
SENATE BILL 5943

State of Washington

61st Legislature

2009 Regular Session

By Senators Hargrove, Stevens, Fairley, Regala, McAuliffe, Jarrett, Tom, Brandland, Kauffman, Kline, Delvin, and Shin

Read first time 02/09/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to performance-based contracts for the provision of
2 child welfare services; amending RCW 74.13.020, 74.15.010, 74.15.020,
3 74.15.050, 74.15.100, 26.44.020, 26.44.200, 13.34.025, 13.34.030,
4 13.34.065, 13.34.067, 13.34.069, 13.34.094, 13.34.096, 13.34.125,
5 13.34.145, 13.34.155, 13.34.174, 13.34.176, 13.34.180, 13.34.210,
6 13.34.215, 13.34.230, 13.34.233, 13.34.245, 13.34.320, 13.34.330,
7 13.34.340, 13.34.350, 13.34.370, 13.34.380, 13.34.385, 13.34.390,
8 13.34.400, 41.06.142, 74.13.010, 74.13.031, 74.13.0311, 74.13.032,
9 74.13.036, 74.13.037, 74.13.042, 74.13.045, 74.13.055, 74.13.060,
10 74.13.065, 74.13.075, 74.13.077, 74.13.096, 74.13.103, 74.13.106,
11 74.13.109, 74.13.124, 74.13.136, 74.13.165, 74.13.170, 74.13.250,
12 74.13.283, 74.13.285, 74.13.288, 74.13.289, 74.13.300, 74.13.310,
13 74.13.315, 74.13.320, 74.13.325, 74.13.333, 74.13.334, 74.13.500,
14 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590, 74.13.600,
15 74.13.640, 74.13.650, and 74.13.670; reenacting and amending RCW
16 74.15.030, 13.34.130, 13.34.136, 13.34.138, and 74.13.280; adding new
17 sections to chapter 74.13 RCW; adding a new section to chapter 26.44
18 RCW; recodifying RCW 74.13.085, 74.13.0902, 74.13.095, 74.15.031,
19 74.13.100, 74.13.103, 74.13.106, 74.13.109, 74.13.112, 74.13.115,
20 74.13.116, 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130,
21 74.13.133, 74.13.136, 74.13.139, 74.13.145, 74.13.150, 74.13.152,

1 74.13.153, 74.13.154, 74.13.155, 74.13.156, 74.13.157, 74.13.158,
2 74.13.159, 74.13.165, and 74.13.170; repealing RCW 13.34.803,
3 13.34.805, 13.34.8051, 13.34.810, 26.44.230, 74.13.200, 74.13.210,
4 74.13.220, 74.13.230, 74.13.340, 74.13.630, and 74.13.800; providing
5 effective dates; providing expiration dates; and declaring an
6 emergency.

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

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

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

18 The legislature finds that research in the area of child safety and
19 well-being supports the conclusion that a restructuring of the
20 administration and delivery of child welfare services through the use
21 of performance-based contracts can enhance safety and well-being, when
22 done so in a careful, well-planned and collaborative manner.

23 The legislature intends that the execution of performance-based
24 contracts which transfer the delivery of child welfare services to
25 entities other than the department be done without restricting who may
26 seek to participate in the procurement process of the contracts. The
27 legislature intends that the department shall retain those positions
28 necessary to provide child protective and investigative services and to
29 administer performance-based contracts.

30 The legislature, in creating the committee in section 6 of this
31 act, is establishing the mechanism to design, in collaboration with the
32 department, the transition to performance-based contracts in the
33 delivery of out-of-home care and case management services.

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

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

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

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

9 ~~(3) Assisting children who are in conflict with their parents, and~~
10 ~~assisting parents who are in conflict with their children with services~~
11 ~~designed to resolve such conflicts;~~

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

14 ~~(5) Providing adequate care of children away from their homes in~~
15 ~~foster family homes or day care or other child care agencies or~~
16 ~~facilities.~~

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

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

22 For purposes of this chapter:

23 (1) "Case management services" means the provision of case
24 management services, including permanency services, to a child for whom
25 the department has legal custody, including caseworker-child visits,
26 family visits, the convening of family group conferences, the
27 development and revision of the case plan, the coordination and
28 monitoring of services needed by the child and family, and the
29 assumption of court-related duties, including preparing court reports,
30 attending judicial hearings and permanency hearings, and ensuring that
31 the child is progressing toward permanency within state and federal
32 mandates.

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

34 (3) "Child protective services" has the same meaning as in RCW
35 26.44.020.

36 (4) "Child welfare services" means social services including out-
37 of-home care, case management, and adoption services which strengthen,

1 supplement, or substitute for, parental care and supervision for the
2 purpose of:

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

6 (b) Protecting and caring for dependent or neglected children;

7 (c) Assisting children who are in conflict with their parents, and
8 assisting parents who are in conflict with their children, with
9 services designed to resolve such conflicts;

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

12 (e) Providing adequate care of children away from their homes in
13 foster family homes or day care or other child care agencies or
14 facilities.

15 "Child welfare services" does not include child protection
16 services.

17 (5) "Committee" means the child welfare transformation design
18 committee.

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

21 (7) "Out-of-home care services" means services provided after the
22 shelter care hearing to or for children in out-of-home care, as that
23 term is defined in RCW 13.34.030, and their families, including the
24 recruitment, training, and management of foster parents, the
25 recruitment of adoptive families, and the facilitation of the adoption
26 process, family reunification, independent living, emergency shelter,
27 residential group care, and foster care, including relative placement.

28 (8) "Performance-based contracting" means the structuring of all
29 aspects of the procurement of services around the purpose of the work
30 to be performed and the desired results with the contract requirements
31 set forth in clear, specific, and objective terms with measurable
32 outcomes. Contracts may also include provisions that link the
33 performance of the contractor to the level and timing of reimbursement.

34 (9) "Permanency services" means services provided to secure a
35 child's safety, permanency, and well-being, including foster care
36 services, family reunification services, adoption services, and
37 preparation for independent living services.

1 (10) "Supervising agency" means a private licensed agency that has
2 entered into a performance-based contract with the department to
3 provide child welfare services. "Supervising agency" also includes the
4 department under section 3(4) of this act.

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

7 (1) On and after July 1, 2010, the department shall begin to
8 convert its current contracts with child-placing agencies into
9 performance-based contracts to provide child welfare services in this
10 state.

11 (2) On and after July 1, 2012:

12 (a) All child welfare services for children for whom the department
13 has legal custody shall be provided by supervising agencies with whom
14 the department has entered into performance-based contracts; and

15 (b) Except as provided in subsection (4) of this section, and
16 notwithstanding any law to the contrary, the department may not
17 directly provide child welfare services.

18 (3) On and after July 1, 2012, the department is responsible for
19 only the following:

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

22 (b) Ensuring that the services are provided in accordance with
23 federal law and the laws of this state.

24 (4) On and after July 1, 2012, the department may provide child
25 welfare services only in an emergency or as a provider of last resort.
26 The department shall adopt rules describing the circumstances under
27 which the department may provide those services. For purposes of this
28 section, "provider of last resort" means the department is unable to
29 contract with a private agency to provide child welfare services in a
30 particular geographic area, or after entering into a contract with a
31 private agency, either the contractor or the department precipitously
32 terminates the contract.

33 (5) For purposes of this chapter, on and after July 1, 2010,
34 performance-based contracts shall be structured to hold the supervising
35 agencies accountable for achieving the following goals in order of
36 importance: Child safety, reunification of the child with the parents

1 and child permanency with a preference for reunification and child
2 well-being.

3 NEW SECTION. **Sec. 4.** The office of the attorney general shall
4 provide legal services to supervising agencies with whom the department
5 has entered into performance-based contracts to provide child welfare
6 services in dependency matters as soon as the contracts become
7 effective.

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

10 As the number of persons employed as caseworkers in the children's
11 administration declines, the department shall increase its referrals to
12 supervising agencies on a pro rata or greater basis.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.13 RCW
14 to read as follows:

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

17 (i) Four private agencies that, as of the effective date of this
18 section, provide child welfare services to children and families
19 referred to them by the department. Two agencies must be headquartered
20 in western Washington and two must be headquartered in eastern
21 Washington. Two agencies must have an annual budget of at least one
22 million state-contracted dollars and two must have an annual budget of
23 less than one million state-contracted dollars;

24 (ii) The assistant secretary of the children's administration in
25 the department;

26 (iii) Two regional administrators in the children's administration
27 selected by the assistant secretary, one from one of the department's
28 administrative regions one or two, and one from one of the department's
29 administrative regions three, four, five, or six;

30 (iv) The administrator for the division of licensed resources in
31 the children's administration;

32 (v) Two nationally recognized experts in performance-based
33 contracts;

34 (vi) The attorney general or his or her designee;

1 (vii) A representative of the collective bargaining unit that
2 represents the largest number of employees in the children's
3 administration;

4 (viii) A representative from the office of the family and
5 children's ombudsman;

6 (ix) Two representatives from federally recognized Indian tribes,
7 one from western Washington and one from eastern Washington;

8 (x) Two present or former superior court judges with significant
9 experience in dependency matters, selected by the superior court
10 judge's association; and

11 (xi) Two representatives from partners for our children affiliated
12 with the University of Washington school of social work.

13 (b) The president of the senate and the speaker of the house of
14 representatives shall jointly appoint the members under (a)(i) and (v)
15 of this subsection.

16 (c) The representatives from partners for our children shall
17 convene the initial meeting of the committee.

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

21 (2) The committee shall establish a transition plan containing
22 recommendations to the legislature consistent with this section for the
23 provision of child welfare services by child-placing agencies pursuant
24 to section 3 of this act.

25 (3) The plan shall include the following:

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

28 (i) The target population;

29 (ii) The contract referral and exit criteria;

30 (iii) The child welfare services to be provided by the contractor;

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

33 (v) Contract performance and case outcome expectations;

34 (vi) How to measure whether each contractor has met the goals
35 listed in section 3(5) of this act; and

36 (vii) Incentives to meet program goals;

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

1 (c) A method or methods by which clients will access community-
2 based services, how private child-placing agencies will engage other
3 services or form local service networks, develop subcontracts, and
4 share information and supervision of children;

5 (d) Contract monitoring and evaluation procedures that will ensure
6 that children and families are receiving timely and quality services
7 and that contract terms are being implemented;

8 (e) A method or methods by which to ensure that the children's
9 administration has sufficiently trained and experienced staff to
10 monitor and manage performance-based contracts;

11 (f) A process by which to expand the capacity of private agencies
12 to meet the service needs of children and families in a performance-
13 based contractual arrangement;

14 (g) A method or methods by which supervising and other private
15 agencies can expand services in underserved areas of the state;

16 (h) The appropriate amounts and procedures for the reimbursement of
17 supervising agencies given the proposed services restructuring;

18 (i) A method by which to enhance existing data systems to include
19 contract performance information;

20 (j) A financing arrangement for the contracts that examines:

21 (i) The use of case rates or performance-based fee-for-service
22 contracts that include incentive payments or payment schedules that
23 link reimbursement to results; and

24 (ii) Ways to reduce a contractor's financial risk that could
25 jeopardize the solvency of the contractor, including the use of a risk-
26 reward corridor that limits risk of loss and potential profits or the
27 establishment of a statewide risk pool;

28 (k) A description of how the transition will impact the state's
29 ability to obtain federal funding and examine options to further
30 maximize federal funding opportunities and increased flexibility;

31 (l) A description of the costs of the transition, the initial
32 start-up costs and the mechanisms to periodically assess the overall
33 adequacy of funds and the fiscal impact of the changes; and

34 (m) Identification of any statutory and regulatory revisions
35 necessary to accomplish the transition.

36 (4) The committee shall also prepare as part of the plan a
37 recommendation as to how to implement the changes in this chapter

1 across the state in three stages so that the full implementation of
2 this chapter is achieved no later than July 1, 2012.

3 (5) The committee shall report quarterly on its progress, beginning
4 on June 30, 2009, to the legislative children's oversight committee
5 established in RCW 44.04.220. The committee shall report on its
6 progress in meeting its duties under subsections (2) and (3) of this
7 section and on any other matters the committee or the legislative
8 children's oversight committee deems appropriate. The portion of the
9 plan required in subsection (4) of this section shall be due to the
10 legislative children's oversight committee on or before December 15,
11 2009. The reports shall be in written form.

12 (6) The committee, by majority vote, may establish advisory
13 committees as it deems necessary.

14 (7) All state executive branch agencies shall cooperate with the
15 committee and provide timely information as the chair or cochairs may
16 request.

17 (8) It is expected that the administrative costs for the committee
18 will be supported through private funds.

19 (9) Staff support for the committee shall be provided jointly by
20 partners for our children and legislative staff.

21 (10) The committee is subject to chapters 42.30 (open public
22 meetings act) and 42.52 (ethics in public service) RCW.

23 (11) This section expires June 30, 2012.

24 **Sec. 7.** RCW 74.15.010 and 1995 c 302 s 2 are each amended to read
25 as follows:

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

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

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

35 (3) To promote the development of a sufficient number and variety
36 of adequate (~~child-care~~) foster family homes and maternity-care

1 facilities, both public and private, through the cooperative efforts of
2 public and (~~voluntary~~) supervising agencies and related groups;

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

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

11 **Sec. 8.** RCW 74.15.020 and 2007 c 412 s 1 are each amended to read
12 as follows:

13 For the purpose of this chapter and RCW 74.13.031, and unless
14 otherwise clearly indicated by the context thereof, the following terms
15 shall mean:

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

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

28 (b) "Community facility" means a group care facility operated for
29 the care of juveniles committed to the department under RCW 13.40.185.
30 A county detention facility that houses juveniles committed to the
31 department under RCW 13.40.185 pursuant to a contract with the
32 department is not a community facility;

33 (c) "Crisis residential center" means an agency which is a
34 temporary protective residential facility operated to perform the
35 duties specified in chapter 13.32A RCW, in the manner provided in RCW
36 74.13.032 through 74.13.036;

1 (d) "Emergency respite center" is an agency that may be commonly
2 known as a crisis nursery, that provides emergency and crisis care for
3 up to seventy-two hours to children who have been admitted by their
4 parents or guardians to prevent abuse or neglect. Emergency respite
5 centers may operate for up to twenty-four hours a day, and for up to
6 seven days a week. Emergency respite centers may provide care for
7 children ages birth through seventeen, and for persons eighteen through
8 twenty with developmental disabilities who are admitted with a sibling
9 or siblings through age seventeen. Emergency respite centers may not
10 substitute for crisis residential centers or HOPE centers, or any other
11 services defined under this section, and may not substitute for
12 services which are required under chapter 13.32A or 13.34 RCW;

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

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

22 (g) "HOPE center" means an agency licensed by the secretary to
23 provide temporary residential placement and other services to street
24 youth. A street youth may remain in a HOPE center for thirty days
25 while services are arranged and permanent placement is coordinated. No
26 street youth may stay longer than thirty days unless approved by the
27 department and any additional days approved by the department must be
28 based on the unavailability of a long-term placement option. A street
29 youth whose parent wants him or her returned to home may remain in a
30 HOPE center until his or her parent arranges return of the youth, not
31 longer. All other street youth must have court approval under chapter
32 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

33 (h) "Maternity service" means an agency which provides or arranges
34 for care or services to expectant mothers, before or during
35 confinement, or which provides care as needed to mothers and their
36 infants after confinement;

37 (i) "Responsible living skills program" means an agency licensed by
38 the secretary that provides residential and transitional living

1 services to persons ages sixteen to eighteen who are dependent under
2 chapter 13.34 RCW and who have been unable to live in his or her
3 legally authorized residence and, as a result, the minor lived outdoors
4 or in another unsafe location not intended for occupancy by the minor.
5 Dependent minors ages fourteen and fifteen may be eligible if no other
6 placement alternative is available and the department approves the
7 placement;

8 (j) "Service provider" means the entity that operates a community
9 facility.

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

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

13 (i) Any blood relative, including those of half-blood, and
14 including first cousins, second cousins, nephews or nieces, and persons
15 of preceding generations as denoted by prefixes of grand, great, or
16 great-great;

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

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

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

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

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

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

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

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

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

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

15 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
16 performing functions defined in chapter 70.41 RCW, nursing homes
17 licensed under chapter 18.51 RCW and boarding homes licensed under
18 chapter 18.20 RCW;

19 (h) Licensed physicians or lawyers;

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

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

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

30 (l) An agency operated by any unit of local, state, or federal
31 government or an agency licensed by an Indian tribe pursuant to RCW
32 74.15.190;

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

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

1 (3) "Department" means the state department of social and health
2 services.

3 (~~(("Family child care licensee" means a person who: (a)~~
4 ~~Provides regularly scheduled care for a child or children in the home~~
5 ~~of the provider for periods of less than twenty four hours or, if~~
6 ~~necessary due to the nature of the parent's work, for periods equal to~~
7 ~~or greater than twenty four hours; (b) does not receive child care~~
8 ~~subsidies; and (c) is licensed by the state under RCW 74.15.030.~~

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

12 ~~((6))~~ (5) "Probationary license" means a license issued as a
13 disciplinary measure to an agency that has previously been issued a
14 full license but is out of compliance with licensing standards.

