
ENGROSSED SUBSTITUTE HOUSE BILL 1774

State of Washington

62nd Legislature

2011 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Goodman, Pettigrew, Orwall, Kenney, Roberts, Kagi, and Moscoso)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to recognizing adopted siblings and adoptive
2 parents as relatives; and amending RCW 13.34.130.

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

4 **Sec. 1.** RCW 13.34.130 and 2010 c 288 s 1 are each amended to read
5 as follows:

6 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
7 been proven by a preponderance of the evidence that the child is
8 dependent within the meaning of RCW 13.34.030 after consideration of
9 the social study prepared pursuant to RCW 13.34.110 and after a
10 disposition hearing has been held pursuant to RCW 13.34.110, the court
11 shall enter an order of disposition pursuant to this section.

12 (1) The court shall order one of the following dispositions of the
13 case:

14 (a) Order a disposition other than removal of the child from his or
15 her home, which shall provide a program designed to alleviate the
16 immediate danger to the child, to mitigate or cure any damage the child
17 has already suffered, and to aid the parents so that the child will not
18 be endangered in the future. In determining the disposition, the court

1 should choose services to assist the parents in maintaining the child
2 in the home, including housing assistance, if appropriate, that least
3 interfere with family autonomy and are adequate to protect the child.

4 (b)(i) Order the child to be removed from his or her home and into
5 the custody, control, and care of a relative or other suitable person,
6 the department, or a supervising agency for supervision of the child's
7 placement. The court may not order an Indian child, as defined in 25
8 U.S.C. Sec. 1903, to be removed from his or her home unless the court
9 finds, by clear and convincing evidence including testimony of
10 qualified expert witnesses, that the continued custody of the child by
11 the parent or Indian custodian is likely to result in serious emotional
12 or physical damage to the child.

13 (ii) The department or supervising agency has the authority to
14 place the child, subject to review and approval by the court (A) with
15 a relative as defined in RCW 74.15.020(2)(a), (B) in the home of
16 another suitable person if the child or family has a preexisting
17 relationship with that person, a blood sibling or half sibling of the
18 child is placed with that person, or the person has adopted a blood
19 sibling or half sibling of the child, and the person has completed all
20 required criminal history background checks and otherwise appears to
21 the department or supervising agency to be suitable and competent to
22 provide care for the child, or (C) in a foster family home or group
23 care facility licensed pursuant to chapter 74.15 RCW. Absent good
24 cause, the department or supervising agency shall follow the wishes of
25 the natural parent regarding the placement of the child in accordance
26 with RCW 13.34.260. The department or supervising agency may only
27 place a child with a person not related to the child as defined in RCW
28 74.15.020(2)(a) when the court finds that such placement is in the best
29 interest of the child. Unless there is reasonable cause to believe
30 that the health, safety, or welfare of the child would be jeopardized
31 or that efforts to reunite the parent and child will be hindered, the
32 child shall be placed with a person who is willing, appropriate, and
33 available to care for the child, and who is: (I) Related to the child
34 as defined in RCW 74.15.020(2)(a) with whom the child has a
35 relationship and is comfortable; or (II) a suitable person as described
36 in this subsection (1)(b). The court shall consider the child's
37 existing relationships and attachments when determining placement.

1 (2) When placing an Indian child in out-of-home care, the
2 department or supervising agency shall follow the placement preference
3 characteristics in RCW 13.34.250 and in 25 U.S.C. Sec. 1915.

4 (3) Placement of the child with a relative or other suitable person
5 as described in subsection (1)(b) of this section shall be given
6 preference by the court. An order for out-of-home placement may be
7 made only if the court finds that reasonable efforts have been made to
8 prevent or eliminate the need for removal of the child from the child's
9 home and to make it possible for the child to return home, specifying
10 the services, including housing assistance, that have been provided to
11 the child and the child's parent, guardian, or legal custodian, and
12 that preventive services have been offered or provided and have failed
13 to prevent the need for out-of-home placement, unless the health,
14 safety, and welfare of the child cannot be protected adequately in the
15 home, and that:

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

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

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

24 (4) If the court has ordered a child removed from his or her home
25 pursuant to subsection (1)(b) of this section, the court shall consider
26 whether it is in a child's best interest to be placed with, have
27 contact with, or have visits with siblings.

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

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

34 (ii) There is no reasonable cause to believe that the health,
35 safety, or welfare of any child subject to the order of placement,
36 contact, or visitation would be jeopardized or that efforts to reunite
37 the parent and child would be hindered by such placement, contact, or

1 visitation. In no event shall parental visitation time be reduced in
2 order to provide sibling visitation.

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

7 (5) If the court has ordered a child removed from his or her home
8 pursuant to subsection (1)(b) of this section and placed into
9 nonparental or nonrelative care, the court shall order a placement that
10 allows the child to remain in the same school he or she attended prior
11 to the initiation of the dependency proceeding when such a placement is
12 practical and in the child's best interest.

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

17 (7) If there is insufficient information at the time of the
18 disposition hearing upon which to base a determination regarding the
19 suitability of a proposed placement with a relative or other suitable
20 person, the child shall remain in foster care and the court shall
21 direct the department or supervising agency to conduct necessary
22 background investigations as provided in chapter 74.15 RCW and report
23 the results of such investigation to the court within thirty days.
24 However, if such relative or other person appears otherwise suitable
25 and competent to provide care and treatment, the criminal history
26 background check need not be completed before placement, but as soon as
27 possible after placement. Any placements with relatives or other
28 suitable persons, pursuant to this section, shall be contingent upon
29 cooperation by the relative or other suitable person with the agency
30 case plan and compliance with court orders related to the care and
31 supervision of the child including, but not limited to, court orders
32 regarding parent-child contacts, sibling contacts, and any other
33 conditions imposed by the court. Noncompliance with the case plan or
34 court order shall be grounds for removal of the child from the
35 relative's or other suitable person's home, subject to review by the
36 court.

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