
SENATE BILL 5510

State of Washington

61st Legislature

2009 Regular Session

By Senators Stevens, Hargrove, Swecker, and Shin

Read first time 01/26/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to notification in dependency matters; amending RCW
2 13.34.132; and adding a new section to chapter 13.34 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.34 RCW
5 to read as follows:

6 (1) The department of social and health services or other
7 supervising agency shall provide written notice to the child's parents,
8 before the hearing on the disposition of the dependency petition, that
9 concurrent permanency planning in dependency matters will occur along
10 with an explanation of what concurrent planning is. The notice must
11 also state that the parent's failure to engage in services may have
12 serious consequences, including the termination of his or her parental
13 rights. The notice must also state that even if the parent who
14 receives the notice wishes the permanency plan to be placement of the
15 child with the other parent, it is still important for both parents to
16 engage in services.

17 (2) If, after the dependency has been established, the parent has
18 not engaged in services for six consecutive months, the department of

1 social and health services shall provide written notice to the parent
2 that his or her failure to participate in services could have serious
3 consequences including the termination of parental rights.

4 **Sec. 2.** RCW 13.34.132 and 2000 c 122 s 16 are each amended to read
5 as follows:

6 A court may order that a petition seeking termination of the parent
7 and child relationship be filed if the following requirements are met:

8 (1) The court has removed the child from his or her home pursuant
9 to RCW 13.34.130;

10 (2) Termination is recommended by the supervising agency;

11 (3) Termination is in the best interests of the child; and

12 (4) Because of the existence of aggravated circumstances,
13 reasonable efforts to unify the family are not required.
14 Notwithstanding the existence of aggravated circumstances, reasonable
15 efforts may be required if the court or department determines it is in
16 the best interests of the child. In determining whether aggravated
17 circumstances exist by clear, cogent, and convincing evidence, the
18 court shall consider one or more of the following:

19 (a) Conviction of the parent of rape of the child in the first,
20 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
21 9A.44.079;

22 (b) Conviction of the parent of criminal mistreatment of the child
23 in the first or second degree as defined in RCW 9A.42.020 and
24 9A.42.030;

25 (c) Conviction of the parent of one of the following assault
26 crimes, when the child is the victim: Assault in the first or second
27 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child
28 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

29 (d) Conviction of the parent of murder, manslaughter, or homicide
30 by abuse of the child's other parent, sibling, or another child;

31 (e) Conviction of the parent of attempting, soliciting, or
32 conspiring to commit a crime listed in (a), (b), (c), or (d) of this
33 subsection;

34 (f) A finding by a court that a parent is a sexually violent
35 predator as defined in RCW 71.09.020;

36 (g) Failure of the parent to complete available treatment ordered
37 under this chapter or the equivalent laws of another state, where such

1 failure has resulted in a prior termination of parental rights to
2 another child and the parent has failed to effect significant change in
3 the interim. In the case of a parent of an Indian child, as defined in
4 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. Sec. 1903), the
5 court shall also consider tribal efforts to assist the parent in
6 completing treatment and make it possible for the child to return home;

7 (h) An infant under three years of age has been abandoned;

8 (i) Conviction of the parent, when a child has been born of the
9 offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B) incest
10 under RCW 9A.64.020; or

11 (j) Failure of the parent to have contact with the child for
12 fifteen consecutive months, but only if the parent was properly
13 notified of the consequences of this failure, was provided an
14 opportunity to have a relationship with the child after the dependency
15 petition was filed and termination of parental rights is in the child's
16 best interest.

--- END ---