15 ~~((7))~~ (6) "Requirement" means any rule, regulation, or standard
16 of care to be maintained by an agency.

17 ~~((8))~~ (7) "Secretary" means the secretary of social and health
18 services.

19 ~~((9))~~ (8) "Street youth" means a person under the age of eighteen
20 who lives outdoors or in another unsafe location not intended for
21 occupancy by the minor and who is not residing with his or her parent
22 or at his or her legally authorized residence.

23 ~~((10))~~ (9) "Supervising agency" means a private licensed or
24 certified agency that has entered into a performance-based contract
25 with the department to provide child welfare services.

26 (10) "Transitional living services" means at a minimum, to the
27 extent funds are available, the following:

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

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

35 (c) Counseling and instruction in life skills such as money
36 management, home management, consumer skills, parenting, health care,
37 access to community resources, and transportation and housing options;

38 (d) Individual and group counseling; and

1 (e) Establishing networks with federal agencies and state and local
2 organizations such as the United States department of labor, employment
3 and training administration programs including the job training
4 partnership act which administers private industry councils and the job
5 corps; vocational rehabilitation; and volunteer programs.

6 **Sec. 9.** RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are
7 each reenacted and amended to read as follows:

8 The secretary shall have the power and it shall be the secretary's
9 duty:

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

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

24 The minimum requirements shall be limited to:

25 (a) The size and suitability of a facility and the plan of
26 operation for carrying out the purpose for which an applicant seeks a
27 license;

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

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

36 (d) Obtaining child protective services information or records
37 maintained in the department's information (~~case management~~) information

1 technology system. No unfounded allegation of child abuse or neglect
2 as defined in RCW 26.44.020 may be disclosed to a child-placing agency,
3 supervising agency, private adoption agency, or any other provider
4 licensed under this chapter;

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

8 (i) Supervising agencies and their staff, volunteers, students, and
9 interns when the agency is seeking license or relicense;

10 (ii) Foster care and adoption placements; and

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

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

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

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

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

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

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

31 (l) The financial ability of an agency to comply with minimum
32 requirements established pursuant to chapter 74.15 RCW and RCW
33 74.13.031; and

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

36 (3) To investigate any person, including relatives by blood or
37 marriage except for parents, for character, suitability, and competence
38 in the care and treatment of children, expectant mothers, and

1 developmentally disabled persons prior to authorizing that person to
2 care for children, expectant mothers, and developmentally disabled
3 persons. However, if a child is placed with a relative under RCW
4 13.34.065 or 13.34.130, and if such relative appears otherwise suitable
5 and competent to provide care and treatment the criminal history
6 background check required by this section need not be completed before
7 placement, but shall be completed as soon as possible after placement;

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

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

17 (6) To prescribe the procedures and the form and contents of
18 reports necessary for the administration of chapter 74.15 RCW and RCW
19 74.13.031 and to require regular reports from each licensee;

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

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

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

30 **Sec. 10.** RCW 74.15.050 and 1995 c 369 s 62 are each amended to
31 read as follows:

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

34 (1) In consultation with the children's services advisory committee
35 and with the advice and assistance of persons representative of the
36 various type agencies to be licensed, to adopt recognized minimum
37 standard requirements pertaining to each category of agency established

1 pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family
2 homes and child-placing agencies, necessary to protect all persons
3 residing therein from fire hazards;

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

7 (3) To make a periodic review of requirements under RCW
8 74.15.030(7) and to adopt necessary changes after consultation as
9 required in subsection (1) of this section;

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

16 **Sec. 11.** RCW 74.15.100 and 2006 c 265 s 403 are each amended to
17 read as follows:

18 Each agency or supervising agency shall make application for a
19 license or renewal of license to the department (~~(of social and health~~
20 ~~services)~~) on forms prescribed by the department. A licensed agency
21 having foster-family homes under its supervision may make application
22 for a license on behalf of any such foster-family home. Such a foster
23 home license shall cease to be valid when the home is no longer under
24 the supervision of that agency. Upon receipt of such application, the
25 department shall either grant or deny a license within ninety days
26 unless the application is for licensure as a foster-family home, in
27 which case RCW 74.15.040 shall govern. A license shall be granted if
28 the agency meets the minimum requirements set forth in chapter 74.15
29 RCW and RCW 74.13.031 and the departmental requirements consistent
30 herewith, except that an initial license may be issued as provided in
31 RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW
32 74.13.031 shall be issued for a period of three years. The licensee,
33 however, shall advise the secretary of any material change in
34 circumstances which might constitute grounds for reclassification of
35 license as to category. The license issued under this chapter is not
36 transferable and applies only to the licensee and the location stated
37 in the application. For licensed foster-family homes having an

1 acceptable history of child care, the license may remain in effect for
2 two weeks after a move, except that this will apply only if the family
3 remains intact.

4 **Sec. 12.** RCW 26.44.020 and 2007 c 220 s 1 are each amended to read
5 as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

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

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

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

31 (4) "Child protective services section" means the child protective
32 services section of the department.

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

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

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

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

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

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

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

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

22 (13) "Negligent treatment or maltreatment" means an act or a
23 failure to act, or the cumulative effects of a pattern of conduct,
24 behavior, or inaction, that evidences a serious disregard of
25 consequences of such magnitude as to constitute a clear and present
26 danger to a child's health, welfare, or safety, including but not
27 limited to conduct prohibited under RCW 9A.42.100. When considering
28 whether a clear and present danger exists, evidence of a parent's
29 substance abuse as a contributing factor to negligent treatment or
30 maltreatment shall be given great weight. The fact that siblings share
31 a bedroom is not, in and of itself, negligent treatment or
32 maltreatment. Poverty, homelessness, or exposure to domestic violence
33 as defined in RCW 26.50.010 that is perpetrated against someone other
34 than the child does not constitute negligent treatment or maltreatment
35 in and of itself.

36 (14) "Pharmacist" means any registered pharmacist under chapter
37 18.64 RCW, whether acting in an individual capacity or as an employee
38 or agent of any public or private organization or institution.

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

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

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

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

21 (19) "Sexual exploitation" includes: (a) Allowing, permitting, or
22 encouraging a child to engage in prostitution by any person; or (b)
23 allowing, permitting, encouraging, or engaging in the obscene or
24 pornographic photographing, filming, or depicting of a child by any
25 person.

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

28 (21) "Social service counselor" means anyone engaged in a
29 professional capacity during the regular course of employment in
30 encouraging or promoting the health, welfare, support, or education of
31 children, or providing social services to adults or families, including
32 mental health, drug and alcohol treatment, and domestic violence
33 programs, whether in an individual capacity, or as an employee or agent
34 of any public or private organization or institution.

35 (22) "Supervising agency" means a private licensed or certified
36 agency that has entered into a performance-based contract with the
37 department to provide child welfare services.

1 (23) "Unfounded" means the determination following an investigation
2 by the department that available information indicates that, more
3 likely than not, child abuse or neglect did not occur, or that there is
4 insufficient evidence for the department to determine whether the
5 alleged child abuse did or did not occur.

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

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

17 NEW SECTION. **Sec. 14.** A new section is added to chapter 26.44 RCW
18 to read as follows:

19 Within existing resources, the department shall develop a
20 curriculum designed to train child protective services staff in
21 forensic techniques used for investigating allegations of child abuse
22 or neglect.

23 **Sec. 15.** RCW 13.34.025 and 2007 c 410 s 2 are each amended to read
24 as follows:

25 (1) The department (~~((of social and health services))~~) and
26 supervising agencies shall develop methods for coordination of services
27 to parents and children in child dependency cases. To the maximum
28 extent possible under current funding levels, the department and
29 supervising agencies must:

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

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

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

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

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

25 (b) The department shall provide funds for remedial services if the
26 parent is unable to pay to the extent funding is appropriated in the
27 operating budget or otherwise available to the department for such
28 specific services. As a condition for receiving funded remedial
29 services, the court may inquire into the parent's ability to pay for
30 all or part of such services or may require that the parent make
31 appropriate applications for funding to alternative funding sources for
32 such services.

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

1 (d) This section does not create an entitlement to services and
2 does not create judicial authority to order the provision of services
3 except for the specific purpose of making reasonable efforts to remedy
4 parental deficiencies identified in a dependency proceeding under this
5 chapter.

6 **Sec. 16.** RCW 13.34.030 and 2003 c 227 s 2 are each amended to read
7 as follows:

8 For purposes of this chapter:

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

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

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

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

29 (5) "Dependency guardian" means the person, nonprofit corporation,
30 or Indian tribe appointed by the court pursuant to this chapter for the
31 limited purpose of assisting the court in the supervision of the
32 dependency.

33 ((+5+)) (6) "Dependent child" means any child who:

34 (a) Has been abandoned;

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

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

5 ((+6+)) (7) "Developmental disability" means a disability
6 attributable to mental retardation, cerebral palsy, epilepsy, autism,
7 or another neurological or other condition of an individual found by
8 the secretary to be closely related to mental retardation or to require
9 treatment similar to that required for individuals with mental
10 retardation, which disability originates before the individual attains
11 age eighteen, which has continued or can be expected to continue
12 indefinitely, and which constitutes a substantial handicap to the
13 individual.

14 ((+7+)) (8) "Guardian" means the person or agency that: (a) Has
15 been appointed as the guardian of a child in a legal proceeding other
16 than a proceeding under this chapter; and (b) has the legal right to
17 custody of the child pursuant to such appointment. The term "guardian"
18 shall not include a "dependency guardian" appointed pursuant to a
19 proceeding under this chapter.

20 ((+8+)) (9) "Guardian ad litem" means a person, appointed by the
21 court to represent the best interests of a child in a proceeding under
22 this chapter, or in any matter which may be consolidated with a
23 proceeding under this chapter. A "court-appointed special advocate"
24 appointed by the court to be the guardian ad litem for the child, or to
25 perform substantially the same duties and functions as a guardian ad
26 litem, shall be deemed to be guardian ad litem for all purposes and
27 uses of this chapter.

28 ((+9+)) (10) "Guardian ad litem program" means a court-authorized
29 volunteer program, which is or may be established by the superior court
30 of the county in which such proceeding is filed, to manage all aspects
31 of volunteer guardian ad litem representation for children alleged or
32 found to be dependent. Such management shall include but is not
33 limited to: Recruitment, screening, training, supervision, assignment,
34 and discharge of volunteers.

35 ((+10+)) (11) "Indigent" means a person who, at any stage of a
36 court proceeding, is:

37 (a) Receiving one of the following types of public assistance:
38 Temporary assistance for needy families, general assistance, poverty-

1 related veterans' benefits, food stamps or food stamp benefits
2 transferred electronically, refugee resettlement benefits, medicaid, or
3 supplemental security income; or

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

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

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

10 ~~((+11+))~~ (12) "Out-of-home care" means placement in a foster family
11 home or group care facility licensed pursuant to chapter 74.15 RCW or
12 placement in a home, other than that of the child's parent, guardian,
13 or legal custodian, not required to be licensed pursuant to chapter
14 74.15 RCW.

15 ~~((+12+))~~ (13) "Preventive services" means preservation services, as
16 defined in chapter 74.14C RCW, and other reasonably available services,
17 including housing services, capable of preventing the need for out-of-
18 home placement while protecting the child. Housing services may
19 include, but are not limited to, referrals to federal, state, local, or
20 private agencies or organizations, assistance with forms and
21 applications, or financial subsidies for housing.

22 ~~((+13+))~~ (14) "Shelter care" means temporary physical care in a
23 facility licensed pursuant to RCW 74.15.030 or in a home not required
24 to be licensed pursuant to RCW 74.15.030.

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

29 ~~((+15+))~~ (16) "Social study" means a written evaluation of matters
30 relevant to the disposition of the case and shall contain the following
31 information:

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

34 (b) A description of the specific services and activities, for both
35 the parents and child, that are needed in order to prevent serious harm
36 to the child; the reasons why such services and activities are likely
37 to be useful; the availability of any proposed services; and the

1 agency's overall plan for ensuring that the services will be delivered.
2 The description shall identify the services chosen and approved by the
3 parent;

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

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

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

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

22 (17) "Supervising agency" means a private licensed or certified
23 agency with whom the department has entered into a performance-based
24 contract to provide child welfare services as defined in RCW 74.13.020.
25 "Supervising agency" also includes the department under section 3(4) of
26 this act.

27 **Sec. 17.** RCW 13.34.065 and 2008 c 267 s 2 are each amended to read
28 as follows:

29 (1)(a) When a child is taken into custody, the court shall hold a
30 shelter care hearing within seventy-two hours, excluding Saturdays,
31 Sundays, and holidays. The primary purpose of the shelter care hearing
32 is to determine whether the child can be immediately and safely
33 returned home while the adjudication of the dependency is pending.

34 (b) Any parent, guardian, or legal custodian who for good cause is
35 unable to attend the shelter care hearing may request that a subsequent
36 shelter care hearing be scheduled. The request shall be made to the
37 clerk of the court where the petition is filed prior to the initial

1 shelter care hearing. Upon the request of the parent, the court shall
2 schedule the hearing within seventy-two hours of the request, excluding
3 Saturdays, Sundays, and holidays. The clerk shall notify all other
4 parties of the hearing by any reasonable means.

5 (2)(a) If it is likely that the child will remain in shelter care
6 longer than seventy-two hours, the supervising agency shall assume case
7 management responsibilities of the case. The (~~department of social~~
8 ~~and health services~~) supervising agency shall submit a recommendation
9 to the court as to the further need for shelter care in all cases in
10 which (~~it is the petitioner~~) the child will remain in shelter care
11 longer than the seventy-two hour period. In all other cases, the
12 recommendation shall be submitted by the juvenile court probation
13 counselor.

14 (b) All parties have the right to present testimony to the court
15 regarding the need or lack of need for shelter care.

16 (c) Hearsay evidence before the court regarding the need or lack of
17 need for shelter care must be supported by sworn testimony, affidavit,
18 or declaration of the person offering such evidence.

19 (3)(a) At the commencement of the hearing, the court shall notify
20 the parent, guardian, or custodian of the following:

21 (i) The parent, guardian, or custodian has the right to a shelter
22 care hearing;

23 (ii) The nature of the shelter care hearing, the rights of the
24 parents, and the proceedings that will follow; and

25 (iii) If the parent, guardian, or custodian is not represented by
26 counsel, the right to be represented. If the parent, guardian, or
27 custodian is indigent, the court shall appoint counsel as provided in
28 RCW 13.34.090; and

29 (b) If a parent, guardian, or legal custodian desires to waive the
30 shelter care hearing, the court shall determine, on the record and with
31 the parties present, whether such waiver is knowing and voluntary. A
32 parent may not waive his or her right to the shelter care hearing
33 unless he or she appears in court and the court determines that the
34 waiver is knowing and voluntary. Regardless of whether the court
35 accepts the parental waiver of the shelter care hearing, the court must
36 provide notice to the parents of their rights required under (a) of
37 this subsection and make the finding required under subsection (4) of
38 this section.

1 (4) At the shelter care hearing the court shall examine the need
2 for shelter care and inquire into the status of the case. The
3 paramount consideration for the court shall be the health, welfare, and
4 safety of the child. At a minimum, the court shall inquire into the
5 following:

6 (a) Whether the notice required under RCW 13.34.062 was given to
7 all known parents, guardians, or legal custodians of the child. The
8 court shall make an express finding as to whether the notice required
9 under RCW 13.34.062 was given to the parent, guardian, or legal
10 custodian. If actual notice was not given to the parent, guardian, or
11 legal custodian and the whereabouts of such person is known or can be
12 ascertained, the court shall order (~~the supervising agency or~~) the
13 department (~~of social and health services~~) to make reasonable efforts
14 to advise the parent, guardian, or legal custodian of the status of the
15 case, including the date and time of any subsequent hearings, and their
16 rights under RCW 13.34.090;

17 (b) Whether the child can be safely returned home while the
18 adjudication of the dependency is pending;

19 (c) What efforts have been made to place the child with a relative;

20 (d) What services were provided to the family to prevent or
21 eliminate the need for removal of the child from the child's home;

22 (e) Is the placement proposed by the department or supervising
23 agency the least disruptive and most family-like setting that meets the
24 needs of the child;

25 (f) Whether it is in the best interest of the child to remain
26 enrolled in the school, developmental program, or child care the child
27 was in prior to placement and what efforts have been made to maintain
28 the child in the school, program, or child care if it would be in the
29 best interest of the child to remain in the same school, program, or
30 child care;

31 (g) Appointment of a guardian ad litem or attorney;

32 (h) Whether the child is or may be an Indian child as defined in 25
33 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare
34 act apply, and whether there is compliance with the Indian child
35 welfare act, including notice to the child's tribe;

36 (i) Whether, as provided in RCW 26.44.063, restraining orders, or
37 orders expelling an allegedly abusive household member from the home of

1 a nonabusive parent, guardian, or legal custodian, will allow the child
2 to safely remain in the home;

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

7 (k) The terms and conditions for parental, sibling, and family
8 visitation.

