guardian as  
37 the preferred guardian.

1 (4) Upon the request of a dependency guardian appointed under  
2 chapter 13.34 RCW and the department or supervising agency, the court  
3 shall convert a dependency guardianship established under chapter 13.34  
4 RCW to a guardianship under this chapter.

5 NEW SECTION. **Sec. 5.** GUARDIANSHIP ORDER. (1) If the court has  
6 made the findings required under section 4 of this act, the court shall  
7 issue an order establishing a guardianship for the child. If the  
8 guardian has not previously intervened, the guardian shall be made a  
9 party to the guardianship proceeding upon entry of the guardianship  
10 order. The order shall:

11 (a) Appoint a person to be the guardian for the child;

12 (b) Specify the guardian's rights and responsibilities concerning  
13 the care, custody, control, and nurturing of the child;

14 (c) Specify the guardian's authority, if any, to receive, invest,  
15 and expend funds, benefits, or property belonging to the child;

16 (d) Specify an appropriate frequency and type of contact between  
17 the parent or parents and the child, if applicable, and between the  
18 child and his or her siblings, if applicable; and

19 (e) Specify the need for and scope of continued oversight by the  
20 court, if any.

21 (2) The guardian shall maintain physical and legal custody of the  
22 child and have the following rights and duties under the guardianship:

23 (a) Duty to protect, nurture, discipline, and educate the child;

24 (b) Duty to provide food, clothing, shelter, education as required  
25 by law, and health care for the child, including but not limited to,  
26 medical, dental, mental health, psychological, and psychiatric care and  
27 treatment;

28 (c) Right to consent to health care for the child and sign a  
29 release authorizing the sharing of health care information with  
30 appropriate authorities, in accordance with state law;

31 (d) Right to consent to the child's participation in social and  
32 school activities; and

33 (e) Duty to notify the court of a change of address of the guardian  
34 and the child. Unless specifically ordered by the court, however, the  
35 standards and requirements for relocation in chapter 26.09 RCW do not  
36 apply to guardianships established under this chapter.

1 (3) If the child has independent funds or other valuable property  
2 under the control of the guardian, the guardian shall provide an annual  
3 written accounting, supported with appropriate documentation, to the  
4 court regarding receipt and expenditure by the guardian of any such  
5 funds or benefits. This subsection shall not be construed to require  
6 a guardian to account for any routine funds or benefits received from  
7 a public social service agency on behalf of the child.

8 (4) The guardianship shall remain in effect until the child reaches  
9 the age of eighteen years or until the court terminates the  
10 guardianship, whichever occurs sooner.

11 (5) Once the dependency has been dismissed pursuant to section 7 of  
12 this act, the court shall not order the department or other supervising  
13 agency to supervise or provide case management services to the guardian  
14 or the child as part of the guardianship order.

15 (6) The court shall issue a letter of guardianship to the guardian  
16 upon the entry of the court order establishing the guardianship under  
17 this chapter.

18 NEW SECTION. **Sec. 6.** GUARDIANSHIP MODIFICATION. (1) A guardian  
19 or a parent of the child may petition the court to modify the  
20 visitation provisions of a guardianship order by:

21 (a) Filing with the court a motion for modification and an  
22 affidavit setting forth facts supporting the requested modification;  
23 and

24 (b) Providing notice and a copy of the motion and affidavit to all  
25 other parties. The nonmoving parties may file and serve opposing  
26 affidavits.

27 (2) The court shall deny the motion unless it finds that adequate  
28 cause for hearing the motion is established by the affidavits, in which  
29 case it shall set a date for hearing on an order to show cause why the  
30 requested modification should not be granted.

31 (3) If the court finds that a motion to modify a guardianship order  
32 has been brought in bad faith, the court may assess attorney's fees and  
33 court costs of the nonmoving party against the moving party.

34 NEW SECTION. **Sec. 7.** GUARDIANSHIP TERMINATION. (1) Any party to  
35 a guardianship proceeding may request termination of the guardianship  
36 by filing a petition and supporting affidavit alleging a substantial

1 change has occurred in the circumstances of the child or the guardian  
2 and that the termination is necessary to serve the best interests of  
3 the child. The petition and affidavit must be served on the department  
4 or supervising agency and all parties to the guardianship.

