
HOUSE BILL 2680

State of Washington 61st Legislature 2010 Regular Session

By Representatives Roberts, Kagi, Angel, Seaquist, Walsh, Maxwell, and Kenney

Read first time 01/12/10. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to implementing a guardianship program; amending
2 RCW 13.34.232 and 13.34.234; reenacting and amending RCW 13.34.030 and
3 13.34.210; adding a new section to chapter 13.34 RCW; adding a new
4 section to chapter 74.13 RCW; adding a new chapter to Title 13 RCW;
5 creating a new section; and repealing RCW 13.34.230, 13.34.231,
6 13.34.236, and 13.34.238.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that a guardianship is
9 an appropriate permanent plan for a child who has been found to be
10 dependent under chapter 13.34 RCW and who cannot safely be reunified
11 with his or her parents. The legislature intends to create a separate
12 guardianship chapter to establish permanency for children in foster
13 care through the appointment of a guardian and dismissal of the
14 dependency.

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

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

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

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

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

11 (5) "Relative" means a person related to the child in the following
12 ways: (a) Any blood relative, including those of half-blood, and
13 including first cousins, second cousins, nephews or nieces, and persons
14 of preceding generations as denoted by prefixes of grand, great, or
15 great-great; (b) stepfather, stepmother, stepbrother, and stepsister;
16 (c) a person who legally adopts a child or the child's parent as well
17 as the natural and other legally adopted children of such persons, and
18 other relatives of the adoptive parents in accordance with state law;
19 (d) spouses of any persons named in (a), (b), or (c) of this
20 subsection, even after the marriage is terminated; (e) relatives, as
21 named in (a), (b), (c), or (d) of this subsection, of any half sibling
22 of the child; or (f) extended family members, as defined by the law or
23 custom of the Indian child's tribe or, in the absence of such law or
24 custom, a person who has reached the age of eighteen and who is the
25 Indian child's grandparent, aunt or uncle, brother or sister, brother-
26 in-law or sister-in-law, niece or nephew, first or second cousin, or
27 stepparent who provides care in the family abode on a twenty-four hour
28 basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

29 (6) "Suitable person" means a nonrelative whom the child or the
30 child's family has a preexisting relationship, and who has completed
31 all required criminal history background checks and otherwise appears
32 to be suitable and competent to provide care for the child.

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

1 NEW SECTION. **Sec. 3.** GUARDIANSHIP PETITION. (1) Any party to a
2 dependency proceeding under chapter 13.34 RCW may request a
3 guardianship be established for a dependent child by filing a petition
4 in juvenile court under this chapter. All parties to the dependency,
5 including any child who is age twelve years or older, and the proposed
6 guardian must receive adequate notice of all proceedings under this
7 chapter. A proposed guardian has the right to intervene in proceedings
8 under this chapter.

9 (2) To be designated as a proposed guardian in a petition under
10 this chapter, a person must be age twenty-one or over and must meet the
11 minimum requirements to care for children as established by the
12 department under RCW 74.15.030, including but not limited to licensed
13 foster parents, relatives, and suitable persons.

14 (3) Every petition filed in proceedings under this chapter shall
15 contain: (a) A statement alleging whether the child is or may be an
16 Indian child as defined in 25 U.S.C. Sec. 1903. If the child is an
17 Indian child as defined under the Indian child welfare act, the
18 provisions of that act shall apply; (b) a statement alleging whether
19 the federal servicemembers civil relief act of 2003, 50 U.S.C. Sec. 501
20 et seq. applies to the proceeding; and (c) a statement alleging whether
21 the Washington service members' civil relief act, chapter 38.42 RCW,
22 applies to the proceeding.

23 (4) Every order or decree entered in any proceeding under this
24 chapter shall contain: (a) A finding that the Indian child welfare act
25 does or does not apply. Where there is a finding that the Indian child
26 welfare act does apply, the decree or order must also contain a finding
27 that all notice requirements and evidentiary requirements under the
28 Indian child welfare act have been satisfied; (b) a finding that the
29 federal servicemembers civil relief act of 2003 does or does not apply;
30 and (c) a finding that the Washington service members' civil relief
31 act, chapter 38.42 RCW, does or does not apply.

32 NEW SECTION. **Sec. 4.** GUARDIANSHIP HEARING. (1) At the hearing on
33 a guardianship petition, all parties have the right to present evidence
34 and cross-examine witnesses. The rules of evidence apply to the
35 conduct of the hearing.