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

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

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

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

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

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

30 (i) Care for the child and be able to meet any special needs of the
31 child;

32 (ii) Facilitate the child's visitation with siblings, if such
33 visitation is part of the supervising agency's plan or is ordered by
34 the court; and

35 (iii) Cooperate with the department or supervising agency in
36 providing necessary background checks and home studies.

37 (c) If the child was not initially placed with a relative, and the

1 court does not release the child to his or her parent, guardian, or
2 legal custodian, the supervising agency shall make reasonable efforts
3 to locate a relative pursuant to RCW 13.34.060(1).

4 (d) If a relative is not available, the court shall order continued
5 shelter care or order placement with another suitable person, and the
6 court shall set forth its reasons for the order. If the court orders
7 placement of the child with a person not related to the child and not
8 licensed to provide foster care, the placement is subject to all terms
9 and conditions of this section that apply to relative placements.

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

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

26 (6)(a) A shelter care order issued pursuant to this section shall
27 include the requirement for a case conference as provided in RCW
28 13.34.067. However, if the parent is not present at the shelter care
29 hearing, or does not agree to the case conference, the court shall not
30 include the requirement for the case conference in the shelter care
31 order.

32 (b) If the court orders a case conference, the shelter care order
33 shall include notice to all parties and establish the date, time, and
34 location of the case conference which shall be no later than thirty
35 days before the fact-finding hearing.

36 (c) The court may order another conference, case staffing, or
37 hearing as an alternative to the case conference required under RCW
38 13.34.067 so long as the conference, case staffing, or hearing ordered

1 by the court meets all requirements under RCW 13.34.067, including the
2 requirement of a written agreement specifying the services to be
3 provided to the parent.

4 (7)(a) A shelter care order issued pursuant to this section may be
5 amended at any time with notice and hearing thereon. The shelter care
6 decision of placement shall be modified only upon a showing of change
7 in circumstances. No child may be placed in shelter care for longer
8 than thirty days without an order, signed by the judge, authorizing
9 continued shelter care.

10 (b)(i) An order releasing the child on any conditions specified in
11 this section may at any time be amended, with notice and hearing
12 thereon, so as to return the child to shelter care for failure of the
13 parties to conform to the conditions originally imposed.

14 (ii) The court shall consider whether nonconformance with any
15 conditions resulted from circumstances beyond the control of the
16 parent, guardian, or legal custodian and give weight to that fact
17 before ordering return of the child to shelter care.

18 (8)(a) If a child is returned home from shelter care a second time
19 in the case, or if the supervisor of the caseworker deems it necessary,
20 the multidisciplinary team may be reconvened.

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

24 **Sec. 18.** RCW 13.34.067 and 2004 c 147 s 1 are each amended to read
25 as follows:

26 (1)(a) Following shelter care and no later than thirty days prior
27 to fact-finding, the ((department)) supervising agency shall convene a
28 case conference as required in the shelter care order to develop and
29 specify in a written service agreement the expectations of both the
30 ((department)) supervising agency and the parent regarding voluntary
31 services for the parent.

32 (b) The case conference shall include the parent, counsel for the
33 parent, caseworker, counsel for the state, guardian ad litem, counsel
34 for the child, and any other person agreed upon by the parties. Once
35 the shelter care order is entered, the ((department)) supervising
36 agency is not required to provide additional notice of the case
37 conference to any participants in the case conference.

1 (c) The written service agreement expectations must correlate with
2 the court's findings at the shelter care hearing. The written service
3 agreement must set forth specific services to be provided to the
4 parent.

5 (d) The case conference agreement must be agreed to and signed by
6 the parties. The court shall not consider the content of the
7 discussions at the case conference at the time of the fact-finding
8 hearing for the purposes of establishing that the child is a dependent
9 child, and the court shall not consider any documents or written
10 materials presented at the case conference but not incorporated into
11 the case conference agreement, unless the documents or written
12 materials were prepared for purposes other than or as a result of the
13 case conference and are otherwise admissible under the rules of
14 evidence.

15 (2) At any other stage in a dependency proceeding, the
16 ((department)) supervising agency, upon the parent's request, shall
17 convene a case conference.

18 **Sec. 19.** RCW 13.34.069 and 2007 c 409 s 2 are each amended to read
19 as follows:

20 If a child is placed in the custody of the ((~~department of social~~
21 ~~and health services or other~~)) supervising agency, immediately
22 following the shelter care hearing, an order and authorization
23 regarding health care and education records for the child shall be
24 entered. The order shall:

25 (1) Provide the ((~~department or other~~)) supervising agency with the
26 right to inspect and copy all health, medical, mental health, and
27 education records of the child;

28 (2) Authorize and direct any agency, hospital, doctor, nurse,
29 dentist, orthodontist, or other health care provider, therapist, drug
30 or alcohol treatment provider, psychologist, psychiatrist, or mental
31 health clinic, or health or medical records custodian or document
32 management company, or school or school organization to permit the
33 department or other supervising agency to inspect and to obtain copies
34 of any records relating to the child involved in the case, without the
35 further consent of the parent or guardian of the child; and

36 (3) Grant the department or other supervising agency or its
37 designee the authority and responsibility, where applicable, to:

- 1 (a) Notify the child's school that the child is in out-of-home
2 placement;
- 3 (b) Enroll the child in school;
- 4 (c) Request the school transfer records;
- 5 (d) Request and authorize evaluation of special needs;
- 6 (e) Attend parent or teacher conferences;
- 7 (f) Excuse absences;
- 8 (g) Grant permission for extracurricular activities;
- 9 (h) Authorize medications which need to be administered during
10 school hours and sign for medical needs that arise during school hours;
11 and
- 12 (i) Complete or update school emergency records.
- 13 Access to records under this section is subject to the child's
14 consent where required by other state and federal laws.

15 **Sec. 20.** RCW 13.34.094 and 2004 c 147 s 3 are each amended to read
16 as follows:

17 The department, or supervising agency after the shelter care
18 hearing, shall, within existing resources, provide to parents
19 requesting or participating in a multidisciplinary team, family group
20 conference, case conference, or prognostic staffing information that
21 describes these processes prior to the processes being undertaken.

22 **Sec. 21.** RCW 13.34.096 and 2007 c 409 s 1 are each amended to read
23 as follows:

24 The (~~department of social and health services or other~~)
25 supervising agency shall provide the child's foster parents,
26 preadoptive parents, or other caregivers with notice of their right to
27 be heard prior to each proceeding held with respect to the child in
28 juvenile court under this chapter. The rights to notice and to be
29 heard apply only to persons with whom a child has been placed by the
30 department before shelter care or (~~other~~) supervising agency and who
31 are providing care to the child at the time of the proceeding. This
32 section shall not be construed to grant party status to any person
33 solely on the basis of such notice and right to be heard.

34 **Sec. 22.** RCW 13.34.125 and 1999 c 173 s 2 are each amended to read
35 as follows:

1 In those cases where an alleged father, birth parent, or parent has
2 indicated his or her intention to make a voluntary adoption plan for
3 the child and has agreed to the termination of his or her parental
4 rights, the ~~((department))~~ supervising agency shall follow the wishes
5 of the alleged father, birth parent, or parent regarding the proposed
6 adoptive placement of the child, if the court determines that the
7 adoption is in the best interest of the child, and the prospective
8 adoptive parents chosen by the alleged father, birth parent, or parent
9 are properly qualified to adopt in compliance with the standards in
10 this chapter and chapter 26.33 RCW. If the ~~((department))~~ supervising
11 agency has filed a termination petition, an alleged father's, birth
12 parent's, or parent's preferences regarding the proposed adoptive
13 placement of the child shall be given consideration.

14 **Sec. 23.** RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are
15 each reenacted and amended to read as follows:

16 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
17 been proven by a preponderance of the evidence that the child is
18 dependent within the meaning of RCW 13.34.030 after consideration of
19 the social study prepared pursuant to RCW 13.34.110 and after a
20 disposition hearing has been held pursuant to RCW 13.34.110, the court
21 shall enter an order of disposition pursuant to this section.

22 (1) The court shall order one of the following dispositions of the
23 case:

24 (a) Order a disposition other than removal of the child from his or
25 her home, which shall provide a program designed to alleviate the
26 immediate danger to the child, to mitigate or cure any damage the child
27 has already suffered, and to aid the parents so that the child will not
28 be endangered in the future. In determining the disposition, the court
29 should choose those services, including housing assistance, that least
30 interfere with family autonomy and are adequate to protect the child.

31 (b) Order the child to be removed from his or her home and into the
32 custody, control, and care of a relative ~~((or the department))~~ or a
33 ~~((licensed child placing))~~ supervising agency for supervision of the
34 child's placement. The ~~((department—or))~~ supervising agency
35 ~~((supervising the child's placement))~~ has the authority to place the
36 child, subject to review and approval by the court (i) with a relative
37 as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or

1 group care facility licensed pursuant to chapter 74.15 RCW, or (iii) in
2 the home of another suitable person if the child or family has a
3 preexisting relationship with that person, and the person has completed
4 all required criminal history background checks and otherwise appears
5 to the department or supervising agency to be suitable and competent to
6 provide care for the child. Absent good cause, the department or
7 supervising agency shall follow the wishes of the natural parent
8 regarding the placement of the child in accordance with RCW 13.34.260.
9 The department or supervising agency may only place a child with a
10 person not related to the child as defined in RCW 74.15.020(2)(a) when
11 the court finds that such placement is in the best interest of the
12 child. Unless there is reasonable cause to believe that the health,
13 safety, or welfare of the child would be jeopardized or that efforts to
14 reunite the parent and child will be hindered, such child shall be
15 placed with a person who is: (A) Related to the child as defined in
16 RCW 74.15.020(2)(a) with whom the child has a relationship and is
17 comfortable; and (B) willing and available to care for the child.

18 (2) Placement of the child with a relative under this subsection
19 shall be given preference by the court. An order for out-of-home
20 placement may be made only if the court finds that reasonable efforts
21 have been made to prevent or eliminate the need for removal of the
22 child from the child's home and to make it possible for the child to
23 return home, specifying the services that have been provided to the
24 child and the child's parent, guardian, or legal custodian, and that
25 preventive services 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 that:

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

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

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

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

1 pursuant to subsection (1)(b) of this section, the court shall consider
2 whether it is in a child's best interest to be placed with, have
3 contact with, or have visits with siblings.

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

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

10 (ii) There is no reasonable cause to believe that the health,
11 safety, or welfare of any child subject to the order of placement,
12 contact, or visitation would be jeopardized or that efforts to reunite
13 the parent and child would be hindered by such placement, contact, or
14 visitation. In no event shall parental visitation time be reduced in
15 order to provide sibling visitation.

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

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

26 (5) If the court has ordered a child removed from his or her home
27 pursuant to subsection (1)(b) of this section, the court may order that
28 a petition seeking termination of the parent and child relationship be
29 filed if the requirements of RCW 13.34.132 are met.

30 (6) If there is insufficient information at the time of the
31 disposition hearing upon which to base a determination regarding the
32 suitability of a proposed placement with a relative, the child shall
33 remain in foster care and the court shall direct the department or
34 supervising agency to conduct necessary background investigations as
35 provided in chapter 74.15 RCW and report the results of such
36 investigation to the court within thirty days. However, if such
37 relative appears otherwise suitable and competent to provide care and
38 treatment, the criminal history background check need not be completed

1 before placement, but as soon as possible after placement. Any
2 placements with relatives, pursuant to this section, shall be
3 contingent upon cooperation by the relative with the agency case plan
4 and compliance with court orders related to the care and supervision of
5 the child including, but not limited to, court orders regarding parent-
6 child contacts, sibling contacts, and any other conditions imposed by
7 the court. Noncompliance with the case plan or court order shall be
8 grounds for removal of the child from the relative's home, subject to
9 review by the court.

10 **Sec. 24.** RCW 13.34.136 and 2008 c 267 s 3 and 2008 c 152 s 2 are
11 each reenacted and amended to read as follows:

12 (1) Whenever a child is ordered removed from the home, a permanency
13 plan shall be developed no later than sixty days from the time the
14 supervising agency assumes responsibility for providing services,
15 including placing the child, or at the time of a hearing under RCW
16 13.34.130, whichever occurs first. The permanency planning process
17 continues until a permanency planning goal is achieved or dependency is
18 dismissed. The planning process shall include reasonable efforts to
19 return the child to the parent's home.

20 (2) The supervising agency supervising the dependency shall submit
21 a written permanency plan to all parties and the court not less than
22 fourteen days prior to the scheduled hearing. Responsive reports of
23 parties not in agreement with the department's or supervising agency's
24 proposed permanency plan must be provided to the department or
25 supervising agency, all other parties, and the court at least seven
26 days prior to the hearing.

27 The permanency plan shall include:

28 (a) A permanency plan of care that shall identify one of the
29 following outcomes as a primary goal and may identify additional
30 outcomes as alternative goals: Return of the child to the home of the
31 child's parent, guardian, or legal custodian; adoption; guardianship;
32 permanent legal custody; long-term relative or foster care, until the
33 child is age eighteen, with a written agreement between the parties and
34 the care provider; successful completion of a responsible living skills
35 program; or independent living, if appropriate and if the child is age
36 sixteen or older. The (~~department~~) supervising agency shall not

1 discharge a child to an independent living situation before the child
2 is eighteen years of age unless the child becomes emancipated pursuant
3 to chapter 13.64 RCW;

4 (b) Unless the court has ordered, pursuant to RCW 13.34.130(5),
5 that a termination petition be filed, a specific plan as to where the
6 child will be placed, what steps will be taken to return the child
7 home, what steps the supervising agency will take to promote existing
8 appropriate sibling relationships and/or facilitate placement together
9 or contact in accordance with the best interests of each child, and
10 what actions the supervising agency will take to maintain parent-child
11 ties. All aspects of the plan shall include the goal of achieving
12 permanence for the child.

13 (i) The supervising agency's plan shall specify what services the
14 parents will be offered to enable them to resume custody, what
15 requirements the parents must meet to resume custody, and a time limit
16 for each service plan and parental requirement.

17 (ii) Visitation is the right of the family, including the child and
18 the parent, in cases in which visitation is in the best interest of the
19 child. Early, consistent, and frequent visitation is crucial for
20 maintaining parent-child relationships and making it possible for
21 parents and children to safely reunify. The supervising agency shall
22 encourage the maximum parent and child and sibling contact possible,
23 when it is in the best interest of the child, including regular
24 visitation and participation by the parents in the care of the child
25 while the child is in placement. Visitation shall not be limited as a
26 sanction for a parent's failure to comply with court orders or services
27 where the health, safety, or welfare of the child is not at risk as a
28 result of the visitation. Visitation may be limited or denied only if
29 the court determines that such limitation or denial is necessary to
30 protect the child's health, safety, or welfare. The court and the
31 supervising agency should rely upon community resources, relatives,
32 foster parents, and other appropriate persons to provide transportation
33 and supervision for visitation to the extent that such resources are
34 available, and appropriate, and the child's safety would not be
35 compromised.

36 (iii) A child shall be placed as close to the child's home as
37 possible, preferably in the child's own neighborhood, unless the court

1 finds that placement at a greater distance is necessary to promote the
2 child's or parents' well-being.

3 (iv) The plan shall state whether both in-state and, where
4 appropriate, out-of-state placement options have been considered by the
5 (~~department~~) supervising agency.

6 (v) Unless it is not in the best interests of the child, whenever
7 practical, the plan should ensure the child remains enrolled in the
8 school the child was attending at the time the child entered foster
9 care.

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

15 (c) If the court has ordered, pursuant to RCW 13.34.130(5), that a
16 termination petition be filed, a specific plan as to where the child
17 will be placed, what steps will be taken to achieve permanency for the
18 child, services to be offered or provided to the child, and, if
19 visitation would be in the best interests of the child, a
20 recommendation to the court regarding visitation between parent and
21 child pending a fact-finding hearing on the termination petition. The
22 supervising agency shall not be required to develop a plan of services
23 for the parents or provide services to the parents if the court orders
24 a termination petition be filed. However, reasonable efforts to ensure
25 visitation and contact between siblings shall be made unless there is
26 reasonable cause to believe the best interests of the child or siblings
27 would be jeopardized.

28 (3) Permanency planning goals should be achieved at the earliest
29 possible date. If the child has been in out-of-home care for fifteen
30 of the most recent twenty-two months, the court shall require the
31 (~~department~~) supervising agency to file a petition seeking
32 termination of parental rights in accordance with RCW
33 13.34.145(3)(b)(vi). In cases where parental rights have been
34 terminated, the child is legally free for adoption, and adoption has
35 been identified as the primary permanency planning goal, it shall be a
36 goal to complete the adoption within six months following entry of the
37 termination order.