5 (2) Except as provided in subsection (3) of this section, the court  
6 shall not terminate a guardianship unless it finds, upon the basis of  
7 facts that have arisen since the guardianship was established or that  
8 were unknown to the court at the time the guardianship was established,  
9 that a substantial change has occurred in the circumstances of the  
10 child or the guardian and that termination of the guardianship is  
11 necessary to serve the best interests of the child. The effect of a  
12 guardian's duties while serving in the military potentially impacting  
13 guardianship functions shall not, by itself, be a substantial change of  
14 circumstances justifying termination of a guardianship.

15 (3) The court may terminate a guardianship on the agreement of the  
16 guardian, the child, if the child is age twelve years or older, and a  
17 parent seeking to regain custody of the child if the court finds by a  
18 preponderance of the evidence and on the basis of facts that have  
19 arisen since the guardianship was established that:

20 (a) The parent has successfully corrected the parenting  
21 deficiencies identified by the court in the dependency action, and the  
22 circumstances of the parent have changed to such a degree that  
23 returning the child to the custody of the parent no longer creates a  
24 risk of harm to the child's health, welfare, and safety;

25 (b) The child, if age twelve years or older, agrees to termination  
26 of the guardianship and the return of custody to the parent; and

27 (c) Termination of the guardianship and return of custody of the  
28 child to the parent is in the child's best interests.

29 (4) Upon the entry of an order terminating a guardianship, the  
30 court shall enter an order:

31 (a) Granting the child's parent with legal and physical custody of  
32 the child;

33 (b) Granting a substitute guardian with legal and physical custody  
34 of the child; or

35 (c) Directing the child to be temporarily placed in the custody of  
36 the department for placement with a relative or other suitable person  
37 as defined in RCW 13.34.130(1)(b), if available, or in an appropriate

1 licensed out-of-home placement, and directing that the department file  
2 a dependency petition on behalf of the child.

3 NEW SECTION. **Sec. 8.** APPOINTMENT OF GUARDIAN AD LITEM OR ATTORNEY  
4 FOR THE CHILD. In all proceedings to establish, modify, or terminate  
5 a guardianship order, the court shall appoint a guardian ad litem or  
6 attorney for the child. The court may appoint a guardian ad litem or  
7 attorney who represented the child in a prior proceeding under this  
8 chapter or under chapter 13.34 RCW, or may appoint an attorney to  
9 supersede an existing guardian ad litem.

10 NEW SECTION. **Sec. 9.** GUARDIANSHIP SUBSIDY. (1) A relative  
11 guardian who is a licensed foster parent at the time a guardianship is  
12 established under this chapter and who has been the child's foster  
13 parent for a minimum of six consecutive months preceding entry of the  
14 guardianship order is eligible for a relative guardianship subsidy on  
15 behalf of the child. The department may establish rules setting  
16 eligibility, application, and program standards consistent with  
17 applicable federal guidelines for expenditure of federal funds.

18 (2) Within amounts appropriated for this specific purpose, a  
19 guardian who is a licensed foster parent at the time a guardianship is  
20 established under this chapter and who has been the child's foster  
21 parent for a minimum of six consecutive months preceding entry of the  
22 guardianship order is eligible for a guardianship subsidy on behalf of  
23 the child.

24 **Sec. 10.** RCW 13.34.030 and 2009 c 520 s 21 and 2009 c 397 s 1 are  
25 each reenacted and amended to read as follows:

26 For purposes of this chapter:

27 (1) "Abandoned" means when the child's parent, guardian, or other  
28 custodian has expressed, either by statement or conduct, an intent to  
29 forego, for an extended period, parental rights or responsibilities  
30 despite an ability to exercise such rights and responsibilities. If  
31 the court finds that the petitioner has exercised due diligence in  
32 attempting to locate the parent, no contact between the child and the  
33 child's parent, guardian, or other custodian for a period of three  
34 months creates a rebuttable presumption of abandonment, even if there  
35 is no expressed intent to abandon.



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

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

10 (4) "Department" means the department of social and health  
11 services.

12 (5) "Dependency guardian" means the person, nonprofit corporation,  
13 or Indian tribe appointed by the court pursuant to this chapter for the  
14 limited purpose of assisting the court in the supervision of the  
15 dependency.

16 (6) "Dependent child" means any child who:  
17 (a) Has been abandoned;  
18 (b) Is abused or neglected as defined in chapter 26.44 RCW by a  
19 person legally responsible for the care of the child; or  
20 (c) Has no parent, guardian, or custodian capable of adequately  
21 caring for the child, such that the child is in circumstances which  
22 constitute a danger of substantial damage to the child's psychological  
23 or physical development.