36 (2) A guardianship shall be established if the court finds by a
37 preponderance of the evidence that:

1 (a) All parties agree to entry of the guardianship order and the
2 proposed guardian is qualified, appropriate, and capable of performing
3 the duties of guardian under section 5 of this act;

4 (b) The child has been found to be a dependent child under RCW
5 13.34.030;

6 (c) A dispositional order has been entered pursuant to RCW
7 13.34.130;

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

12 (e) The services ordered under RCW 13.34.130 and 13.34.136 have
13 been offered or provided and all necessary services, reasonably
14 available, capable of correcting the parental deficiencies within the
15 foreseeable future have been offered or provided;

16 (f) There is little likelihood that conditions will be remedied so
17 that the child can be returned to the parent in the near future;

18 (g) The proposed guardian has signed a statement: (i)
19 Acknowledging the guardian's rights and responsibilities toward the
20 child; and (ii) affirming the guardian's understanding and acceptance
21 that the guardianship is a commitment to provide care for the child
22 until the child reaches age eighteen; and

23 (h) It is in the child's best interests to establish a
24 guardianship, rather than to terminate the parent-child relationship
25 and proceed with adoption, or to continue efforts to return custody of
26 the child to the parent.

27 (3) The court may not establish a guardianship for a child who has
28 no legal parent unless the court, in addition to making the required
29 findings set forth in subsection (2) of this section, finds one or more
30 exceptional circumstances exist and the benefits of the guardianship
31 outweigh any potential disadvantage to the child having no legal
32 parent. Exceptional circumstances may include but are not limited to:

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

36 (b) The proposed guardian has demonstrated a commitment to provide
37 for the long-term care of the child and: (i) Is a relative of the
38 child; (ii) has been a long-term caregiver for the child and has acted

1 as a parent figure to the child and is viewed by the child as a parent
2 figure; or (iii) the child's family has identified the proposed
3 guardian as the preferred guardian, and, if the child is age twelve
4 years or older, the child also has identified the proposed guardian as
5 the preferred guardian.

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

- 12 (a) Appoint a person to be the guardian for the child;
- 13 (b) Specify the guardian's rights and responsibilities concerning
14 the care, custody, control, and nurturing of the child;
- 15 (c) Specify the guardian's authority, if any, to receive, invest,
16 and expend funds, benefits, or property belonging to the child;
- 17 (d) Specify an appropriate frequency and type of contact between
18 the parent or parents and the child, if applicable, and between the
19 child and his or her siblings, if applicable; and
- 20 (e) Specify the need for and scope of continued oversight by the
21 court, if any.

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

- 24 (a) Duty to protect, nurture, discipline, and educate the child;
- 25 (b) Duty to provide food, clothing, shelter, education as required
26 by law, and health care for the child, including but not limited to,
27 medical, dental, mental health, psychological, and psychiatric care and
28 treatment;
- 29 (c) Right to consent to health care for the child and sign a
30 release authorizing the sharing of health care information with
31 appropriate authorities, in accordance with state law;
- 32 (d) Right to consent to the child's participation in social and
33 school activities; and
- 34 (e) Duty to notify the court of a change of address of the guardian
35 and the child. Unless specifically ordered by the court, however, the
36 standards and requirements for relocation in chapter 26.09 RCW do not
37 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 all parties to
4 the guardianship, and to the child if the child is age twelve years or
5 older.

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

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

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

26 (b) The guardian agrees that the parent is presently able and
27 willing to provide appropriate care for the child and agrees to the
28 return of the child to the parent's care and custody;

29 (c) The child, if age twelve years or older, agrees to termination
30 of the guardianship the return of custody to the parent; and

31 (d) Termination of the guardianship and return of custody of the
32 child to the parent is in the child's best interests.

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

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

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

1 (c) Directing the child to be temporarily placed in the custody of
2 the department for placement with a relative or other suitable person
3 as defined in RCW 13.34.130(1)(b), if available, or in an appropriate
4 licensed out-of-home placement, and directing that the department file
5 a dependency petition on behalf of the child.

6 NEW SECTION. **Sec. 8.** APPOINTMENT OF GUARDIAN AD LITEM OR ATTORNEY
7 FOR THE CHILD. At any time during a proceeding to establish, modify,
8 or terminate a guardianship order, the court may, on its own motion or
9 on the motion of any party, including the child, appoint a guardian ad
10 litem or attorney for the child.

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

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

20 For purposes of this chapter:

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

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

32 (3) "Current placement episode" means the period of time that
33 begins with the most recent date that the child was removed from the
34 home of the parent, guardian, or legal custodian for purposes of
35 placement in out-of-home care and continues until: (a) The child

1 returns home; (b) an adoption decree, a permanent custody order, or
2 guardianship order is entered; or (c) the dependency is dismissed,
3 whichever occurs first.

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

6 (5) "Dependency guardian" means the person, nonprofit corporation,
7 or Indian tribe appointed by the court pursuant to this chapter for the
8 limited purpose of assisting the court in the supervision of the
9 dependency.

10 (6) "Dependent child" means any child who:

11 (a) Has been abandoned;

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

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

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

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

34 (9) "Guardian ad litem" means a person, appointed by the court to
35 represent the best interests of a child in a proceeding under this
36 chapter, or in any matter which may be consolidated with a proceeding
37 under this chapter. A "court-appointed special advocate" appointed by
38 the court to be the guardian ad litem for the child, or to perform

1 substantially the same duties and functions as a guardian ad litem,
2 shall be deemed to be guardian ad litem for all purposes and uses of
3 this chapter.