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

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

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

11 (7) For purposes related to permanency planning:

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

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

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

20 **Sec. 25.** RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are
21 each reenacted and amended to read as follows:

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

29 (a) The initial review hearing shall be an in-court review and
30 shall be set six months from the beginning date of the placement
31 episode or no more than ninety days from the entry of the disposition
32 order, whichever comes first. The requirements for the initial review
33 hearing, including the in-court review requirement, shall be
34 accomplished within existing resources.

35 (b) The initial review hearing may be a permanency planning hearing
36 when necessary to meet the time frames set forth in RCW 13.34.145

37 (1)(a) or 13.34.134.

1 (2)(a) A child shall not be returned home at the review hearing
2 unless the court finds that a reason for removal as set forth in RCW
3 13.34.130 no longer exists. The parents, guardian, or legal custodian
4 shall report to the court the efforts they have made to correct the
5 conditions which led to removal. If a child is returned, casework
6 supervision by the supervising agency shall continue for a period of
7 six months, at which time there shall be a hearing on the need for
8 continued intervention.

9 (b) Prior to the child returning home, the ((department))
10 supervising agency must complete the following:

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

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

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

33 Caregivers may be required to engage in services under this
34 subsection solely for the purpose of ensuring the present and future
35 safety of a child who is a ward of the court. This subsection does not
36 grant party status to any individual not already a party to the
37 dependency proceeding, create an entitlement to services or a duty on
38 the part of the ((~~department~~—or)) supervising agency to provide

1 services, or create judicial authority to order the provision of
2 services to any person other than for the express purposes of this
3 section or RCW 13.34.025 or if the services are unavailable or
4 unsuitable or the person is not eligible for such services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (i) The compliance of the parents with court orders related to the
5 care and supervision of the child, including compliance with ~~((an))~~ the
6 supervising agency's case plan; and

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

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

13 (i) Noncompliance by the parents with the supervising agency's case
14 plan or court order;

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

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

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

30 (4) The court's ability to order housing assistance under RCW
31 13.34.130 and this section is: (a) Limited to cases in which
32 homelessness or the lack of adequate and safe housing is the primary
33 reason for an out-of-home placement; and (b) subject to the
34 availability of funds appropriated for this specific purpose.

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

1 **Sec. 26.** RCW 13.34.145 and 2008 c 152 s 3 are each amended to read
2 as follows:

3 (1) The purpose of a permanency planning hearing is to review the
4 permanency plan for the child, inquire into the welfare of the child
5 and progress of the case, and reach decisions regarding the permanent
6 placement of the child.

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

13 (b) Whenever a child is removed from the home of a dependency
14 guardian or long-term relative or foster care provider, and the child
15 is not returned to the home of the parent, guardian, or legal custodian
16 but is placed in out-of-home care, a permanency planning hearing shall
17 take place no later than twelve months, as provided in this section,
18 following the date of removal unless, prior to the hearing, the child
19 returns to the home of the dependency guardian or long-term care
20 provider, the child is placed in the home of the parent, guardian, or
21 legal custodian, an adoption decree, guardianship order, or a permanent
22 custody order is entered, or the dependency is dismissed.

23 (c) Permanency planning goals should be achieved at the earliest
24 possible date, preferably before the child has been in out-of-home care
25 for fifteen months. In cases where parental rights have been
26 terminated, the child is legally free for adoption, and adoption has
27 been identified as the primary permanency planning goal, it shall be a
28 goal to complete the adoption within six months following entry of the
29 termination order.

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

34 (3) At the permanency planning hearing, the court shall conduct the
35 following inquiry:

36 (a) If a goal of long-term foster or relative care has been
37 achieved prior to the permanency planning hearing, the court shall

1 review the child's status to determine whether the placement and the
2 plan for the child's care remain appropriate.

3 (b) In cases where the primary permanency planning goal has not
4 been achieved, the court shall inquire regarding the reasons why the
5 primary goal has not been achieved and determine what needs to be done
6 to make it possible to achieve the primary goal. The court shall
7 review the permanency plan prepared by the agency and make explicit
8 findings regarding each of the following:

9 (i) The continuing necessity for, and the safety and
10 appropriateness of, the placement;

11 (ii) The extent of compliance with the permanency plan by the
12 supervising agency and any other service providers, the child's
13 parents, the child, and the child's guardian, if any;

14 (iii) The extent of any efforts to involve appropriate service
15 providers in addition to supervising agency staff in planning to meet
16 the special needs of the child and the child's parents;

17 (iv) The progress toward eliminating the causes for the child's
18 placement outside of his or her home and toward returning the child
19 safely to his or her home or obtaining a permanent placement for the
20 child;

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

24 (vi) If the child has been placed outside of his or her home for
25 fifteen of the most recent twenty-two months, not including any period
26 during which the child was a runaway from the out-of-home placement or
27 the first six months of any period during which the child was returned
28 to his or her home for a trial home visit, the appropriateness of the
29 permanency plan, whether reasonable efforts were made by the
30 supervising agency to achieve the goal of the permanency plan, and the
31 circumstances which prevent the child from any of the following:

- 32 (A) Being returned safely to his or her home;
- 33 (B) Having a petition for the involuntary termination of parental
34 rights filed on behalf of the child;
- 35 (C) Being placed for adoption;
- 36 (D) Being placed with a guardian;
- 37 (E) Being placed in the home of a fit and willing relative of the
38 child; or

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

3 At this hearing, the court shall order the ((department))
4 supervising agency to file a petition seeking termination of parental
5 rights if the child has been in out-of-home care for fifteen of the
6 last twenty-two months since the date the dependency petition was filed
7 unless the court makes a good cause exception as to why the filing of
8 a termination of parental rights petition is not appropriate. Any good
9 cause finding shall be reviewed at all subsequent hearings pertaining
10 to the child. For purposes of this section, "good cause exception"
11 includes but is not limited to the following: The child is being cared
12 for by a relative; the department has not provided to the child's
13 family such services as the court and the department have deemed
14 necessary for the child's safe return home; or the department has
15 documented in the case plan a compelling reason for determining that
16 filing a petition to terminate parental rights would not be in the
17 child's best interests.

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

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

27 (iii) The ((department)) supervising agency shall not discharge a
28 child to an independent living situation before the child is eighteen
29 years of age unless the child becomes emancipated pursuant to chapter
30 13.64 RCW.

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

36 (4) In all cases, at the permanency planning hearing, the court
37 shall:

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

3 (ii) Modify the permanency plan, and order implementation of the
4 modified plan; and

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

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

10 (5) Following the first permanency planning hearing, the court
11 shall hold a further permanency planning hearing in accordance with
12 this section at least once every twelve months until a permanency
13 planning goal is achieved or the dependency is dismissed, whichever
14 occurs first.

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

18 (7) If the court orders the child returned home, casework
19 supervision by the supervising agency shall continue for at least six
20 months, at which time a review hearing shall be held pursuant to RCW
21 13.34.138, and the court shall determine the need for continued
22 intervention.

23 (8) The juvenile court may hear a petition for permanent legal
24 custody when: (a) The court has ordered implementation of a permanency
25 plan that includes permanent legal custody; and (b) the party pursuing
26 the permanent legal custody is the party identified in the permanency
27 plan as the prospective legal custodian. During the pendency of such
28 proceeding, the court shall conduct review hearings and further
29 permanency planning hearings as provided in this chapter. At the
30 conclusion of the legal guardianship or permanent legal custody
31 proceeding, a juvenile court hearing shall be held for the purpose of
32 determining whether dependency should be dismissed. If a guardianship
33 or permanent custody order has been entered, the dependency shall be
34 dismissed.

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

1 (10) Nothing in this chapter may be construed to limit the ability
2 of the supervising agency that has custody of the child to file a
3 petition for termination of parental rights or a guardianship petition
4 at any time following the establishment of dependency. Upon the filing
5 of such a petition, a fact-finding hearing shall be scheduled and held
6 in accordance with this chapter unless the supervising agency requests
7 dismissal of the petition prior to the hearing or unless the parties
8 enter an agreed order terminating parental rights, establishing
9 guardianship, or otherwise resolving the matter.

10 (11) The approval of a permanency plan that does not contemplate
11 return of the child to the parent does not relieve the supervising
12 agency of its obligation to provide reasonable services, under this
13 chapter, intended to effectuate the return of the child to the parent,
14 including but not limited to, visitation rights. The court shall
15 consider the child's relationships with siblings in accordance with RCW
16 13.34.130.

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

20 **Sec. 27.** RCW 13.34.155 and 2000 c 135 s 1 are each amended to read
21 as follows:

22 (1) The court hearing the dependency petition may hear and
23 determine issues related to chapter 26.10 RCW in a dependency
24 proceeding as necessary to facilitate a permanency plan for the child
25 or children as part of the dependency disposition order or a dependency
26 review order or as otherwise necessary to implement a permanency plan
27 of care for a child. The parents, guardians, or legal custodian of the
28 child must agree, subject to court approval, to establish a permanent
29 custody order. This agreed order may have the concurrence of the other
30 parties to the dependency including the supervising agency, the
31 guardian ad litem of the child, and the child if age twelve or older,
32 and must also be in the best interests of the child. If the petitioner
33 for a custody order under chapter 26.10 RCW is not a party to the
34 dependency proceeding, he or she must agree on the record or by the
35 filing of a declaration to the entry of a custody order. Once an order
36 is entered under chapter 26.10 RCW, and the dependency petition

1 dismissed, the ((department)) supervising agency shall not continue to
2 supervise the placement.

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

6 (3) Any order entered in the dependency court establishing or
7 modifying a permanent legal custody order under chapter 26.10 RCW shall
8 also be filed in the chapter 26.10 RCW action by the prevailing party.
9 Once filed, any order establishing or modifying permanent legal custody
10 shall survive dismissal of the dependency proceeding.

11 **Sec. 28.** RCW 13.34.174 and 2000 c 122 s 23 are each amended to
12 read as follows:

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

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

- 21 (a) Type of treatment;
- 22 (b) Nature of treatment;
- 23 (c) Length of treatment;
- 24 (d) A treatment time schedule; and
- 25 (e) Approximate cost of the treatment.

26 The affected person shall be included in developing the appropriate
27 treatment plan. The treatment plan must be signed by the treatment
28 provider and the affected person. The initial written progress report
29 based on the treatment plan shall be sent to the appropriate persons
30 six weeks after initiation of treatment. Subsequent progress reports
31 shall be provided after three months, six months, twelve months, and
32 thereafter every six months if treatment exceeds twelve months.
33 Reports are to be filed with the court in a timely manner. Close-out
34 of the treatment record must include summary of pretreatment and
35 posttreatment, with final outcome and disposition. The report shall
36 also include recommendations for ongoing stability and decrease in
37 destructive behavior.

1 Each report shall also be filed with the court and a copy given to
2 the person evaluated and the person's counsel. A copy of the treatment
3 plan shall also be given to the department's or supervising agency's
4 caseworker and to the guardian ad litem. Any program for chemical
5 dependency shall meet the program requirements contained in chapter
6 70.96A RCW.

7 (3) If the court has ordered treatment pursuant to a dependency
8 proceeding it shall also require the treatment program to provide, in
9 the reports required by subsection (2) of this section, status reports
10 to the court, the department, the supervising (~~(child-placing)~~) agency
11 (~~(if any)~~), and the person or person's counsel regarding the person's
12 cooperation with the treatment plan proposed and the person's progress
13 in treatment.

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

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

25 **Sec. 29.** RCW 13.34.176 and 2000 c 122 s 24 are each amended to
26 read as follows:

27 (1) The court, upon receiving a report under RCW 13.34.174(4) or at
28 the (~~(department's)~~) supervising agency's request, may schedule a show
29 cause hearing to determine whether the person is in violation of the
30 treatment conditions. All parties shall be given notice of the
31 hearing. The court shall hold the hearing within ten days of the
32 request for a hearing. At the hearing, testimony, declarations,
33 reports, or other relevant information may be presented on the person's
34 alleged failure to comply with the treatment plan and the person shall
35 have the right to present similar information on his or her own behalf.

36 (2) If the court finds that there has been a violation of the
37 treatment conditions it shall modify the dependency order, as

1 necessary, to ensure the safety of the child. The modified order shall
2 remain in effect until the party is in full compliance with the
3 treatment requirements.

4 **Sec. 30.** RCW 13.34.180 and 2001 c 332 s 4 are each amended to read
5 as follows:

6 (1) A petition seeking termination of a parent and child
7 relationship may be filed in juvenile court by any party, including the
8 supervising agency, to the dependency proceedings concerning that
9 child. Such petition shall conform to the requirements of RCW
10 13.34.040, shall be served upon the parties as provided in RCW
11 13.34.070(8), and shall allege all of the following unless subsection
12 (2) or (3) of this section applies:

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

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

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

19 (d) That the services ordered under RCW 13.34.136 have been
20 expressly and understandably offered or provided and all necessary
21 services, reasonably available, capable of correcting the parental
22 deficiencies within the foreseeable future have been expressly and
23 understandably offered or provided;

24 (e) That there is little likelihood that conditions will be
25 remedied so that the child can be returned to the parent in the near
26 future. A parent's failure to substantially improve parental
27 deficiencies within twelve months following entry of the dispositional
28 order shall give rise to a rebuttable presumption that there is little
29 likelihood that conditions will be remedied so that the child can be
30 returned to the parent in the near future. The presumption shall not
31 arise unless the petitioner makes a showing that all necessary services
32 reasonably capable of correcting the parental deficiencies within the
33 foreseeable future have been clearly offered or provided. In
34 determining whether the conditions will be remedied the court may
35 consider, but is not limited to, the following factors:

36 (i) Use of intoxicating or controlled substances so as to render
37 the parent incapable of providing proper care for the child for

1 extended periods of time or for periods of time that present a risk of
2 imminent harm to the child, and documented unwillingness of the parent
3 to receive and complete treatment or documented multiple failed
4 treatment attempts; or

5 (ii) Psychological incapacity or mental deficiency of the parent
6 that is so severe and chronic as to render the parent incapable of
7 providing proper care for the child for extended periods of time or for
8 periods of time that present a risk of imminent harm to the child, and
9 documented unwillingness of the parent to receive and complete
10 treatment or documentation that there is no treatment that can render
11 the parent capable of providing proper care for the child in the near
12 future; and

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

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

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

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

27 (b) Manslaughter in the first degree or manslaughter in the second
28 degree, as defined in chapter 9A.32 RCW against another child of the
29 parent;

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

32 (d) Assault in the first or second degree, as defined in chapter
33 9A.36 RCW, against the surviving child or another child of the parent.

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

37 "NOTICE

38 A petition for termination of parental rights has been filed

1 against you. You have important legal rights and you must take
2 steps to protect your interests. This petition could result in
3 permanent loss of your parental rights.

4 1. You have the right to a fact-finding hearing before
5 a judge.

6 2. You have the right to have a lawyer represent you at
7 the hearing. A lawyer can look at the files in your case, talk
8 to the (~~department of social and health services~~) supervising
9 agency and other agencies, tell you about the law, help you
10 understand your rights, and help you at hearings. If you
11 cannot afford a lawyer, the court will appoint one to represent
12 you. To get a court-appointed lawyer you must contact:
13 (explain local procedure).

14 3. At the hearing, you have the right to speak on your
15 own behalf, to introduce evidence, to examine witnesses, and to
16 receive a decision based solely on the evidence presented to
17 the judge.

18 You should be present at this hearing.

19 You may call (insert agency) for more information
20 about your child. The agency's name and telephone number are
21 (insert name and telephone number)."

22 **Sec. 31.** RCW 13.34.210 and 2003 c 227 s 8 are each amended to read
23 as follows:

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

1 If a child has not been adopted within six months after the date of
2 the order and a guardianship of the child under RCW 13.34.231 or
3 chapter 11.88 RCW, or a permanent custody order under chapter 26.10
4 RCW, has not been entered by the court, the court shall review the case
5 every six months until a decree of adoption is entered except for those
6 cases which are reviewed by a citizen review board under chapter 13.70
7 RCW. The supervising agency shall take reasonable steps to ensure that
8 the child maintains relationships with siblings as provided in RCW
9 13.34.130(3) and shall report to the court the status and extent of
10 such relationships.

11 **Sec. 32.** RCW 13.34.215 and 2008 c 267 s 1 are each amended to read
12 as follows:

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

16 (a) The child was previously found to be a dependent child under
17 this chapter;

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

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

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

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

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

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

35 (5) The court shall give prior notice for any proceeding under this
36 section, or cause prior notice to be given, to the department or the
37 supervising agency, the child's attorney, and the child. The court

1 shall also order the department or supervising agency to give prior
2 notice of any hearing to the child's former parent whose parental
3 rights are the subject of the petition, any parent whose rights have
4 not been terminated, the child's current foster parent, relative
5 caregiver, guardian or custodian, and the child's tribe, if applicable.

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

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

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

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

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

22 (7) In determining whether the child has or has not achieved his or
23 her permanency plan or whether the child is likely to achieve his or
24 her permanency plan, the department or supervising agency shall provide
25 the court, and the court shall review, information related to any
26 efforts to achieve the permanency plan including efforts to achieve
27 adoption or a permanent guardianship.

