
HOUSE BILL 1769

State of Washington

61st Legislature

2009 Regular Session

By Representatives Orwall, White, Dammeier, Clibborn, Nelson, Lias, Carlyle, Eddy, Upthegrove, Green, Chase, Seaquist, Miloscia, Kagi, Roberts, Kenney, and Morrell

Read first time 01/28/09. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to orders for housing assistance in dependency
2 matters; and reenacting and amending RCW 13.34.138.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

13 (a) The initial review hearing shall be an in-court review and
14 shall be set six months from the beginning date of the placement
15 episode or no more than ninety days from the entry of the disposition
16 order, whichever comes first. The requirements for the initial review
17 hearing, including the in-court review requirement, shall be
18 accomplished within existing resources.

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

4 (2)(a) A child shall not be returned home at the review hearing
5 unless the court finds that a reason for removal as set forth in RCW
6 13.34.130 no longer exists. The parents, guardian, or legal custodian
7 shall report to the court the efforts they have made to correct the
8 conditions which led to removal. If a child is returned, casework
9 supervision shall continue for a period of six months, at which time
10 there shall be a hearing on the need for continued intervention.

11 (b) Prior to the child returning home, the department must complete
12 the following:

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

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

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

35 Caregivers may be required to engage in services under this
36 subsection solely for the purpose of ensuring the present and future
37 safety of a child who is a ward of the court. This subsection does not
38 grant party status to any individual not already a party to the

1 dependency proceeding, create an entitlement to services or a duty on
2 the part of the department or supervising agency to provide services,
3 or create judicial authority to order the provision of services to any
4 person other than for the express purposes of this section or RCW
5 13.34.025 or if the services are unavailable or unsuitable or the
6 person is not eligible for such services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (ii) The continued participation of the parents, if applicable, in
10 available substance abuse or mental health treatment if substance abuse
11 or mental illness was a contributing factor to the removal of the
12 child.

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

15 (i) Noncompliance by the parents with the agency case plan or court
16 order;

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

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

25 (c) In a pending dependency case in which the court orders that a
26 dependent child may be returned home and that child is later removed
27 from the home, the court shall hold a review hearing within thirty days
28 from the date of removal to determine whether the permanency plan
29 should be changed, a termination petition should be filed, or other
30 action is warranted. The best interests of the child shall be the
31 court's primary consideration in the review hearing.

32 (4) The court's (~~ability~~) authority to order housing assistance
33 under RCW 13.34.130 and this section is: (a) Limited to cases in which
34 (~~homelessness or the lack of adequate and safe housing is the primary~~
35 ~~reason~~) housing assistance would likely work to prevent or shorten the
36 need for an out-of-home placement; and (b) subject to the availability
37 of funds appropriated for this specific purpose.

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

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