24 (7) "Developmental disability" means a disability attributable to  
25 mental retardation, cerebral palsy, epilepsy, autism, or another  
26 neurological or other condition of an individual found by the secretary  
27 to be closely related to mental retardation or to require treatment  
28 similar to that required for individuals with mental retardation, which  
29 disability originates before the individual attains age eighteen, which  
30 has continued or can be expected to continue indefinitely, and which  
31 constitutes a substantial handicap to the individual.

32 (8) "Guardian" means the person or agency that: (a) Has been  
33 appointed as the guardian of a child in a legal proceeding (~~other than~~  
34 ~~a proceeding under this chapter~~), including a guardian appointed  
35 pursuant to chapter 13.-- RCW (the new chapter created in section 17 of  
36 this act); and (b) has the legal right to custody of the child pursuant  
37 to such appointment. The term "guardian" (~~shall~~) does not include a

1 "dependency guardian" appointed pursuant to a proceeding under this  
2 chapter.

3 (9) "Guardian ad litem" means a person, appointed by the court to  
4 represent the best interests of a child in a proceeding under this  
5 chapter, or in any matter which may be consolidated with a proceeding  
6 under this chapter. A "court-appointed special advocate" appointed by  
7 the court to be the guardian ad litem for the child, or to perform  
8 substantially the same duties and functions as a guardian ad litem,  
9 shall be deemed to be guardian ad litem for all purposes and uses of  
10 this chapter.

11 (10) "Guardian ad litem program" means a court-authorized volunteer  
12 program, which is or may be established by the superior court of the  
13 county in which such proceeding is filed, to manage all aspects of  
14 volunteer guardian ad litem representation for children alleged or  
15 found to be dependent. Such management shall include but is not  
16 limited to: Recruitment, screening, training, supervision, assignment,  
17 and discharge of volunteers.

18 (11) "Housing assistance" means appropriate referrals by the  
19 department or other supervising agencies to federal, state, local, or  
20 private agencies or organizations, assistance with forms, applications,  
21 or financial subsidies or other monetary assistance for housing. For  
22 purposes of this chapter, "housing assistance" is not a remedial  
23 service or time-limited family reunification service as described in  
24 RCW 13.34.025(2).

25 (12) "Indigent" means a person who, at any stage of a court  
26 proceeding, is:

27 (a) Receiving one of the following types of public assistance:  
28 Temporary assistance for needy families, general assistance, poverty-  
29 related veterans' benefits, food stamps or food stamp benefits  
30 transferred electronically, refugee resettlement benefits, medicaid, or  
31 supplemental security income; or

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

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

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

1 (13) "Out-of-home care" means placement in a foster family home or  
2 group care facility licensed pursuant to chapter 74.15 RCW or placement  
3 in a home, other than that of the child's parent, guardian, or legal  
4 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

5 (14) "Preventive services" means preservation services, as defined  
6 in chapter 74.14C RCW, and other reasonably available services,  
7 including housing assistance, capable of preventing the need for out-  
8 of-home placement while protecting the child.

9 (15) "Shelter care" means temporary physical care in a facility  
10 licensed pursuant to RCW 74.15.030 or in a home not required to be  
11 licensed pursuant to RCW 74.15.030.

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

16 (17) "Social study" means a written evaluation of matters relevant  
17 to the disposition of the case and shall contain the following  
18 information:

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

21 (b) A description of the specific services and activities, for both  
22 the parents and child, that are needed in order to prevent serious harm  
23 to the child; the reasons why such services and activities are likely  
24 to be useful; the availability of any proposed services; and the  
25 agency's overall plan for ensuring that the services will be delivered.  
26 The description shall identify the services chosen and approved by the  
27 parent;

28 (c) If removal is recommended, a full description of the reasons  
29 why the child cannot be protected adequately in the home, including a  
30 description of any previous efforts to work with the parents and the  
31 child in the home; the in-home treatment programs that have been  
32 considered and rejected; the preventive services, including housing  
33 assistance, that have been offered or provided and have failed to  
34 prevent the need for out-of-home placement, unless the health, safety,  
35 and welfare of the child cannot be protected adequately in the home;  
36 and the parents' attitude toward placement of the child;

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

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

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

8 (18) "Supervising agency" means an agency licensed by the state  
9 under RCW 74.15.090, or ~~((an))~~ licensed by a federally recognized  
10 Indian tribe located in this state under RCW 74.15.190 ~~((with whom the~~  
11 ~~department))~~, that has entered into a performance-based contract with  
12 the department to provide case management for the delivery and  
13 documentation of child welfare services as defined in RCW 74.13.020.