28 (8)(a) If the court conditionally grants the petition under
29 subsection (6) of this section, the case will be continued for six
30 months and a temporary order of reinstatement entered. During this
31 period, the child shall be placed in the custody of the parent. The
32 department or supervising agency shall develop a permanency plan for
33 the child reflecting the plan to be reunification and shall provide
34 transition services to the family as appropriate.

35 (b) If the child must be removed from the parent due to abuse or
36 neglect allegations prior to the expiration of the conditional six-
37 month period, the court shall dismiss the petition for reinstatement of

1 parental rights if the court finds the allegations have been proven by
2 a preponderance of the evidence.

3 (c) If the child has been successfully placed with the parent for
4 six months, the court order reinstating parental rights remains in
5 effect and the court shall dismiss the dependency.

6 (9) After the child has been placed with the parent for six months,
7 the court shall hold a hearing. If the placement with the parent has
8 been successful, the court shall enter a final order of reinstatement
9 of parental rights, which shall restore all rights, powers, privileges,
10 immunities, duties, and obligations of the parent as to the child,
11 including those relating to custody, control, and support of the child.
12 The court shall dismiss the dependency and direct the clerk's office to
13 provide a certified copy of the final order of reinstatement of
14 parental rights to the parent at no cost.

15 (10) The granting of the petition under this section does not
16 vacate or otherwise affect the validity of the original termination
17 order.

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

23 (12) A proceeding to reinstate parental rights is a separate action
24 from the termination of parental rights proceeding and does not vacate
25 the original termination of parental rights. An order granted under
26 this section reinstates the parental rights to the child. This
27 reinstatement is a recognition that the situation of the parent and
28 child have changed since the time of the termination of parental rights
29 and reunification is now appropriate.

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

33 (14) The state, the department, the supervising agency, and its
34 employees are not liable for civil damages resulting from any act or
35 omission in the provision of services under this section, unless the
36 act or omission constitutes gross negligence. This section does not
37 create any duty and shall not be construed to create a duty where none

1 exists. This section does not create a cause of action against the
2 state, the department, the supervising agency, or its employees
3 concerning the original termination.

4 **Sec. 33.** RCW 13.34.230 and 1981 c 195 s 1 are each amended to read
5 as follows:

6 Any party to a dependency proceeding, including the supervising
7 agency, may file a petition in juvenile court requesting that
8 guardianship be created as to a dependent child. The department (~~of~~
9 ~~social and health services~~) or supervising agency shall receive notice
10 of any guardianship proceedings and have the right to intervene in the
11 proceedings.

12 **Sec. 34.** RCW 13.34.233 and 2000 c 122 s 30 are each amended to
13 read as follows:

14 (1) Any party may request the court under RCW 13.34.150 to modify
15 or terminate a dependency guardianship order. Notice of any motion to
16 modify or terminate the guardianship shall be served on all other
17 parties, including any agency that was responsible for supervising the
18 child's placement at the time the guardianship petition was filed.
19 Notice in all cases shall be served upon the department. If the
20 department or supervising agency was not previously a party to the
21 guardianship proceeding, the department or supervising agency shall
22 nevertheless have the right to: (a) Initiate a proceeding to modify or
23 terminate a guardianship; and (b) intervene at any stage of such a
24 proceeding.

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

32 (3) Upon entry of an order terminating the guardianship, the
33 dependency guardian shall not have any rights or responsibilities with
34 respect to the child and shall not have legal standing to participate
35 as a party in further dependency proceedings pertaining to the child.

1 The court may allow the child's dependency guardian to attend
2 dependency review proceedings pertaining to the child for the sole
3 purpose of providing information about the child to the court.

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

17 **Sec. 35.** RCW 13.34.245 and 1997 c 386 s 18 are each amended to
18 read as follows:

19 (1) Where any parent or Indian custodian voluntarily consents to
20 foster care placement of an Indian child and a petition for dependency
21 has not been filed regarding the child, such consent shall not be valid
22 unless executed in writing before the court and filed with the court.
23 The consent shall be accompanied by the written certification of the
24 court that the terms and consequences of the consent were fully
25 explained in detail to the parent or Indian custodian during the court
26 proceeding and were fully understood by the parent or Indian custodian.
27 The court shall also certify in writing either that the parent or
28 Indian custodian fully understood the explanation in English or that it
29 was interpreted into a language that the parent or Indian custodian
30 understood. Any consent given prior to, or within ten days after, the
31 birth of the Indian child shall not be valid.

32 (2) To obtain court validation of a voluntary consent to foster
33 care placement, any person may file a petition for validation alleging
34 that there is located or residing within the county an Indian child
35 whose parent or Indian custodian wishes to voluntarily consent to
36 foster care placement of the child and requesting that the court
37 validate the consent as provided in this section. The petition shall

1 contain the name, date of birth, and residence of the child, the names
2 and residences of the consenting parent or Indian custodian, and the
3 name and location of the Indian tribe in which the child is a member or
4 eligible for membership. The petition shall state whether the
5 placement preferences of 25 U.S.C. Sec. 1915 (b) or (c) will be
6 followed. Reasonable attempts shall be made by the petitioner to
7 ascertain and set forth in the petition the identity, location, and
8 custodial status of any parent or Indian custodian who has not
9 consented to foster care placement and why that parent or Indian
10 custodian cannot assume custody of the child.

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

27 (4) Any parent or Indian custodian may withdraw consent to a
28 voluntary foster care placement, made under this section, at any time.
29 Unless the Indian child has been taken in custody pursuant to RCW
30 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW
31 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the
32 Indian child shall be returned to the parent or Indian custodian upon
33 withdrawal of consent to foster care placement of the child.

34 (5) Upon termination of the voluntary foster care placement and
35 return of the child to the parent or Indian custodian, the department
36 or ~~((other child placing))~~ supervising agency which had assumed
37 responsibility for the child's placement and care pursuant to the
38 consent to foster care placement shall file with the court written

1 notification of the child's return and shall also send such
2 notification to the Indian tribe in which the child is enrolled or
3 eligible for enrollment as a member and to any other party to the
4 validation proceeding including any noncustodial parent.

5 **Sec. 36.** RCW 13.34.320 and 1999 c 188 s 2 are each amended to read
6 as follows:

7 The ((department)) supervising agency shall obtain the prior
8 consent of a child's parent, legal guardian, or legal custodian before
9 a dependent child is admitted into an inpatient mental health treatment
10 facility. If the child's parent, legal guardian, or legal custodian is
11 unavailable or does not agree with the proposed admission, the
12 ((department)) supervising agency shall request a hearing and provide
13 notice to all interested parties to seek prior approval of the juvenile
14 court before such admission. In the event that an emergent situation
15 creating a risk of substantial harm to the health and welfare of a
16 child in the custody of the ((department)) supervising agency does not
17 allow time for the ((department)) supervising agency to obtain prior
18 approval or to request a court hearing before consenting to the
19 admission of the child into an inpatient mental health hospital, the
20 ((department)) supervising agency shall seek court approval by
21 requesting that a hearing be set on the first available court date.

22 **Sec. 37.** RCW 13.34.330 and 1999 c 188 s 3 are each amended to read
23 as follows:

24 A dependent child who is admitted to an inpatient mental health
25 facility shall be placed in a facility, with available treatment space,
26 that is closest to the family home, unless the ((department))
27 supervising agency, in consultation with the admitting authority finds
28 that admission in the facility closest to the child's home would
29 jeopardize the health or safety of the child.

30 **Sec. 38.** RCW 13.34.340 and 2000 c 122 s 35 are each amended to
31 read as follows:

32 For minors who cannot consent to the release of their records with
33 the ((department)) supervising agency because they are not old enough
34 to consent to treatment, or, if old enough, lack the capacity to
35 consent, or if the minor is receiving treatment involuntarily with a

1 provider the ((department)) supervising agency has authorized to
2 provide mental health treatment under RCW 13.34.320, the ((department))
3 supervising agency shall disclose, upon the treating physician's
4 request, all relevant records, including the minor's passport as
5 established under RCW 74.13.285, in the ((department's)) supervising
6 agency's possession that the treating physician determines contain
7 information required for treatment of the minor. The treating
8 physician shall maintain all records received from the ((department))
9 supervising agency in a manner that distinguishes the records from any
10 other records in the minor's file with the treating physician and the
11 ((department)) supervising agency records may not be disclosed by the
12 treating physician to any other person or entity absent a court order
13 except that, for medical purposes only, a treating physician may
14 disclose the ((department)) supervising agency records to another
15 treating physician.

16 **Sec. 39.** RCW 13.34.350 and 2001 c 52 s 2 are each amended to read
17 as follows:

18 In order to facilitate communication of information needed to serve
19 the best interest of any child who is the subject of a dependency case
20 filed under this chapter, the department ((of social and health
21 services)) shall, consistent with state and federal law governing the
22 release of confidential information, establish guidelines, and shall
23 use those guidelines for the facilitation of communication of relevant
24 information among divisions, providers, the courts, the family,
25 caregivers, caseworkers, and others.

26 **Sec. 40.** RCW 13.34.370 and 2004 c 146 s 2 are each amended to read
27 as follows:

28 The court may order expert evaluations of parties to obtain
29 information regarding visitation issues or other issues in a case.
30 These evaluations shall be performed by appointed evaluators who are
31 mutually agreed upon by the court, the ((state)) supervising agency,
32 and the parents' counsel, and, if the child is to be evaluated, by the
33 representative for the child. If no agreement can be reached, the
34 court shall select the expert evaluator.

1 **Sec. 41.** RCW 13.34.380 and 2004 c 146 s 3 are each amended to read
2 as follows:

3 The department (~~(of social and health services)~~) shall develop
4 consistent policies and protocols, based on current relevant research,
5 concerning visitation for dependent children to be implemented
6 consistently throughout the state. The department shall develop the
7 policies and protocols in consultation with researchers in the field,
8 community-based agencies, court-appointed special advocates, parents'
9 representatives, and court representatives. The policies and protocols
10 shall include, but not be limited to: The structure and quality of
11 visitations; and training for department and supervising agency
12 caseworkers, visitation supervisors, and foster parents related to
13 visitation.

14 The policies and protocols shall be consistent with the provisions
15 of this chapter and implementation of the policies and protocols shall
16 be consistent with relevant orders of the court.

17 **Sec. 42.** RCW 13.34.385 and 2008 c 259 s 1 are each amended to read
18 as follows:

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

21 (a) The child has been found to be a dependent child under this
22 chapter;

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

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

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

30 (2) The court shall give prior notice for any proceeding under this
31 section, or cause prior notice to be given, to the department or public
32 (~~(or private)~~) agency or supervising agency having custody of the
33 child, the child's attorney or guardian ad litem if applicable, and the
34 child. The court shall also order the custodial agency to give prior
35 notice of any hearing to the child's current foster parent, relative
36 caregiver, guardian or custodian, and the child's tribe, if applicable.

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

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

10 (b) The length and quality of the prior relationship between the
11 child and the relative;

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

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

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

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

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

25 (5) The granting of the petition under this section does not grant
26 the relative the right to participate in the dependency action and does
27 not grant any rights to the relative not otherwise specified in the
28 visitation order.

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

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

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

1 **Sec. 43.** RCW 13.34.390 and 2005 c 504 s 303 are each amended to
2 read as follows:

3 The department (~~(of social and health services)~~) and the department
4 of health shall develop and expand comprehensive services for drug-
5 affected and alcohol-affected mothers and infants. Subject to funds
6 appropriated for this purpose, the expansion shall be in evidence-
7 based, research-based, or consensus-based practices, (~~(as those terms~~
8 ~~are defined in section 603 of this act,~~) and shall expand capacity in
9 underserved regions of the state.

10 **Sec. 44.** RCW 13.34.400 and 2007 c 411 s 2 are each amended to read
11 as follows:

12 In any proceeding under this chapter, if the (~~department~~)
13 supervising agency submits a report to the court in which the
14 department is recommending a new placement or a change in placement,
15 the (~~department~~) supervising agency shall include the documents
16 relevant to persons in the home in which a child will be placed and
17 listed in subsections (1) through (5) of this section to the report.
18 The (~~department~~) supervising agency shall include only these relevant
19 documents and shall not attach the entire history of the subject of the
20 report.

21 (1) If the report contains a recommendation, opinion, or assertion
22 by the (~~department~~) supervising agency relating to substance abuse
23 treatment, mental health treatment, anger management classes, or
24 domestic violence classes, the (~~department~~) supervising agency shall
25 attach the document upon which the recommendation, opinion, or
26 assertion was based. The documentation may include the progress report
27 or evaluation submitted by the provider, but may not include the entire
28 history with the provider.

29 (2) If the report contains a recommendation, opinion, or assertion
30 by the (~~department~~) supervising agency relating to visitation with a
31 child, the (~~department~~) supervising agency shall attach the document
32 upon which the recommendation, opinion, or assertion was based. The
33 documentation may include the most recent visitation report, a
34 visitation report referencing a specific incident alleged in the
35 report, or summary of the visitation prepared by the person who
36 supervised the visitation. The documentation attached to the report
37 shall not include the entire visitation history.

1 (3) If the report contains a recommendation, opinion, or assertion
2 by the ((department)) supervising agency relating to the psychological
3 status of a person, the ((department)) supervising agency shall attach
4 the document upon which the recommendation, opinion, or assertion was
5 based. The documentation may include the progress report, evaluation,
6 or summary submitted by the provider, but shall not include the entire
7 history of the person.

8 (4) If the report contains a recommendation, opinion, or assertion
9 by the ((department)) supervising agency relating to injuries to a
10 child, the ((department)) supervising agency shall attach a summary of
11 the physician's report, prepared by the physician or the physician's
12 designee, relating to the recommendation, opinion, or assertion by the
13 department.

14 (5) If the report contains a recommendation, opinion, or assertion
15 by the ((department)) supervising agency relating to a home study,
16 licensing action, or background check information, the ((department))
17 supervising agency shall attach the document or documents upon which
18 that recommendation, opinion, or assertion is based.

19 **Sec. 45.** RCW 41.06.142 and 2008 c 267 s 9 are each amended to read
20 as follows:

21 (1) Any department, agency, or institution of higher education may
22 purchase services, including services that have been customarily and
23 historically provided by employees in the classified service under this
24 chapter, by contracting with individuals, nonprofit organizations,
25 businesses, employee business units, or other entities if the following
26 criteria are met:

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

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

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

1 (d) The department, agency, or institution of higher education has
2 established a contract monitoring process to measure contract
3 performance, costs, service delivery quality, and other contract
4 standards, and to cancel contracts that do not meet those standards;
5 and

6 (e) The department, agency, or institution of higher education has
7 determined that the contract results in savings or efficiency
8 improvements. The contracting agency must consider the consequences
9 and potential mitigation of improper or failed performance by the
10 contractor.

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

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

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

20 (a) At least ninety days prior to the date the contracting agency
21 requests bids from private entities for a contract for services
22 provided by classified employees, the contracting agency shall notify
23 the classified employees whose positions or work would be displaced by
24 the contract. The employees shall have sixty days from the date of
25 notification to offer alternatives to purchasing services by contract,
26 and the agency shall consider the alternatives before requesting bids.

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

31 (c) The director of personnel, with the advice and assistance of
32 the department of general administration, shall develop and make
33 available to employee business units training in the bidding process
34 and general bid preparation.

35 (d) The director of general administration, with the advice and
36 assistance of the department of personnel, shall, by rule, establish
37 procedures to ensure that bids are submitted and evaluated in a fair
38 and objective manner and that there exists a competitive market for the

1 service. Such rules shall include, but not be limited to: (i)
2 Prohibitions against participation in the bid evaluation process by
3 employees who prepared the business unit's bid or who perform any of
4 the services to be contracted; (ii) provisions to ensure no bidder
5 receives an advantage over other bidders and that bid requirements are
6 applied equitably to all parties; and (iii) procedures that require the
7 contracting agency to receive complaints regarding the bidding process
8 and to consider them before awarding the contract. Appeal of an
9 agency's actions under this subsection is an adjudicative proceeding
10 and subject to the applicable provisions of chapter 34.05 RCW, the
11 administrative procedure act, with the final decision to be rendered by
12 an administrative law judge assigned under chapter 34.12 RCW.

13 (e) An employee business unit's bid must include the fully
14 allocated costs of the service, including the cost of the employees'
15 salaries and benefits, space, equipment, materials, and other costs
16 necessary to perform the function. An employee business unit's cost
17 shall not include the state's indirect overhead costs unless those
18 costs can be attributed directly to the function in question and would
19 not exist if that function were not performed in state service.

20 (f) A department, agency, or institution of higher education may
21 contract with the department of general administration to conduct the
22 bidding process.

23 (5) As used in this section:

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

27 (b) "Indirect overhead costs" means the pro rata share of existing
28 agency administrative salaries and benefits, and rent, equipment costs,
29 utilities, and materials associated with those administrative
30 functions.

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

35 (6) The requirements of this section do not apply to RCW
36 74.13.031(5) or section 3 of this act.

