
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 74.15.020 and 13.34.130.

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

4 **Sec. 1.** RCW 74.15.020 and 2009 c 520 s 13 are each amended to read
5 as follows:

6 For the purpose of this chapter and RCW 74.13.031, and unless
7 otherwise clearly indicated by the context thereof, the following terms
8 shall mean:

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

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

3 (b) "Community facility" means a group care facility operated for
4 the care of juveniles committed to the department under RCW 13.40.185.
5 A county detention facility that houses juveniles committed to the
6 department under RCW 13.40.185 pursuant to a contract with the
7 department is not a community facility;

8 (c) "Crisis residential center" means an agency which is a
9 temporary protective residential facility operated to perform the
10 duties specified in chapter 13.32A RCW, in the manner provided in RCW
11 74.13.032 through 74.13.036;

12 (d) "Emergency respite center" is an agency that may be commonly
13 known as a crisis nursery, that provides emergency and crisis care for
14 up to seventy-two hours to children who have been admitted by their
15 parents or guardians to prevent abuse or neglect. Emergency respite
16 centers may operate for up to twenty-four hours a day, and for up to
17 seven days a week. Emergency respite centers may provide care for
18 children ages birth through seventeen, and for persons eighteen through
19 twenty with developmental disabilities who are admitted with a sibling
20 or siblings through age seventeen. Emergency respite centers may not
21 substitute for crisis residential centers or HOPE centers, or any other
22 services defined under this section, and may not substitute for
23 services which are required under chapter 13.32A or 13.34 RCW;

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

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

33 (g) "HOPE center" means an agency licensed by the secretary to
34 provide temporary residential placement and other services to street
35 youth. A street youth may remain in a HOPE center for thirty days
36 while services are arranged and permanent placement is coordinated. No
37 street youth may stay longer than thirty days unless approved by the
38 department and any additional days approved by the department must be

1 based on the unavailability of a long-term placement option. A street
2 youth whose parent wants him or her returned to home may remain in a
3 HOPE center until his or her parent arranges return of the youth, not
4 longer. All other street youth must have court approval under chapter
5 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

6 (h) "Maternity service" means an agency which provides or arranges
7 for care or services to expectant mothers, before or during
8 confinement, or which provides care as needed to mothers and their
9 infants after confinement;

10 (i) "Responsible living skills program" means an agency licensed by
11 the secretary that provides residential and transitional living
12 services to persons ages sixteen to eighteen who are dependent under
13 chapter 13.34 RCW and who have been unable to live in his or her
14 legally authorized residence and, as a result, the minor lived outdoors
15 or in another unsafe location not intended for occupancy by the minor.
16 Dependent minors ages fourteen and fifteen may be eligible if no other
17 placement alternative is available and the department approves the
18 placement;

19 (j) "Service provider" means the entity that operates a community
20 facility.

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

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

24 (i) Any blood relative, including those of half-blood, and
25 including first cousins, second cousins, nephews or nieces, and persons
26 of preceding generations as denoted by prefixes of grand, great, or
27 great-great;

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

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

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

35 (v) Any adopted siblings or half siblings;

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

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

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

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

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

18 (e) A person, partnership, corporation, or other entity that
19 provides placement or similar services to international children who
20 have entered the country by obtaining visas that meet the criteria for
21 medical care as established by the United States citizenship and
22 immigration services, or persons who have the care of such an
23 international child in their home;

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

28 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
29 performing functions defined in chapter 70.41 RCW, nursing homes
30 licensed under chapter 18.51 RCW and boarding homes licensed under
31 chapter 18.20 RCW;

32 (h) Licensed physicians or lawyers;

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

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

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

6 (l) An agency operated by any unit of local, state, or federal
7 government or an agency licensed by an Indian tribe pursuant to RCW
8 74.15.190;

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

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

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

16 (4) "Juvenile" means a person under the age of twenty-one who has
17 been sentenced to a term of confinement under the supervision of the
18 department under RCW 13.40.185.

19 (5) "Performance-based contracts" or "contracting" means the
20 structuring of all aspects of the procurement of services around the
21 purpose of the work to be performed and the desired results with the
22 contract requirements set forth in clear, specific, and objective terms
23 with measurable outcomes. Contracts may also include provisions that
24 link the performance of the contractor to the level and timing of the
25 reimbursement.

26 (6) "Probationary license" means a license issued as a disciplinary
27 measure to an agency that has previously been issued a full license but
28 is out of compliance with licensing standards.

29 (7) "Requirement" means any rule, regulation, or standard of care
30 to be maintained by an agency.

31 (8) "Secretary" means the secretary of social and health services.

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

36 (10) "Supervising agency" means an agency licensed by the state
37 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has

1 entered into a performance-based contract with the department to
2 provide child welfare services.

3 (11) "Transitional living services" means at a minimum, to the
4 extent funds are available, the following:

5 (a) Educational services, including basic literacy and
6 computational skills training, either in local alternative or public
7 high schools or in a high school equivalency program that leads to
8 obtaining a high school equivalency degree;

9 (b) Assistance and counseling related to obtaining vocational
10 training or higher education, job readiness, job search assistance, and
11 placement programs;

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

15 (d) Individual and group counseling; and

16 (e) Establishing networks with federal agencies and state and local
17 organizations such as the United States department of labor, employment
18 and training administration programs including the workforce investment
19 act which administers private industry councils and the job corps;
20 vocational rehabilitation; and volunteer programs.

21 **Sec. 2.** RCW 13.34.130 and 2010 c 288 s 1 are each amended to read
22 as follows:

23 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
24 been proven by a preponderance of the evidence that the child is
25 dependent within the meaning of RCW 13.34.030 after consideration of
26 the social study prepared pursuant to RCW 13.34.110 and after a
27 disposition hearing has been held pursuant to RCW 13.34.110, the court
28 shall enter an order of disposition pursuant to this section.

29 (1) The court shall order one of the following dispositions of the
30 case:

31 (a) Order a disposition other than removal of the child from his or
32 her home, which shall provide a program designed to alleviate the
33 immediate danger to the child, to mitigate or cure any damage the child
34 has already suffered, and to aid the parents so that the child will not
35 be endangered in the future. In determining the disposition, the court
36 should choose services to assist the parents in maintaining the child

1 in the home, including housing assistance, if appropriate, that least
2 interfere with family autonomy and are adequate to protect the child.

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

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

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

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

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

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

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

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

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

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

31 (ii) There is no reasonable cause to believe that the health,
32 safety, or welfare of any child subject to the order of placement,
33 contact, or visitation would be jeopardized or that efforts to reunite
34 the parent and child would be hindered by such placement, contact, or
35 visitation. In no event shall parental visitation time be reduced in
36 order to provide sibling visitation.

37 (b) The court may also order placement, contact, or visitation of

1 a child with a step-brother or step-sister provided that in addition to
2 the factors in (a) of this subsection, the child has a relationship and
3 is comfortable with the step-sibling.

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

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

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

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