14 NEW SECTION. Sec. 11. A new section is added to chapter 13.34 RCW  
15 to read as follows:

16 (1) Notwithstanding the provisions of chapter 13.-- RCW (the new  
17 chapter created in section 17 of this act), a dependency guardianship  
18 established by court order under this chapter and in force on the  
19 effective date of this section shall remain subject to the provisions  
20 of this chapter unless: (a) The dependency guardianship is modified or  
21 terminated under the provisions of this chapter; or (b) the dependency  
22 guardianship is converted by court order to a guardianship pursuant to  
23 a petition filed under section 3 of this act.

24 (2) A dependency guardian or the department or supervising agency  
25 may request the juvenile court to convert a dependency guardianship  
26 established under this chapter to a guardianship under chapter 13.--  
27 RCW (the new chapter created in section 17 of this act) by filing a  
28 petition under section 3 of this act. If both the dependency guardian  
29 and the department or supervising agency agree that the dependency  
30 guardianship should be converted to a guardianship under this chapter,  
31 and if the court finds that such conversion is in the child's best  
32 interests, the court shall grant the petition and enter an order of  
33 guardianship in accordance with section 5 of this act.

34 (3) The court shall dismiss the dependency established under this  
35 chapter upon the entry of a guardianship order under chapter 13.-- RCW  
36 (the new chapter created in section 17 of this act).

1        NEW SECTION.    **Sec. 12.** A new section is added to chapter 74.13 RCW  
2 to read as follows:

3        (1) The department shall adopt rules consistent with federal  
4 regulations for the receipt and expenditure of federal funds and  
5 implement a subsidy program for eligible relatives appointed by the  
6 court as a guardian under section 5 of this act.

7        (2) For the purpose of licensing a relative seeking to be appointed  
8 as a guardian and eligible for a guardianship subsidy under this  
9 section, the department shall, on a case-by-case basis, and when  
10 determined to be in the best interests of the child:

11        (a) Waive nonsafety licensing standards; and

12        (b) Apply the list of disqualifying crimes in the adoption and safe  
13 families act, rather than the secretary's list of disqualifying crimes,  
14 unless doing so would compromise the child's safety, or would adversely  
15 affect the state's ability to continue to obtain federal funding for  
16 child welfare related functions.

17        (3) Relative guardianship subsidy agreements shall be designed to  
18 promote long-term permanency for the child, and may include provisions  
19 for periodic review of the subsidy amount and the needs of the child.

20        **Sec. 13.** RCW 13.34.210 and 2009 c 520 s 35 and 2009 c 152 s 2 are  
21 each reenacted and amended to read as follows:

22        If, upon entering an order terminating the parental rights of a  
23 parent, there remains no parent having parental rights, the court shall  
24 commit the child to the custody of the department or a supervising  
25 agency willing to accept custody for the purpose of placing the child  
26 for adoption. If an adoptive home has not been identified, the  
27 department or supervising agency shall place the child in a licensed  
28 foster home, or take other suitable measures for the care and welfare  
29 of the child. The custodian shall have authority to consent to the  
30 adoption of the child consistent with chapter 26.33 RCW, the marriage  
31 of the child, the enlistment of the child in the armed forces of the  
32 United States, necessary surgical and other medical treatment for the  
33 child, and to consent to such other matters as might normally be  
34 required of the parent of the child.

35        If a child has not been adopted within six months after the date of  
36 the order and a guardianship of the child under (~~RCW 13.34.231~~)  
37 chapter 13.-- RCW (the new chapter created in section 17 of this act)

1 or chapter 11.88 RCW, or a permanent custody order under chapter 26.10  
2 RCW, has not been entered by the court, the court shall review the case  
3 every six months until a decree of adoption is entered. The  
4 supervising agency shall take reasonable steps to ensure that the child  
5 maintains relationships with siblings as provided in RCW 13.34.130(3)  
6 and shall report to the court the status and extent of such  
7 relationships.