1 **Sec. 46.** RCW 74.13.010 and 1965 c 30 s 2 are each amended to read
2 as follows:

3 The purpose of this chapter is to safeguard, protect, and
4 contribute to the welfare of the children of the state, through a
5 comprehensive and coordinated program of ((public)) child welfare
6 services provided by both the department and supervising agencies
7 providing for: Social services and facilities for children who require
8 guidance, care, control, protection, treatment, or rehabilitation;
9 setting of standards for social services and facilities for children;
10 cooperation with public and voluntary agencies, organizations, and
11 citizen groups in the development and coordination of programs and
12 activities in behalf of children; and promotion of community conditions
13 and resources that help parents to discharge their responsibilities for
14 the care, development, and well-being of their children.

15 NEW SECTION. **Sec. 47.** A new section is added to chapter 74.13 RCW
16 to read as follows:

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

21 **Sec. 48.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read
22 as follows:

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

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

29 (2) Within available resources, the department and supervising
30 agencies shall recruit an adequate number of prospective adoptive and
31 foster homes, both regular and specialized, i.e. homes for children of
32 ethnic minority, including Indian homes for Indian children, sibling
33 groups, handicapped and emotionally disturbed, teens, pregnant and
34 parenting teens, and the department shall annually report to the
35 governor and the legislature concerning the department's and
36 supervising agency's success in: (a) Meeting the need for adoptive and

1 foster home placements; (b) reducing the foster parent turnover rate;
2 (c) completing home studies for legally free children; and (d)
3 implementing and operating the passport program required by RCW
4 74.13.285. The report shall include a section entitled "Foster Home
5 Turn-Over, Causes and Recommendations."

6 (3) The department shall investigate complaints of any recent act
7 or failure to act on the part of a parent or caretaker that results in
8 death, serious physical or emotional harm, or sexual abuse or
9 exploitation, or that presents an imminent risk of serious harm, and on
10 the basis of the findings of such investigation, offer child welfare
11 services in relation to the problem to such parents, legal custodians,
12 or persons serving in loco parentis, and/or bring the situation to the
13 attention of an appropriate court, or another community agency. An
14 investigation is not required of nonaccidental injuries which are
15 clearly not the result of a lack of care or supervision by the child's
16 parents, legal custodians, or persons serving in loco parentis. If the
17 investigation reveals that a crime against a child may have been
18 committed, the department shall notify the appropriate law enforcement
19 agency.

20 (4) Supervising agencies shall offer, on a voluntary basis, family
21 reconciliation services to families who are in conflict.

22 (5) Supervising agencies shall monitor placements of children in
23 out-of-home care and in-home dependencies to assure the safety, well-
24 being, and quality of care being provided is within the scope of the
25 intent of the legislature as defined in RCW 74.13.010 and 74.15.010.
26 (~~The policy for monitoring placements~~) Under this section (~~shall~~
27 ~~require that~~) children in out-of-home care and in-home dependencies
28 and their caregivers shall receive a private and individual face-to-
29 face visit each month.

30 (~~(a)~~) The (~~department~~) supervising agencies shall conduct the
31 monthly visits with children and caregivers (~~required under this~~
32 ~~section unless the child's placement is being supervised under a~~
33 ~~contract between the department and a private agency accredited by a~~
34 ~~national child welfare accrediting entity, in which case the private~~
35 ~~agency shall, within existing resources, conduct the monthly visits~~
36 ~~with the child and with the child's caregiver according to the~~
37 ~~standards described in this subsection and shall provide the department~~

1 ~~with a written report of the visits within fifteen days of completing~~
2 ~~the visits.~~

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

7 (6) Supervising agencies shall have authority to accept custody of
8 children from parents and to accept custody of children from juvenile
9 courts, where authorized to do so under law, to provide child welfare
10 services including placement for adoption, to provide for the routine
11 and necessary medical, dental, and mental health care, or necessary
12 emergency care of the children, and to provide for the physical care of
13 such children and make payment of maintenance costs if needed. Except
14 where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private
15 adoption agency which receives children for adoption from the
16 department shall discriminate on the basis of race, creed, or color
17 when considering applications in their placement for adoption.

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

21 (8) The department and supervising agency shall have authority to
22 purchase care for children(~~and shall follow in general the policy of~~
23 ~~using properly approved private agency services for the actual care and~~
24 ~~supervision of such children insofar as they are available, paying for~~
25 ~~care of such children as are accepted by the department as eligible for~~
26 ~~support at reasonable rates established by the department)).~~

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

34 (10)(a) The supervising agencies shall have authority to provide
35 continued foster care or group care as needed to participate in or
36 complete a high school or vocational school program.

37 (b)(i) Beginning in 2006, the department has the authority to allow
38 up to fifty youth reaching age eighteen to continue in foster care or

1 group care as needed to participate in or complete a posthigh school
2 academic or vocational program, and to receive necessary support and
3 transition services.

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

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

13 (11) The department shall refer cases to the division of child
14 support whenever state or federal funds are expended for the care and
15 maintenance of a child, including a child with a developmental
16 disability who is placed as a result of an action under chapter 13.34
17 RCW, unless the department finds that there is good cause not to pursue
18 collection of child support against the parent or parents of the child.
19 Cases involving individuals age eighteen through twenty shall not be
20 referred to the division of child support unless required by federal
21 law.

22 (12) The department and supervising agencies shall have authority
23 within funds appropriated for foster care services to purchase care for
24 Indian children who are in the custody of a federally recognized Indian
25 tribe or tribally licensed child-placing agency pursuant to parental
26 consent, tribal court order, or state juvenile court order; and the
27 purchase of such care shall be subject to the same eligibility
28 standards and rates of support applicable to other children for whom
29 the department purchases care.

30 Notwithstanding any other provision of RCW 13.32A.170 through
31 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
32 services to be provided by the department (~~of social and health~~
33 ~~services~~) under subsections (4), (6), and (7) of this section, subject
34 to the limitations of these subsections, may be provided by any program
35 offering such services funded pursuant to Titles II and III of the
36 federal juvenile justice and delinquency prevention act of 1974.

37 (13) Within amounts appropriated for this specific purpose, the

1 supervising agency or department shall provide preventive services to
2 families with children that prevent or shorten the duration of an out-
3 of-home placement.

4 (14) Supervising agencies shall have authority to provide
5 independent living services to youths, including individuals who have
6 attained eighteen years of age, and have not attained twenty-one years
7 of age who are or have been in foster care.

8 (15) The department and supervising agencies shall consult at least
9 quarterly with foster parents, including members of the foster parent
10 association of Washington state, for the purpose of receiving
11 information and comment regarding how the department (~~(is)~~) and
12 supervising agencies are performing the duties and meeting the
13 obligations specified in this section and RCW 74.13.250 and 74.13.320
14 regarding the recruitment of foster homes, reducing foster parent
15 turnover rates, providing effective training for foster parents, and
16 administering a coordinated and comprehensive plan that strengthens
17 services for the protection of children. Consultation shall occur at
18 the regional and statewide levels.

19 **Sec. 49.** RCW 74.13.0311 and 2002 c 219 s 13 are each amended to
20 read as follows:

21 The department or (~~(its contractors)~~) supervising agencies may
22 provide child welfare services pursuant to a deferred prosecution plan
23 ordered under chapter 10.05 RCW. Child welfare services provided under
24 this chapter pursuant to a deferred prosecution order may not be
25 construed to prohibit the department or supervising agencies from
26 providing services or undertaking proceedings pursuant to chapter 13.34
27 or 26.44 RCW.

28 **Sec. 50.** RCW 74.13.032 and 1998 c 296 s 4 are each amended to read
29 as follows:

30 (1) The department shall establish, (~~(by)~~) through performance-
31 based contracts with (~~(private or)~~) supervising agencies or public
32 vendors, regional crisis residential centers with semi-secure
33 facilities. These facilities shall be structured group care facilities
34 licensed under rules adopted by the department and shall have an
35 average of at least four adult staff members and in no event less than
36 three adult staff members to every eight children.

1 (2) Within available funds appropriated for this purpose, the
2 department shall establish, ~~((by))~~ through performance-based contracts
3 with ~~((private or public vendors))~~ supervising agencies, regional
4 crisis residential centers with secure facilities. These facilities
5 shall be facilities licensed under rules adopted by the department.
6 These centers may also include semi-secure facilities and to such
7 extent shall be subject to subsection (1) of this section.

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

12 (4) The staff at the facilities established under this section
13 shall be trained so that they may effectively counsel juveniles
14 admitted to the centers, provide treatment, supervision, and structure
15 to the juveniles that recognize the need for support and the varying
16 circumstances that cause children to leave their families, and carry
17 out the responsibilities stated in RCW 13.32A.090. ~~((The
18 responsibilities stated in RCW 13.32A.090 may, in any of the centers,
19 be carried out by the department.))~~

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

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

29 **Sec. 51.** RCW 74.13.036 and 2003 c 207 s 2 are each amended to read
30 as follows:

31 (1) The department ~~((of social and health services))~~ shall oversee
32 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The
33 oversight shall be comprised of working with affected parts of the
34 criminal justice and child care systems as well as with local
35 government, legislative, and executive authorities to effectively carry
36 out these chapters. The department shall work with all such entities

1 to ensure that chapters 13.32A and 13.34 RCW are implemented in a
2 uniform manner throughout the state.

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

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

10 (b) Procedures for designating (~~department~~) supervising agency
11 staff responsible for family reconciliation services;

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

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

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

22 (3) In addition to its other oversight duties, the department
23 shall:

24 (a) Identify and evaluate resource needs in each region of the
25 state;

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

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

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

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

36 ~~((4) The department shall provide an annual report to the~~
37 ~~legislature not later than December 1 of each year only when it has~~
38 ~~declined to accept custody of a child from a law enforcement agency or~~

1 ~~it has received a report of a child being released without placement.~~
2 ~~The report shall indicate the number of times it has declined to accept~~
3 ~~custody of a child from a law enforcement agency under chapter 13.32A~~
4 ~~RCW and the number of times it has received a report of a child being~~
5 ~~released without placement under RCW 13.32A.060(1)(c). The report~~
6 ~~shall include the dates, places, and reasons the department declined to~~
7 ~~accept custody and the dates and places children are released without~~
8 ~~placement.))~~

9 **Sec. 52.** RCW 74.13.037 and 1997 c 146 s 9 are each amended to read
10 as follows:

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

17 **Sec. 53.** RCW 74.13.042 and 1995 c 311 s 14 are each amended to
18 read as follows:

19 If the department or supervising agency is denied lawful access to
20 records or information, or requested records or information is not
21 provided in a timely manner, the department or supervising agency may
22 petition the court for an order compelling disclosure.

23 (1) The petition shall be filed in the juvenile court for the
24 county in which the record or information is located or the county in
25 which the person who is the subject of the record or information
26 resides. If the person who is the subject of the record or information
27 is a party to or the subject of a pending proceeding under chapter
28 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

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

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

5 **Sec. 54.** RCW 74.13.045 and 1998 c 245 s 146 are each amended to
6 read as follows:

7 The department shall develop and implement an informal,
8 nonadversarial complaint resolution process to be used by clients of
9 the department or supervising agency, foster parents, and other
10 affected individuals who have complaints regarding a department policy
11 or procedure, (~~or~~) the application of such a policy or procedure, or
12 the performance of an entity that has entered into a performance-based
13 contract with the department, related to programs administered under
14 this chapter. The process shall not apply in circumstances where the
15 complainant has the right under Title 13, 26, or 74 RCW to seek
16 resolution of the complaint through judicial review or through an
17 adjudicative proceeding.

18 Nothing in this section shall be construed to create substantive or
19 procedural rights in any person. Participation in the complaint
20 resolution process shall not entitle any person to an adjudicative
21 proceeding under chapter 34.05 RCW or to superior court review.
22 Participation in the process shall not affect the right of any person
23 to seek other statutorily or constitutionally permitted remedies.

24 The department shall develop procedures to assure that clients and
25 foster parents are informed of the availability of the complaint
26 resolution process and how to access it. The department shall
27 incorporate information regarding the complaint resolution process into
28 the training for foster parents and department and supervising agency
29 caseworkers.

30 The department shall compile complaint resolution data including
31 the nature of the complaint and the outcome of the process.

32 **Sec. 55.** RCW 74.13.055 and 1998 c 245 s 147 are each amended to
33 read as follows:

34 The department shall adopt rules pursuant to chapter 34.05 RCW
35 which establish goals as to the maximum number of children who will
36 remain in foster care for a period of longer than twenty-four months.

1 The department shall also work cooperatively with (~~the major private~~
2 ~~child care providers~~) supervising agencies to assure that a
3 partnership plan for utilizing the resources of the public and private
4 sector in all matters pertaining to child welfare is developed and
5 implemented.

6 **Sec. 56.** RCW 74.13.060 and 1971 ex.s. c 169 s 7 are each amended
7 to read as follows:

8 (1) The secretary or his or her designees or delegatees shall be
9 the custodian without compensation of such moneys and other funds of
10 any person which may come into the possession of the secretary during
11 the period such person is placed with the department (~~of social and~~
12 ~~health services~~) or an entity with which it has entered into a
13 performance-based contract pursuant to chapter 74.13 RCW. As such
14 custodian, the secretary shall have authority to disburse moneys from
15 the person's funds for the following purposes only and subject to the
16 following limitations:

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

20 (~~(2) The secretary may apply such funds~~) (b) Against the amount
21 of public assistance otherwise payable to such person. This includes
22 applying, as reimbursement, any benefits, payments, funds, or accrual
23 paid to or on behalf of said person from any source against the amount
24 of public assistance expended on behalf of said person during the
25 period for which the benefits, payments, funds or accruals were paid.

26 (~~(3)~~) (2) All funds held by the secretary as custodian may be
27 deposited in a single fund, the receipts and expenditures therefrom to
28 be accurately accounted for by him or her on an individual basis.
29 Whenever, the funds belonging to any one person exceed the sum of five
30 hundred dollars, the secretary may deposit said funds in a savings and
31 loan association account on behalf of that particular person.

32 (~~(4)~~) (3) When the conditions of placement no longer exist and
33 public assistance is no longer being provided for such person, upon a
34 showing of legal competency and proper authority, the secretary shall
35 deliver to such person, or the parent, person, or agency legally
36 responsible for such person, all funds belonging to the person

1 remaining in his or her possession as custodian, together with a full
2 and final accounting of all receipts and expenditures made therefrom.

3 ~~((+5))~~ (4) The appointment of a guardian for the estate of such
4 person shall terminate the secretary's authority as custodian of said
5 funds upon receipt by the secretary of a certified copy of letters of
6 guardianship. Upon the guardian's request, the secretary shall
7 immediately forward to such guardian any funds of such person remaining
8 in the secretary's possession together with full and final accounting
9 of all receipts and expenditures made therefrom.

10 **Sec. 57.** RCW 74.13.065 and 2002 c 52 s 8 are each amended to read
11 as follows:

12 (1) The ~~((department, or))~~ supervising agency ~~((responsible for~~
13 ~~supervising a child in out-of-home care,))~~ shall conduct a social study
14 whenever a child is placed in out-of-home care under the supervision of
15 the ~~((department or other))~~ supervising agency. The study shall be
16 conducted prior to placement, or, if it is not feasible to conduct the
17 study prior to placement due to the circumstances of the case, the
18 study shall be conducted as soon as possible following placement.

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

21 (a) The physical and emotional strengths and needs of the child;

22 (b) Emotional bonds with siblings and the need to maintain regular
23 sibling contacts;

24 (c) The proximity of the child's placement to the child's family to
25 aid reunification;

26 (d) The possibility of placement with the child's relatives or
27 extended family;

28 (e) The racial, ethnic, cultural, and religious background of the
29 child;

30 (f) The least-restrictive, most family-like placement reasonably
31 available and capable of meeting the child's needs; and

32 (g) Compliance with RCW 13.34.260 regarding parental preferences
33 for placement of their children.

34 **Sec. 58.** RCW 74.13.075 and 1994 c 169 s 1 are each amended to read
35 as follows:

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

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

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

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

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

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

20 (a) The age of the juvenile;

21 (b) The extent and type of abuse to which the juvenile has been
22 subjected;

23 (c) The juvenile's past conduct;

24 (d) The benefits that can be expected from the treatment;

25 (e) The cost of the treatment; and

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

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

34 **Sec. 59.** RCW 74.13.077 and 1993 c 402 s 4 are each amended to read
35 as follows:

36 The secretary (~~(of the department of social and health services))~~
37 is authorized to transfer surplus, unused treatment funds from the

1 civil commitment center operated under chapter 71.09 RCW to the
2 division of children and family services to provide treatment services
3 for sexually aggressive youth.

