
SECOND SUBSTITUTE HOUSE BILL 1581

State of Washington

62nd Legislature

2011 Regular Session

By House Ways & Means (originally sponsored by Representatives Walsh, Roberts, Kagi, Dickerson, and Kenney)

READ FIRST TIME 02/25/11.

1 AN ACT Relating to shared parenting and out-of-home placement
2 program; adding a new chapter to Title 71A RCW; and repealing RCW
3 74.13.350.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that parents are
6 responsible for the care and support of their children with
7 developmental disabilities. The legislature also recognizes that, in
8 some cases, the intense support required to care for a child with
9 developmental disabilities may cause undue caregiver stress and
10 burnout, causing the family to request an out-of-home placement.

11 It is the intent of the legislature that, when the sole reason for
12 the out-of-home placement is the child's developmental disability, such
13 services be offered by the department to these children and their
14 families through a shared parenting placement agreement, under which
15 the parents retain legal custody of the child.

16 The legislature intends that out-of-home services assisting
17 children with disabilities and their families should be available in
18 the most integrated setting appropriate to individual needs, consistent

1 with the mandate of the Americans with disabilities act and the
2 regulations adopted thereto, as interpreted by the United States
3 supreme court in *Olmstead v. L.C.*, 527 U.S. 581 (1999).

4 It is the intent of the legislature that if a child with
5 developmental disabilities is placed out of his or her family home, the
6 placement be accomplished through the use of a shared parenting
7 placement agreement, unless the child is in foster care under chapter
8 13.34 or 26.44 RCW.

9 NEW SECTION. **Sec. 2.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires otherwise.

11 (1) "Child" means a person age twenty-one years or younger who has
12 intellectual or developmental disabilities and is eligible for services
13 under Title 71A RCW.

14 (2) "Department" means the department of social and health
15 services.

16 (3) "Developmental disability assessment" means an annual
17 assessment administered to clients of the department who are eligible
18 and receiving services under Title 71A RCW.

19 (4) "Out-of-home placement" and "out-of-home care" means the
20 placement of a child in a foster family home or group care facility
21 licensed under chapter 74.15 RCW, a certified resident program under
22 Title 71A RCW, or a residential habilitation center.

23 (5) "Shared parenting placement agreement" means a written
24 agreement between a child's parent or legal guardian and the department
25 authorizing the department to place the child in a licensed or
26 certified facility or program.

27 NEW SECTION. **Sec. 3.** (1) The department may undertake a shared
28 parenting placement agreement in cases where the child's developmental
29 disability is such that the parent, guardian, or legal custodian is
30 unable to provide the necessary care for the child, and the parent,
31 guardian, or legal custodian has determined that the child would
32 benefit from placement outside of the home. Under the terms of a
33 shared parenting placement agreement, the parent or legal guardian
34 retains legal custody of the child. The parent or legal guardian shall
35 share parenting responsibilities as outlined in the shared parenting
36 placement agreement.

1 (2) The shared parenting placement agreement must, at a minimum,
2 specify the legal status of the child, the rights and obligations of
3 the parent or legal guardian, and the rights and obligations of the
4 department while the child is in placement.

5 (3) The agreement must be signed by the child's parent or legal
6 guardian and the department in order to take effect. Any party to a
7 shared parenting placement agreement may terminate the agreement at any
8 time.

9 NEW SECTION. **Sec. 4.** (1) Subject to the availability of amounts
10 appropriated for this specific purpose, out-of-home placements may be
11 accomplished through the use of a shared parenting placement agreement
12 that describes the out-of-home residential services that provide for
13 the child's health and safety.

14 (2) If, during the time that a shared parenting placement agreement
15 is in place, a child is transferred from a least restrictive
16 environment to a more restrictive environment, a planning team, within
17 ten days of placement, shall develop a transition plan to a less
18 restrictive environment that meets the needs of the child.

19 (3) Before the placement is made the department shall notify the
20 local school district that the child is being placed within its
21 jurisdiction.

22 NEW SECTION. **Sec. 5.** The department shall adopt rules necessary
23 to implement this chapter.

24 NEW SECTION. **Sec. 6.** RCW 74.13.350 (Children with developmental
25 disabilities--Out-of-home placement--Voluntary placement agreement) and
26 2004 c 183 s 4, 1998 c 229 s 1, & 1997 c 386 s 16 are each repealed.

27 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute
28 a new chapter in Title 71A RCW.

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