8 **Sec. 14.** RCW 13.34.232 and 1994 c 288 s 7 are each amended to read  
9 as follows:

10 (1) (~~((If the court has made a finding under RCW 13.34.231, it shall~~  
11 ~~enter))~~ An order establishing a dependency guardianship (~~((for the~~  
12 ~~child. The order))~~) shall:

13 (a) Appoint a person or agency to serve as dependency guardian for  
14 the limited purpose of assisting the court to supervise the dependency;

15 (b) Specify the dependency guardian's rights and responsibilities  
16 concerning the care, custody, and control of the child. A dependency  
17 guardian shall not have the authority to consent to the child's  
18 adoption;

19 (c) Specify the dependency guardian's authority, if any, to  
20 receive, invest, and expend funds, benefits, or property belonging to  
21 the child;

22 (d) Specify an appropriate frequency of visitation between the  
23 parent and the child; and

24 (e) Specify the need for any continued involvement of the  
25 supervising agency and the nature of that involvement, if any.

26 (2) Unless the court specifies otherwise in the guardianship order,  
27 the dependency guardian shall maintain the physical custody of the  
28 child and have the following rights and duties:

29 (a) Protect, discipline, and educate the child;

30 (b) Provide food, clothing, shelter, education as required by law,  
31 and routine health care for the child;

32 (c) Consent to necessary health and surgical care and sign a  
33 release of health care information to appropriate authorities, pursuant  
34 to law;

35 (d) Consent to social and school activities of the child; and

36 (e) Provide an annual written accounting to the court regarding

1 receipt by the dependency guardian of any funds, benefits, or property  
2 belonging to the child and expenditures made therefrom.

3 (3) As used in this section, the term "health care" includes, but  
4 is not limited to, medical, dental, psychological, and psychiatric care  
5 and treatment.

6 (4) The child shall remain dependent for the duration of the  
7 guardianship. While the guardianship remains in effect, the dependency  
8 guardian shall be a party to any dependency proceedings pertaining to  
9 the child.

10 (5) The guardianship shall remain in effect only until the child is  
11 eighteen years of age or until the court terminates the guardianship  
12 order, whichever occurs sooner.

13 **Sec. 15.** RCW 13.34.234 and 2009 c 235 s 6 are each amended to read  
14 as follows:

15 A dependency guardian who is a licensed foster parent at the time  
16 the guardianship is established under (~~RCW 13.34.231 and 13.34.232~~)  
17 this chapter and who has been the child's foster parent for a minimum  
18 of six consecutive months preceding entry of the guardianship order  
19 (~~is~~) may be eligible for a guardianship subsidy on behalf of the  
20 child. (~~The department may establish rules setting eligibility,~~  
21 ~~application, and program standards consistent with applicable federal~~  
22 ~~guidelines.~~)

23 NEW SECTION. **Sec. 16.** The following acts or parts of acts are  
24 each repealed:

25 (1) RCW 13.34.230 (Guardianship for dependent child--Petition for--  
26 Notice to, intervention by, department or supervising agency) and 2009  
27 c 520 s 37, 1981 c 195 s 1, & 1979 c 155 s 51;

28 (2) RCW 13.34.231 (Guardianship for dependent child--Hearing--  
29 Rights of parties--Rules of evidence--Guardianship established, when)  
30 and 2000 c 122 s 29, 1994 c 288 s 6, & 1981 c 195 s 2;

31 (3) RCW 13.34.236 (Guardianship for dependent child--Qualifications  
32 for dependency guardian--Consideration of preferences of parent) and  
33 1994 c 288 s 10 & 1981 c 195 s 7; and

34 (4) RCW 13.34.238 (Guardianship for dependent child--Relative  
35 guardianship subsidies) and 2009 c 235 s 5.

1            NEW SECTION.   **Sec. 17.**   Sections 2 through 9 of this act constitute  
2 a new chapter in Title 13 RCW."

**SHB 2680** - S COMM AMD

By Committee on Human Services & Corrections

**ADOPTED 03/05/2010**

3            On page 1, line 1 of the title, after "program;" strike the  
4 remainder of the title and insert "amending RCW 13.34.232 and  
5 13.34.234; reenacting and amending RCW 13.34.030 and 13.34.210; adding  
6 a new section to chapter 13.34 RCW; adding a new section to chapter  
7 74.13 RCW; adding a new chapter to Title 13 RCW; creating a new  
8 section; and repealing RCW 13.34.230, 13.34.231, 13.34.236, and  
9 13.34.238."

EFFECT:   Removes the subsection that requires for a guardianship  
to be terminated, the guardian agrees that the parent is presently able  
and willing to provide appropriate care for the child and agrees to the  
return of the child to the parent's care and custody.   Adds language in  
the intent section that parents not be pressured into agreeing to  
guardianships when additional services might achieve a reunification  
between the parent and child.

--- END ---