4 **Sec. 60.** RCW 74.13.096 and 2007 c 465 s 2 are each amended to read
5 as follows:

6 (1) The secretary (~~(of the department of social and health~~
7 ~~services))~~) shall convene an advisory committee to analyze and make
8 recommendations on the disproportionate representation of children of
9 color in Washington's child welfare system. The department shall
10 collaborate with the Washington institute for public policy and private
11 sector entities to develop a methodology for the advisory committee to
12 follow in conducting a baseline analysis of data from the child welfare
13 system to determine whether racial disproportionality and racial
14 disparity exist in this system. The Washington institute for public
15 policy shall serve as technical staff for the advisory committee. In
16 determining whether racial disproportionality or racial disparity
17 exists, the committee shall utilize existing research and evaluations
18 conducted within Washington state, nationally, and in other states and
19 localities that have similarly analyzed the prevalence of racial
20 disproportionality and disparity in child welfare.

21 (2) At a minimum, the advisory committee shall examine and analyze:
22 (a) The level of involvement of children of color at each stage in the
23 state's child welfare system, including the points of entry and exit,
24 and each point at which a treatment decision is made; (b) the number of
25 children of color in low-income or single-parent families involved in
26 the state's child welfare system; (c) the family structures of families
27 involved in the state's child welfare system; and (d) the outcomes for
28 children in the existing child welfare system. This analysis shall be
29 disaggregated by racial and ethnic group, and by geographic region.

30 (3) The committee of not more than fifteen individuals shall
31 consist of experts in social work, law, child welfare, psychology, or
32 related fields, at least two tribal representatives, a representative
33 of the governor's juvenile justice advisory committee, a representative
34 of a community-based organization involved with child welfare issues,
35 a representative of the department (~~(of social and health services)~~),
36 a current or former foster care youth, a current or former foster care
37 parent, and a parent previously involved with Washington's child

1 welfare system. Committee members shall be selected as follows: (a)
2 Five members selected by the senate majority leader; (b) five members
3 selected by the speaker of the house of representatives; and (c) five
4 members selected by the secretary of the department (~~of social and~~
5 ~~health services~~). The secretary, the senate majority leader, and the
6 speaker of the house of representatives shall coordinate appointments
7 to ensure the representation specified in this subsection is achieved.
8 After the advisory committee appointments are finalized, the committee
9 shall select two individuals to serve as cochairs of the committee, one
10 of whom shall be a representative from a nongovernmental entity.

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

13 (5) Not later than June 1, 2008, the advisory committee created in
14 subsection (1) of this section shall report to the secretary of the
15 department (~~of social and health services~~) on the results of the
16 analysis. If the results of the analysis indicate disproportionality
17 or disparity exists for any racial or ethnic group in any region of the
18 state, the committee, in conjunction with the secretary of the
19 department (~~of social and health services~~), shall develop a plan for
20 remedying the disproportionality or disparity. The remediation plan
21 shall include: (a) Recommendations for administrative and legislative
22 actions related to appropriate programs and services to reduce and
23 eliminate disparities in the system and improve the long-term outcomes
24 for children of color who are served by the system; and (b) performance
25 measures for implementing the remediation plan. To the extent possible
26 and appropriate, the remediation plan shall be developed to integrate
27 the recommendations required in this subsection with the department's
28 existing compliance plans, training efforts, and other practice
29 improvement and reform initiatives in progress. The advisory committee
30 shall be responsible for ongoing evaluation of current and prospective
31 policies and procedures for their contribution to or effect on racial
32 disproportionality and disparity.

33 (6) Not later than December 1, 2008, the secretary shall report the
34 results of the analysis conducted under subsection (2) of this section
35 and shall describe the remediation plan required under subsection (5)
36 of this section to the appropriate committees of the legislature with
37 jurisdiction over policy and fiscal matters relating to children,
38 families, and human services. Beginning January 1, 2010, the secretary

1 shall report annually to the appropriate committees of the legislature
2 on the implementation of the remediation plan, including any measurable
3 progress made in reducing and eliminating racial disproportionality and
4 disparity in the state's child welfare system.

5 **Sec. 61.** RCW 74.13.103 and 1971 ex.s. c 63 s 2 are each amended to
6 read as follows:

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

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

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

15 Such fee scale shall be annually fixed by the secretary after
16 considering the recommendations of the committee designated by the
17 secretary to advise him or her on child welfare and pursuant to the
18 regulations to be issued by the secretary in accordance with the
19 provisions of Title 34 RCW.

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

24 Nothing in this section shall require the payment of a fee to the
25 state of Washington in a case in which an adoption results from
26 independent placement or placement by a (~~licensed child placing~~)
27 supervising agency.

28 **Sec. 62.** RCW 74.13.106 and 1985 c 7 s 134 are each amended to read
29 as follows:

30 All fees paid for adoption services pursuant to RCW 26.33.320 and
31 74.13.100 through 74.13.145 (as recodified by this act) shall be
32 credited to the general fund. Expenses incurred in connection with
33 supporting the adoption of hard to place children shall be paid by
34 warrants drawn against such appropriations as may be available. The
35 secretary may for such purposes, contract with any public agency or

1 ((~~licensed child placing~~)) supervising agency and/or adoptive parent
2 and is authorized to accept funds from other sources including federal,
3 private, and other public funding sources to carry out such purposes.

4 The secretary shall actively seek, where consistent with the
5 policies and programs of the department, and shall make maximum use of,
6 such federal funds as are or may be made available to the department
7 for the purpose of supporting the adoption of hard to place children.
8 The secretary may, if permitted by federal law, deposit federal funds
9 for adoption support, aid to adoptions, or subsidized adoption in the
10 general fund and may use such funds, subject to such limitations as may
11 be imposed by federal or state law, to carry out the program of
12 adoption support authorized by RCW 26.33.320 and 74.13.100 through
13 74.13.145 (as recodified by this act).

14 **Sec. 63.** RCW 74.13.109 and 1990 c 285 s 7 are each amended to read
15 as follows:

16 The secretary shall issue rules and regulations to assist in the
17 administration of the program of adoption support authorized by RCW
18 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act).

19 Disbursements from the appropriations available from the general
20 fund shall be made pursuant to such rules and regulations and pursuant
21 to agreements conforming thereto to be made by the secretary with
22 parents for the purpose of supporting the adoption of children in, or
23 likely to be placed in, foster homes or child caring institutions who
24 are found by the secretary to be difficult to place in adoption because
25 of physical or other reasons; including, but not limited to, physical
26 or mental handicap, emotional disturbance, ethnic background, language,
27 race, color, age, or sibling grouping.

28 Such agreements shall meet the following criteria:

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

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

35 (3) Such agreement shall provide that adoption support shall not
36 continue beyond the time that the adopted child reaches eighteen years
37 of age, becomes emancipated, dies, or otherwise ceases to need

1 support(~~(, provided that)~~). If the secretary ((shall)) finds that
2 continuing dependency of such child after such child reaches eighteen
3 years of age warrants the continuation of support pursuant to RCW
4 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act)
5 the secretary may do so, subject to all the provisions of RCW 26.33.320
6 and 74.13.100 through 74.13.145 (as recodified by this act), including
7 annual review of the amount of such support.

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

12 **Sec. 64.** RCW 74.13.124 and 1985 c 7 s 140 are each amended to read
13 as follows:

14 An agreement for adoption support made (~~pursuant to RCW~~
15 ~~26.32.115~~) before January 1, 1985, or pursuant to RCW 26.33.320 and
16 74.13.100 through 74.13.145 (as recodified by this act), although
17 subject to review and adjustment as provided for herein, shall, as to
18 the standard used by the secretary in making such review or reviews and
19 any such adjustment, constitutes a contract within the meaning of
20 section 10, Article I of the United States Constitution and section 23,
21 Article I of the state Constitution. For that reason once such an
22 agreement has been made any review of and adjustment under such
23 agreement shall as to the standards used by the secretary, be made only
24 subject to the provisions of RCW 26.33.320 and 74.13.100 through
25 74.13.145 (as recodified by this act) and such rules and regulations
26 relating thereto as they exist on the date of the initial determination
27 in connection with such agreement or such more generous standard or
28 parts of such standard as may hereafter be provided for by law or
29 regulation. Once made such an agreement shall constitute a solemn
30 undertaking by the state of Washington with such adoptive parent or
31 parents. The termination of the effective period of RCW 26.33.320 and
32 74.13.100 through 74.13.145 (as recodified by this act) or a decision
33 by the state or federal government to discontinue or reduce general
34 appropriations made available for the purposes to be served by RCW
35 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act),
36 shall not affect the state's specific continuing obligations to support

1 such adoptions, subject to such annual review and adjustment for all
2 such agreements as have theretofore been entered into by the state.

3 The purpose of this section is to assure any such parent that, upon
4 his or her consenting to assume the burdens of adopting a hard to place
5 child, the state will not in future so act by way of general reduction
6 of appropriations for the program authorized by RCW 26.33.320 and
7 74.13.100 through 74.13.145 (as recodified by this act) or ratable
8 reductions, to impair the trust and confidence necessarily reposed by
9 such parent in the state as a condition of such parent taking upon
10 himself or herself the obligations of parenthood of a difficult to
11 place child.

12 Should the secretary and any such adoptive parent differ as to
13 whether any standard or part of a standard adopted by the secretary
14 after the date of an initial agreement, which standard or part is used
15 by the secretary in making any review and adjustment, is more generous
16 than the standard in effect as of the date of the initial determination
17 with respect to such agreement such adoptive parent may invoke his or
18 her rights, including all rights of appeal under the fair hearing
19 provisions, available to him or her under RCW 74.13.127 (as recodified
20 by this act).

21 **Sec. 65.** RCW 74.13.136 and 1985 c 7 s 144 are each amended to read
22 as follows:

23 Any (~~(child-caring)~~) supervising agency or person having a child in
24 foster care or institutional care and wishing to recommend to the
25 secretary support of the adoption of such child as provided for in RCW
26 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act)
27 may do so, and may include in its or his or her recommendation advice
28 as to the appropriate level of support and any other information likely
29 to assist the secretary in carrying out the functions vested in the
30 secretary by RCW 26.33.320 and 74.13.100 through 74.13.145 (as
31 recodified by this act). Such agency may, but is not required to, be
32 retained by the secretary to make the required preplacement study of
33 the prospective adoptive parent or parents.

34 **Sec. 66.** RCW 74.13.165 and 1997 c 272 s 4 are each amended to read
35 as follows:

36 The secretary or the secretary's designee (~~(may)~~) shall purchase

1 services from nonprofit agencies for the purpose of conducting home
2 studies for legally free children who have been awaiting adoption
3 finalization for more than (~~ninety~~) sixty days. The home studies
4 selected to be done under this section shall be for the children who
5 have been legally free and awaiting adoption finalization the longest
6 period of time.

7 This section expires June 30, 2011.

8 **Sec. 67.** RCW 74.13.170 and 1991 c 326 s 2 are each amended to read
9 as follows:

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

16 **Sec. 68.** RCW 74.13.250 and 1990 c 284 s 2 are each amended to read
17 as follows:

18 (1) Preservice training is recognized as a valuable tool to reduce
19 placement disruptions, the length of time children are in care, and
20 foster parent turnover rates. Preservice training also assists
21 potential foster parents in making their final decisions about foster
22 parenting and assists social service agencies in obtaining information
23 about whether to approve potential foster parents.

24 (2) Foster parent preservice training shall include information
25 about the potential impact of placement on foster children; social
26 service agency administrative processes; the requirements,
27 responsibilities, expectations, and skills needed to be a foster
28 parent; attachment, separation, and loss issues faced by birth parents,
29 foster children, and foster parents; child management and discipline;
30 birth family relationships; and helping children leave foster care.
31 Preservice training shall assist applicants in making informed
32 decisions about whether they want to be foster parents. Preservice
33 training shall be designed to enable the agency to assess the ability,
34 readiness, and appropriateness of families to be foster parents. As a
35 decision tool, effective preservice training provides potential foster
36 parents with enough information to make an appropriate decision,

1 affords potential foster parents an opportunity to discuss their
2 decision with others and consider its implications for their family,
3 clarifies foster family expectations, presents a realistic picture of
4 what foster parenting involves, and allows potential foster parents to
5 consider and explore the different types of children they might serve.

6 (3) Foster parents shall complete preservice training (~~shall be~~
7 ~~completed prior to~~) before the issuance of a foster care license,
8 except that the department may, on a case by case basis, issue a
9 written waiver that allows the foster parent to complete the training
10 after licensure, so long as the training is completed within ninety
11 days following licensure.

12 **Sec. 69.** RCW 74.13.280 and 2007 c 409 s 6 and 2007 c 220 s 4 are
13 each reenacted and amended to read as follows:

14 (1) Except as provided in RCW 70.24.105, whenever a child is placed
15 in out-of-home care by the department or a (~~child placing~~)
16 supervising agency, the department or agency shall share information
17 known to the department or agency about the child and the child's
18 family with the care provider and shall consult with the care provider
19 regarding the child's case plan. If the child is dependent pursuant to
20 a proceeding under chapter 13.34 RCW, the (~~department or~~) supervising
21 agency shall keep the care provider informed regarding the dates and
22 location of dependency review and permanency planning hearings
23 pertaining to the child.

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

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

31 (a) Has received a medical diagnosis of fetal alcohol syndrome or
32 fetal alcohol effect;

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

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

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

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

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

14 (6) As used in this section:

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

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

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

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

23 (iii) Fire-setting or a developmentally inappropriate fascination
24 with fire;

25 (iv) Animal torture;

26 (v) Property destruction; or

27 (vi) Substance or alcohol abuse.

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

31 (i) Observed assaultive behavior;

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

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

1 **Sec. 70.** RCW 74.13.283 and 2008 c 267 s 7 are each amended to read
2 as follows:

3 (1) For the purpose of assisting foster youth in obtaining a
4 Washington state identicard, submission of the information and
5 materials listed in this subsection from the department or supervising
6 agency to the department of licensing is sufficient proof of identity
7 and residency and shall serve as the necessary authorization for the
8 youth to apply for and obtain a Washington state identicard:

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (4) To the extent other identifying information is readily
36 available, the department or supervising agency shall include the
37 additional information with the submission of information required
38 under subsection (1) of this section.

1 **Sec. 71.** RCW 74.13.285 and 2007 c 409 s 7 are each amended to read
2 as follows:

3 (1) Within available resources, the ~~((department))~~ supervising
4 agency shall prepare a passport containing all known and available
5 information concerning the mental, physical, health, and educational
6 status of the child for any child who has been in a foster home for
7 ninety consecutive days or more. The passport shall contain education
8 records obtained pursuant to RCW 28A.150.510. The passport shall be
9 provided to a foster parent at any placement of a child covered by this
10 section. The ~~((department))~~ supervising agency shall update the
11 passport during the regularly scheduled court reviews required under
12 chapter 13.34 RCW.

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

18 (2) In addition to the requirements of subsection (1) of this
19 section, the ~~((department))~~ supervising agency shall, within available
20 resources, notify a foster parent before placement of a child of any
21 known health conditions that pose a serious threat to the child and any
22 known behavioral history that presents a serious risk of harm to the
23 child or others.

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

27 (4) Any foster parent who receives information about a child or a
28 child's family pursuant to this section shall keep the information
29 confidential and shall not further disclose or disseminate the
30 information, except as authorized by law. Such individuals shall agree
31 in writing to keep the information that they receive confidential and
32 shall affirm that the information will not be further disclosed or
33 disseminated, except as authorized by law.

34 **Sec. 72.** RCW 74.13.288 and 2004 c 40 s 2 are each amended to read
35 as follows:

36 ~~((1))~~ The department of health shall develop recommendations
37 concerning evidence-based practices for testing for blood-borne

1 pathogens of children under one year of age who have been placed in
2 out-of-home care and shall identify the specific pathogens for which
3 testing is recommended.

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

7 **Sec. 73.** RCW 74.13.289 and 2004 c 40 s 3 are each amended to read
8 as follows:

9 (1) Upon any placement, the ~~((department of social and health
10 services))~~ supervising agency shall inform each out-of-home care
11 provider if the child to be placed in that provider's care is infected
12 with a blood-borne pathogen, and shall identify the specific blood-
13 borne pathogen for which the child was tested if known by the
14 ~~((department))~~ supervising agency.

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

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

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

23 **Sec. 74.** RCW 74.13.300 and 1990 c 284 s 12 are each amended to
24 read as follows:

25 (1) Whenever a child has been placed in a foster family home by the
26 ~~((department or a child placing))~~ supervising agency and the child has
27 thereafter resided in the home for at least ninety consecutive days,
28 the ~~((department or child placing))~~ supervising agency shall notify the
29 foster family at least five days prior to moving the child to another
30 placement, unless:

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

33 (b) The child is being returned home;

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

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

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

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

12 **Sec. 75.** RCW 74.13.310 and 1990 c 284 s 13 are each amended to
13 read as follows:

14 Adequate foster parent training has been identified as directly
15 associated with increasing the length of time foster parents are
16 willing to provide foster care and reducing the number of placement
17 disruptions for children. Placement disruptions can be harmful to
18 children by denying them consistent and nurturing support. Foster
19 parents have expressed the desire to receive training in addition to
20 the foster parent (~~SCOPE~~) training currently offered. Foster parents
21 who care for more demanding children, such as children with severe
22 emotional, mental, or physical handicaps, would especially benefit from
23 additional training. The department and supervising agency shall
24 develop additional training for foster parents that focuses on skills
25 to assist foster parents in caring for emotionally, mentally, or
26 physically handicapped children.

