

SSB 5315 - H COMM AMD

By Committee on Early Learning & Human Services

ADOPTED 04/16/2013

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 13.34.130 and 2011 c 309 s 27 and 2011 c 292 s 1 are  
4 each reenacted and amended to read as follows:

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

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

13 (a) Order a disposition that maintains the child in his or her  
14 home, which shall provide a program designed to alleviate the immediate  
15 danger to the child, to mitigate or cure any damage the child has  
16 already suffered, and to aid the parents so that the child will not be  
17 endangered in the future. In determining the disposition, the court  
18 should choose services to assist the parents in maintaining the child  
19 in the home, including housing assistance, if appropriate, that least  
20 interfere with family autonomy and are adequate to protect the child.

21 (b)(i) Order the child to be removed from his or her home and into  
22 the custody, control, and care of a relative or other suitable person,  
23 the department, or a supervising agency for supervision of the child's  
24 placement. If the court orders that the child be placed with a  
25 caregiver over the objections of the parent or the department, the  
26 court shall articulate, on the record, his or her reasons for ordering  
27 the placement. The court may not order an Indian child, as defined in  
28 RCW 13.38.040, to be removed from his or her home unless the court  
29 finds, by clear and convincing evidence including testimony of

1 qualified expert witnesses, that the continued custody of the child by  
2 the parent or Indian custodian is likely to result in serious emotional  
3 or physical damage to the child.

4 (ii) The department or supervising agency has the authority to  
5 place the child, subject to review and approval by the court (A) with  
6 a relative as defined in RCW 74.15.020(2)(a), (B) in the home of  
7 another suitable person if the child or family has a preexisting  
8 relationship with that person, and the person has completed all  
9 required criminal history background checks and otherwise appears to  
10 the department or supervising agency to be suitable and competent to  
11 provide care for the child, or (C) in a foster family home or group  
12 care facility licensed pursuant to chapter 74.15 RCW.

13 (iii) The department may also consider placing the child, subject  
14 to review and approval by the court, with a person with whom the  
15 child's sibling or half-sibling is residing or a person who has adopted  
16 the sibling or half-sibling of the child being placed as long as the  
17 person has completed all required criminal history background checks  
18 and otherwise appears to the department or supervising agency to be  
19 competent to provide care for the child.

20 (2) Absent good cause, the department or supervising agency shall  
21 follow the wishes of the natural parent regarding the placement of the  
22 child in accordance with RCW 13.34.260.

23 (3) The department or supervising agency may only place a child  
24 with a person not related to the child as defined in RCW  
25 74.15.020(2)(a), including a placement provided for in subsection  
26 (1)(b)(iii) of this section, when the court finds that such placement  
27 is in the best interest of the child. Unless there is reasonable cause  
28 to believe that the health, safety, or welfare of the child would be  
29 jeopardized or that efforts to reunite the parent and child will be  
30 hindered, the child shall be placed with a person who is willing,  
31 appropriate, and available to care for the child, and who is: (I)  
32 Related to the child as defined in RCW 74.15.020(2)(a) with whom the  
33 child has a relationship and is comfortable; or (II) a suitable person  
34 as described in subsection (1)(b) of this section. The court shall  
35 consider the child's existing relationships and attachments when  
36 determining placement.

37 (4) When placing an Indian child in out-of-home care, the

1 department or supervising agency shall follow the placement preference  
2 characteristics in RCW 13.38.180.

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

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

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

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

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

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

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

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

1 (b) The court may also order placement, contact, or visitation of  
2 a child with a stepbrother or stepsister provided that in addition to  
3 the factors in (a) of this subsection, the child has a relationship and  
4 is comfortable with the stepsibling.

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

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

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

35 **Sec. 2.** RCW 13.34.136 and 2011 c 309 s 29 are each amended to read  
36 as follows:

37 (1) Whenever a child is ordered removed from the home, a permanency

1 plan shall be developed no later than sixty days from the time the  
2 supervising agency assumes responsibility for providing services,  
3 including placing the child, or at the time of a hearing under RCW  
4 13.34.130, whichever occurs first. The permanency planning process  
5 continues until a permanency planning goal is achieved or dependency is  
6 dismissed. The planning process shall include reasonable efforts to  
7 return the child to the parent's home.

8 (2) The agency supervising the dependency shall submit a written  
9 permanency plan to all parties and the court not less than fourteen  
10 days prior to the scheduled hearing. Responsive reports of parties not  
11 in agreement with the department's or supervising agency's proposed  
12 permanency plan must be provided to the department or supervising  
13 agency, all other parties, and the court at least seven days prior to  
14 the hearing.