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

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

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

20 (a) Receiving one of the following types of public assistance:
21 Temporary assistance for needy families, general assistance, poverty-
22 related veterans' benefits, food stamps or food stamp benefits
23 transferred electronically, refugee resettlement benefits, medicaid, or
24 supplemental security income; or

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

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

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

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

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

1 (15) "Shelter care" means temporary physical care in a facility
2 licensed pursuant to RCW 74.15.030 or in a home not required to be
3 licensed pursuant to RCW 74.15.030.

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

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

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

13 (b) A description of the specific services and activities, for both
14 the parents and child, that are needed in order to prevent serious harm
15 to the child; the reasons why such services and activities are likely
16 to be useful; the availability of any proposed services; and the
17 agency's overall plan for ensuring that the services will be delivered.
18 The description shall identify the services chosen and approved by the
19 parent;

20 (c) If removal is recommended, a full description of the reasons
21 why the child cannot be protected adequately in the home, including a
22 description of any previous efforts to work with the parents and the
23 child in the home; the in-home treatment programs that have been
24 considered and rejected; the preventive services, including housing
25 assistance, that have been offered or provided and have failed to
26 prevent the need for out-of-home placement, unless the health, safety,
27 and welfare of the child cannot be protected adequately in the home;
28 and the parents' attitude toward placement of the child;

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

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

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

1 (18) "Supervising agency" means an agency licensed by the ((state))
2 department under RCW 74.15.090, or ((an)) licensed by a federally
3 recognized Indian tribe located in this state under RCW 74.15.190
4 ((with whom the department)), that has entered into a performance-based
5 contract with the department to provide case management for the
6 delivery and documentation of child welfare services as defined in RCW
7 74.13.020.

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

10 (1) Notwithstanding the provisions of chapter 13.-- RCW (the new
11 chapter created in section 17 of this act), a dependency guardianship
12 established by court order under this chapter and in force on the
13 effective date of this section shall remain subject to the provisions
14 of this chapter unless: (a) The dependency guardianship is modified or
15 terminated under the provisions of this chapter; or (b) the dependency
16 guardianship is converted by court order to a guardianship pursuant to
17 a petition filed under section 5 of this act.

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

28 (3) The department shall promptly petition the court for an order
29 dismissing a dependency guardianship established under this chapter
30 whenever: (a) A dependency guardianship established under this chapter
31 is converted by court order to a guardianship pursuant to chapter 13.--
32 RCW (the new chapter created in section 17 of this act); or (b) a
33 guardianship is established for a dependent child pursuant to chapter
34 13.-- RCW (the new chapter created in section 17 of this act).

35 NEW SECTION. Sec. 12. A new section is added to chapter 74.13 RCW
36 to read as follows:

1 (1) The department shall adopt rules and implement a subsidy
2 program for eligible caregivers appointed by the court as a guardian
3 under section 5 of this act.

4 (2) The program shall be implemented in a manner consistent with
5 federal laws, rules, and regulations for the receipt and expenditure of
6 federal funding. When determined to be in the best interests of the
7 child, the department may waive nonsafety standards for a relative
8 seeking to be licensed as a foster parent and appointed as a guardian
9 under chapter 13.-- RCW (the new chapter created in section 17 of this
10 act). The department shall consider, on a case-by-case basis, waiver
11 of time-limited disqualifying crimes not included in the list of
12 disqualifying crimes in the federal adoption and safe families act.

13 (3) Subsidy agreements shall be designed to promote long-term
14 permanency for the child, and may include provisions for periodic
15 review of the subsidy amount and the needs of the child.

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

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

31 If a child has not been adopted within six months after the date of
32 the order and a guardianship of the child under (~~RCW 13.34.231~~)
33 chapter 13.-- RCW (the new chapter created in section 17 of this act)
34 or chapter 11.88 RCW, or a permanent custody order under chapter 26.10
35 RCW, has not been entered by the court, the court shall review the case
36 every six months until a decree of adoption is entered. The
37 supervising agency shall take reasonable steps to ensure that the child

1 maintains relationships with siblings as provided in RCW 13.34.130(3)
2 and shall report to the court the status and extent of such
3 relationships.

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

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

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

11 (b) Specify the dependency guardian's rights and responsibilities
12 concerning the care, custody, and control of the child. A dependency
13 guardian shall not have the authority to consent to the child's
14 adoption;

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

18 (d) Specify an appropriate frequency of visitation between the
19 parent and the child; and

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

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

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

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

28 (c) Consent to necessary health and surgical care and sign a
29 release of health care information to appropriate authorities, pursuant
30 to law;

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

32 (e) Provide an annual written accounting to the court regarding
33 receipt by the dependency guardian of any funds, benefits, or property
34 belonging to the child and expenditures made therefrom.

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

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

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

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

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

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

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

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

25 (3) RCW 13.34.236 (Guardianship for dependent child--Qualifications
26 for dependency guardian--Consideration of preferences of parent) and
27 1994 c 288 s 10 & 1981 c 195 s 7; and

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

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

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