27 **Sec. 76.** RCW 74.13.315 and 1997 c 272 s 6 are each amended to read
28 as follows:

29 The department or supervising agency may provide child care for all
30 foster parents who are required to attend department-sponsored or
31 supervising agency-sponsored meetings or training sessions. If the
32 department or supervising agency does not provide such child care, the
33 department or supervising agency, where feasible, shall conduct the
34 activities covered by this section in the foster parent's home or other
35 location acceptable to the foster parent.

1 **Sec. 77.** RCW 74.13.320 and 1990 c 284 s 15 are each amended to
2 read as follows:

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

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

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

20 ~~The agencies shall recruit foster care homes and adoptive homes for
21 children classified as special needs children under chapter 74.08 RCW.
22 The agencies shall utilize their own network of contacts and shall also
23 develop programs similar to those used effectively in other states.
24 The department shall expand the foster adopt program statewide to
25 encourage stable placements for foster children for whom permanent out-
26 of-home placement is a likelihood. The department shall carefully
27 consider existing programs to eliminate duplication of services.))~~

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

33 **Sec. 78.** RCW 74.13.325 and 1997 c 272 s 3 are each amended to read
34 as follows:

35 Within available resources, the department and supervising agencies
36 shall increase the number of adoptive and foster families available to
37 accept children through an intensive recruitment and retention program.

1 The department shall ~~((contract with a private agency to))~~ enter into
2 performance-based contracts with supervising agencies, under which the
3 agencies will coordinate all foster care and adoptive home recruitment
4 activities ~~((for the department and private agencies))~~.

5 **Sec. 79.** RCW 74.13.333 and 2004 c 181 s 1 are each amended to read
6 as follows:

7 A foster parent who believes that a department or supervising
8 agency employee has retaliated against the foster parent or in any
9 other manner discriminated against the foster parent because:

10 (1) The foster parent made a complaint with the office of the
11 family and children's ombudsman, the attorney general, law enforcement
12 agencies, ~~((or))~~ the department, or the supervising agency, provided
13 information, or otherwise cooperated with the investigation of such a
14 complaint;

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

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

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

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

23 (6) The foster parent has discussed or consulted with anyone
24 concerning the foster parent's rights under this chapter or chapter
25 74.15 or 13.34 RCW,
26 may file a complaint with the office of the family and children's
27 ombudsman. The office of the family and children's ombudsman shall
28 include its recommendations regarding complaints filed under this
29 section in its annual report pursuant to RCW 43.06A.030. The office of
30 the family and children's ombudsman shall identify trends which may
31 indicate a need to improve relations between the department or
32 supervising agency and foster parents.

33 **Sec. 80.** RCW 74.13.334 and 2004 c 181 s 2 are each amended to read
34 as follows:

35 The department and supervising agency shall develop procedures for

1 responding to recommendations of the office of the family and
2 children's ombudsman as a result of any and all complaints filed by
3 foster parents under RCW 74.13.333.

4 **Sec. 81.** RCW 74.13.500 and 2005 c 274 s 351 are each amended to
5 read as follows:

6 (1) Consistent with the provisions of chapter 42.56 RCW and
7 applicable federal law, the secretary, or the secretary's designee,
8 shall disclose information regarding the abuse or neglect of a child,
9 the investigation of the abuse, neglect, or near fatality of a child,
10 and any services related to the abuse or neglect of a child if any one
11 of the following factors is present:

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

15 (b) The investigation of the abuse or neglect of the child by the
16 department or the provision of services by the department or a
17 supervising agency has been publicly disclosed in a report required to
18 be disclosed in the course of their official duties, by a law
19 enforcement agency or official, a prosecuting attorney, any other state
20 or local investigative agency or official, or by a judge of the
21 superior court;

22 (c) There has been a prior knowing, voluntary public disclosure by
23 an individual concerning a report of child abuse or neglect in which
24 such individual is named as the subject of the report; or

25 (d) The child named in the report has died and the child's death
26 resulted from abuse or neglect or the child was in the care of, or
27 receiving services from the department or a supervising agency at the
28 time of death or within twelve months before death.

29 (2) The secretary is not required to disclose information if the
30 factors in subsection (1) of this section are present if he or she
31 specifically determines the disclosure is contrary to the best
32 interests of the child, the child's siblings, or other children in the
33 household.

34 (3) Except for cases in subsection (1)(d) of this section, requests
35 for information under this section shall specifically identify the case
36 about which information is sought and the facts that support a

1 determination that one of the factors specified in subsection (1) of
2 this section is present.

3 (4) For the purposes of this section, "near fatality" means an act
4 that, as certified by a physician, places the child in serious or
5 critical condition. The secretary is under no obligation to have an
6 act certified by a physician in order to comply with this section.

7 **Sec. 82.** RCW 74.13.515 and 2005 c 274 s 352 are each amended to
8 read as follows:

9 For purposes of RCW 74.13.500(1)(d), the secretary must make the
10 fullest possible disclosure consistent with chapter 42.56 RCW and
11 applicable federal law in cases of all fatalities of children who were
12 in the care of, or receiving services from, the department or a
13 supervising agency at the time of their death or within the twelve
14 months previous to their death.

15 If the secretary specifically determines that disclosure of the
16 name of the deceased child is contrary to the best interests of the
17 child's siblings or other children in the household, the secretary may
18 remove personally identifying information.

19 For the purposes of this section, "personally identifying
20 information" means the name, street address, social security number,
21 and day of birth of the child who died and of private persons who are
22 relatives of the child named in child welfare records. "Personally
23 identifying information" shall not include the month or year of birth
24 of the child who has died. Once this personally identifying
25 information is removed, the remainder of the records pertaining to a
26 child who has died must be released regardless of whether the remaining
27 facts in the records are embarrassing to the unidentifiable other
28 private parties or to identifiable public workers who handled the case.

29 **Sec. 83.** RCW 74.13.525 and 2005 c 274 s 353 are each amended to
30 read as follows:

31 The department or supervising agency, when acting in good faith, is
32 immune from any criminal or civil liability, except as provided under
33 RCW 42.56.550, for any action taken under RCW 74.13.500 through
34 74.13.520.

1 **Sec. 84.** RCW 74.13.530 and 2001 c 318 s 4 are each amended to read
2 as follows:

3 (1) No child may be placed or remain in a specific out-of-home
4 placement under this chapter or chapter 13.34 RCW when there is a
5 conflict of interest on the part of any adult residing in the home in
6 which the child is to be or has been placed. A conflict of interest
7 exists when:

8 (a) There is an adult in the home who, as a result of: (i) His or
9 her employment; and (ii) an allegation of abuse or neglect of the
10 child, conducts or has conducted an investigation of the allegation; or

11 (b) The child has been, is, or is likely to be a witness in any
12 pending cause of action against any adult in the home when the cause
13 includes: (i) An allegation of abuse or neglect against the child or
14 any sibling of the child; or (ii) a claim of damages resulting from
15 wrongful interference with the parent-child relationship of the child
16 and his or her biological or adoptive parent.

17 (2) For purposes of this section, "investigation" means the
18 exercise of professional judgment in the review of allegations of abuse
19 or neglect by: (a) Law enforcement personnel; (b) persons employed by,
20 or under contract with, the state; (c) persons licensed to practice law
21 and their employees; and (d) mental health professionals as defined in
22 chapter 71.05 RCW.

23 (3) The prohibition set forth in subsection (1) of this section may
24 not be waived or deferred by the department or a supervising agency
25 under any circumstance or at the request of any person, regardless of
26 who has made the request or the length of time of the requested
27 placement.

28 **Sec. 85.** RCW 74.13.560 and 2003 c 112 s 3 are each amended to read
29 as follows:

30 The administrative regions of the department and the supervising
31 agencies shall develop protocols with the respective school districts
32 in their regions specifying specific strategies for communication,
33 coordination, and collaboration regarding the status and progress of
34 foster children placed in the region, in order to maximize the
35 educational continuity and achievement for foster children. The
36 protocols shall include methods to assure effective sharing of
37 information consistent with RCW 28A.225.330.

1 **Sec. 86.** RCW 74.13.590 and 2003 c 112 s 6 are each amended to read
2 as follows:

3 The department and supervising agencies shall perform the tasks
4 provided in RCW 74.13.550 through 74.13.580 based on available
5 resources.

6 **Sec. 87.** RCW 74.13.600 and 2003 c 284 s 1 are each amended to read
7 as follows:

8 (1) For the purposes of this section, "kin" means persons eighteen
9 years of age or older to whom the child is related by blood, adoption,
10 or marriage, including marriages that have been dissolved, and means:
11 (a) Any person denoted by the prefix "grand" or "great"; (b) sibling,
12 whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or
13 (e) first cousin.

14 (2) The department and supervising agencies shall plan, design, and
15 implement strategies to prioritize the placement of children with
16 willing and able kin when out-of-home placement is required.

17 These strategies must include at least the following:

18 (a) Development of standardized, statewide procedures to be used by
19 supervising agencies when searching for kin of children prior to out-
20 of-home placement. The procedures must include a requirement that
21 documentation be maintained in the child's case record that identifies
22 kin, and documentation that identifies the assessment criteria and
23 procedures that were followed during all kin searches. The procedures
24 must be used when a child is placed in out-of-home care under authority
25 of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or
26 when a child is placed under a voluntary placement agreement. To
27 assist with implementation of the procedures, the ((department))
28 supervising agencies shall request that the juvenile court require
29 parents to disclose to the ((department)) agencies all contact
30 information for available and appropriate kin within two weeks of an
31 entered order. For placements under signed voluntary agreements, the
32 department and supervising agencies shall encourage the parents to
33 disclose to the department and agencies all contact information for
34 available and appropriate kin within two weeks of the date the parent
35 signs the voluntary placement agreement.

36 (b) Development of procedures for conducting active outreach

1 efforts to identify and locate kin during all searches. The procedures
2 must include at least the following elements:

3 (i) Reasonable efforts to interview known kin, friends, teachers,
4 and other identified community members who may have knowledge of the
5 child's kin, within sixty days of the child entering out-of-home care;

6 (ii) Increased use of those procedures determined by research to be
7 the most effective methods of promoting reunification efforts,
8 permanency planning, and placement decisions;

9 (iii) Contacts with kin identified through outreach efforts and
10 interviews under this subsection as part of permanency planning
11 activities and change of placement discussions;

12 (iv) Establishment of a process for ongoing contact with kin who
13 express interest in being considered as a placement resource for the
14 child; and

15 (v) A requirement that when the decision is made to not place the
16 child with any kin, the department or supervising agency provides
17 documentation as part of the child's individual service and safety plan
18 that clearly identifies the rationale for the decision and corrective
19 action or actions the kin must take to be considered as a viable
20 placement option.

21 (3) Nothing in this section shall be construed to create an
22 entitlement to services or to create judicial authority to order the
23 provision of services to any person or family if the services are
24 unavailable or unsuitable or the child or family is not eligible for
25 such services.

26 **Sec. 88.** RCW 74.13.640 and 2008 c 211 s 1 are each amended to read
27 as follows:

28 (1) The department (~~(of social and health services)~~) shall conduct
29 a child fatality review in the event of an unexpected death of a minor
30 in the state who is in the care of or receiving services described in
31 chapter 74.13 RCW from the department or a supervising agency or who
32 has been in the care of or received services described in chapter 74.13
33 RCW from the department or a supervising agency within one year
34 preceding the minor's death.

35 (2) Upon conclusion of a child fatality review required pursuant to
36 subsection (1) of this section, the department shall within one hundred
37 eighty days following the fatality issue a report on the results of the

1 review, unless an extension has been granted by the governor. Reports
2 shall be distributed to the appropriate committees of the legislature,
3 and the department shall create a public web site where all child
4 fatality review reports required under this section shall be posted and
5 maintained.

6 (3) The department shall develop and implement procedures to carry
7 out the requirements of subsections (1) and (2) of this section.

8 (4) In the event a child fatality is the result of apparent abuse
9 or neglect by the child's parent or caregiver, the department shall
10 ensure that the fatality review team is comprised of individuals who
11 had no previous involvement in the case and whose professional
12 expertise is pertinent to the dynamics of the case.

13 (5) In the event of a near-fatality of a child who is in the care
14 of or receiving services described in this chapter from the department
15 or who has been in the care of or received services described in this
16 chapter from the department within one year preceding the
17 near-fatality, the department shall promptly notify the office of the
18 family and children's ombudsman.

19 **Sec. 89.** RCW 74.13.650 and 2007 c 220 s 7 are each amended to read
20 as follows:

21 A foster parent critical support and retention program is
22 established to retain foster parents who care for sexually reactive
23 children, physically assaultive children, or children with other high-
24 risk behaviors, as defined in RCW 74.13.280. Services shall consist of
25 short-term therapeutic and educational interventions to support the
26 stability of the placement. ~~The ((foster parent critical support and
27 retention program is to be implemented under the division of children
28 and family services' contract and supervision. A contractor must
29 demonstrate experience providing in-home case management, as well as
30 experience working with caregivers of children with significant
31 behavioral issues that pose a threat to others or themselves or the
32 stability of the placement))~~ department shall enter into performance-
33 based contracts with supervising agencies to provide this program.

34 **Sec. 90.** RCW 74.13.670 and 2007 c 220 s 5 are each amended to read
35 as follows:

36 (1) A care provider may not be found to have abused or neglected a

1 child under chapter 26.44 RCW or be denied a license pursuant to
2 chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to
3 supervise ((wherein)) in which:

4 (a) The allegations arise from the child's conduct that is
5 substantially similar to prior behavior of the child, and:

6 (i) The child is a sexually reactive youth, exhibits high-risk
7 behaviors, or is physically assaultive or physically aggressive as
8 defined in RCW 74.13.280, and this information and the child's prior
9 behavior was not disclosed to the care provider as required by RCW
10 74.13.280; and

11 (ii) The care provider did not know or have reason to know that the
12 child needed supervision as a sexually reactive or physically
13 assaultive or physically aggressive youth, or because of a documented
14 history of high-risk behaviors, as a result of the care provider's
15 involvement with or independent knowledge of the child or training and
16 experience; or

17 (b) The child was not within the reasonable control of the care
18 provider at the time of the incident that is the subject of the
19 allegation, and the care provider was acting in good faith and did not
20 know or have reason to know that reasonable control or supervision of
21 the child was necessary to prevent harm or risk of harm to the child or
22 other persons.

23 (2) Allegations of child abuse or neglect that meet the provisions
24 of this section shall be designated as "unfounded" as defined in RCW
25 26.44.020.

26 NEW SECTION. **Sec. 91.** RCW 74.13.085, 74.13.0902, 74.13.095, and
27 74.15.031 are each recodified as new sections in chapter 43.215 RCW.

28 NEW SECTION. **Sec. 92.** RCW 74.13.100, 74.13.103, 74.13.106,
29 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121,
30 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139,
31 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155,
32 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170
33 are each recodified as a new chapter in Title 74 RCW.

34 NEW SECTION. **Sec. 93.** Section 60 of this act expires June 30,
35 2014.

1 NEW SECTION. **Sec. 94.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 13.34.803 (Drug-affected and alcohol-affected infants--
4 Comprehensive plan--Report) and 1998 c 314 s 40;

5 (2) RCW 13.34.805 (Drug-affected infants--Study) and 1998 c 314 s
6 31;

7 (3) RCW 13.34.8051 (Drug-affected infants--Study--Alcohol-affected
8 infants to be included) and 1998 c 314 s 32;

9 (4) RCW 13.34.810 (Implementation of chapter 314, Laws of 1998) and
10 1998 c 314 s 48;

11 (5) RCW 26.44.230 (Abuse of adolescents--Reviews and reports) and
12 2005 c 345 s 2;

13 (6) RCW 74.13.200 (Demonstration project for protection, care, and
14 treatment of children at-risk of abuse or neglect) and 1979 ex.s. c 248
15 s 1;

16 (7) RCW 74.13.210 (Project day care center--Definition) and 1979
17 ex.s. c 248 s 2;

18 (8) RCW 74.13.220 (Project services) and 1979 ex.s. c 248 s 3;

19 (9) RCW 74.13.230 (Project shall utilize community services) and
20 1979 ex.s. c 248 s 4;

21 (10) RCW 74.13.340 (Foster parent liaison) and 1997 c 272 s 2;

22 (11) RCW 74.13.630 (Family decision meetings) and 2004 c 182 s 2;
23 and

24 (12) RCW 74.13.800 (Intensive resource home pilot) and 2008 c 281
25 s 2.

26 NEW SECTION. **Sec. 95.** (1) Except for sections 3 through 6 of this
27 act, this act takes effect July 1, 2011.

28 (2) Sections 3 through 5 of this act take effect July 1, 2010.

29 (3) Section 6 of this act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and takes effect
32 immediately.

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