15 The permanency plan shall include:

16 (a) A permanency plan of care that shall identify one of the  
17 following outcomes as a primary goal and may identify additional  
18 outcomes as alternative goals: Return of the child to the home of the  
19 child's parent, guardian, or legal custodian; adoption, including a  
20 tribal customary adoption as defined in RCW 13.38.040; guardianship;  
21 permanent legal custody; long-term relative or foster care, until the  
22 child is age eighteen, with a written agreement between the parties and  
23 the care provider; successful completion of a responsible living skills  
24 program; or independent living, if appropriate and if the child is age  
25 sixteen or older. The department or supervising agency shall not  
26 discharge a child to an independent living situation before the child  
27 is eighteen years of age unless the child becomes emancipated pursuant  
28 to chapter 13.64 RCW;

29 (b) Unless the court has ordered, pursuant to RCW 13.34.130(~~(+6)~~)  
30 (8), that a termination petition be filed, a specific plan as to where  
31 the child will be placed, what steps will be taken to return the child  
32 home, what steps the supervising agency or the department will take to  
33 promote existing appropriate sibling relationships and/or facilitate  
34 placement together or contact in accordance with the best interests of  
35 each child, and what actions the department or supervising agency will  
36 take to maintain parent-child ties. All aspects of the plan shall  
37 include the goal of achieving permanence for the child.

1 (i) The department's or supervising agency's plan shall specify  
2 what services the parents will be offered to enable them to resume  
3 custody, what requirements the parents must meet to resume custody, and  
4 a time limit for each service plan and parental requirement.

5 (ii)(A) Visitation is the right of the family, including the child  
6 and the parent, in cases in which visitation is in the best interest of  
7 the child. Early, consistent, and frequent visitation is crucial for  
8 maintaining parent-child relationships and making it possible for  
9 parents and children to safely reunify. The supervising agency or  
10 department shall encourage the maximum parent and child and sibling  
11 contact possible, when it is in the best interest of the child,  
12 including regular visitation and participation by the parents in the  
13 care of the child while the child is in placement.

14 (B) Visitation shall not be limited as a sanction for a parent's  
15 failure to comply with court orders or services where the health,  
16 safety, or welfare of the child is not at risk as a result of the  
17 visitation.

18 (C) Visitation may be limited or denied only if the court  
19 determines that such limitation or denial is necessary to protect the  
20 child's health, safety, or welfare. When a parent or sibling has been  
21 identified as a suspect in an active criminal investigation for a  
22 violent crime that, if the allegations are true, would impact the  
23 safety of the child, the department shall make a concerted effort to  
24 consult with the assigned law enforcement officer in the criminal case  
25 before recommending any changes in parent/child or child/sibling  
26 contact. In the event that the law enforcement officer has information  
27 pertaining to the criminal case that may have serious implications for  
28 child safety or well-being, the law enforcement officer shall provide  
29 this information to the department during the consultation. The  
30 department may only use the information provided by law enforcement  
31 during the consultation to inform family visitation plans and may not  
32 share or otherwise distribute the information to any person or entity.  
33 Any information provided to the department by law enforcement during  
34 the consultation is considered investigative information and is exempt  
35 from public inspection pursuant to RCW 42.56.240. The results of the  
36 consultation shall be communicated to the court.

37 (D) The court and the department or supervising agency should rely  
38 upon community resources, relatives, foster parents, and other

1 appropriate persons to provide transportation and supervision for  
2 visitation to the extent that such resources are available, and  
3 appropriate, and the child's safety would not be compromised.

4 (iii) A child shall be placed as close to the child's home as  
5 possible, preferably in the child's own neighborhood, unless the court  
6 finds that placement at a greater distance is necessary to promote the  
7 child's or parents' well-being.

8 (iv) The plan shall state whether both in-state and, where  
9 appropriate, out-of-state placement options have been considered by the  
10 department or supervising agency.

11 (v) Unless it is not in the best interests of the child, whenever  
12 practical, the plan should ensure the child remains enrolled in the  
13 school the child was attending at the time the child entered foster  
14 care.

15 (vi) The supervising agency or department shall provide all  
16 reasonable services that are available within the department or  
17 supervising agency, or within the community, or those services which  
18 the department has existing contracts to purchase. It shall report to  
19 the court if it is unable to provide such services; and

20 (c) If the court has ordered, pursuant to RCW 13.34.130(~~(+6)~~) (8),  
21 that a termination petition be filed, a specific plan as to where the  
22 child will be placed, what steps will be taken to achieve permanency  
23 for the child, services to be offered or provided to the child, and, if  
24 visitation would be in the best interests of the child, a  
25 recommendation to the court regarding visitation between parent and  
26 child pending a fact-finding hearing on the termination petition. The  
27 department or supervising agency shall not be required to develop a  
28 plan of services for the parents or provide services to the parents if  
29 the court orders a termination petition be filed. However, reasonable  
30 efforts to ensure visitation and contact between siblings shall be made  
31 unless there is reasonable cause to believe the best interests of the  
32 child or siblings would be jeopardized.

33 (3) Permanency planning goals should be achieved at the earliest  
34 possible date. If the child has been in out-of-home care for fifteen  
35 of the most recent twenty-two months, the court shall require the  
36 department or supervising agency to file a petition seeking termination  
37 of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In  
38 cases where parental rights have been terminated, the child is legally

1 free for adoption, and adoption has been identified as the primary  
2 permanency planning goal, it shall be a goal to complete the adoption  
3 within six months following entry of the termination order.

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

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

12 (6) The court shall consider the child's relationships with the  
13 child's siblings in accordance with RCW 13.34.130(~~(4)~~) (6). Whenever  
14 the permanency plan for a child is adoption, the court shall encourage  
15 the prospective adoptive parents, birth parents, foster parents,  
16 kinship caregivers, and the department or other supervising agency to  
17 seriously consider the long-term benefits to the child adoptee and his  
18 or her siblings of providing for and facilitating continuing  
19 postadoption contact between the siblings. To the extent that it is  
20 feasible, and when it is in the best interests of the child adoptee and  
21 his or her siblings, contact between the siblings should be frequent  
22 and of a similar nature as that which existed prior to the adoption.  
23 If the child adoptee or his or her siblings are represented by an  
24 attorney or guardian ad litem in a proceeding under this chapter or in  
25 any other child custody proceeding, the court shall inquire of each  
26 attorney and guardian ad litem regarding the potential benefits of  
27 continuing contact between the siblings and the potential detriments of  
28 severing contact. This section does not require the department of  
29 social and health services or other supervising agency to agree to any  
30 specific provisions in an open adoption agreement and does not create  
31 a new obligation for the department to provide supervision or  
32 transportation for visits between siblings separated by adoption from  
33 foster care.

34 (7) For purposes related to permanency planning:

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



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

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

6 **Sec. 3.** RCW 13.34.380 and 2009 c 520 s 45 are each amended to read  
7 as follows:

8 The department shall develop consistent policies and protocols,  
9 based on current relevant research, concerning visitation for dependent  
10 children to be implemented consistently throughout the state. The  
11 department shall develop the policies and protocols in consultation  
12 with researchers in the field, community-based agencies, court-  
13 appointed special advocates, parents' representatives, and court  
14 representatives. The policies and protocols shall include, but not be  
15 limited to: The structure and quality of visitations; consultation  
16 with the assigned law enforcement officer in the event the parent or  
17 sibling of the child is identified as a suspect in an active criminal  
18 investigation for a violent crime that, if the allegations are true,  
19 would impact the safety of the child; and training for department and  
20 supervising agency caseworkers, visitation supervisors, and foster  
21 parents related to visitation.

22 The policies and protocols shall be consistent with the provisions  
23 of this chapter and implementation of the policies and protocols shall  
24 be consistent with relevant orders of the court.

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

27 In the event a judge orders a parent to undergo a psychosexual  
28 evaluation, and pending the outcome of the evaluation, the department,  
29 subject to the approval of the court, may reassess visitation duration,  
30 supervision, and location, if appropriate. If the assessment indicates  
31 the current visitation plan is contrary to the child's health, safety,  
32 or welfare, the department, subject to approval by the court, may alter  
33 the visitation plan pending the outcome of the investigation.

34 **Sec. 5.** RCW 74.14B.010 and 1999 c 389 s 5 are each amended to read  
35 as follows:

1 (1) Caseworkers employed in children services shall meet minimum  
2 standards established by the department of social and health services.  
3 Comprehensive training for caseworkers shall be completed before such  
4 caseworkers are assigned to case-carrying responsibilities without  
5 direct supervision. Intermittent, part-time, and standby workers shall  
6 be subject to the same minimum standards and training.

7 (2) Ongoing specialized training shall be provided for persons  
8 responsible for investigating child sexual abuse. Training  
9 participants shall have the opportunity to practice interview skills  
10 and receive feedback from instructors.

11 (3) The department, the criminal justice training commission, the  
12 Washington association of sheriffs and police chiefs, and the  
13 Washington association of prosecuting attorneys shall design and  
14 implement statewide training that contains consistent elements for  
15 persons engaged in the interviewing of children, including law  
16 enforcement, prosecution, and child protective services.

17 (4) The training shall: (a) Be based on research-based practices  
18 and standards; (b) minimize the trauma of all persons who are  
19 interviewed during abuse investigations; (c) provide methods of  
20 reducing the number of investigative interviews necessary whenever  
21 possible; (d) assure, to the extent possible, that investigative  
22 interviews are thorough, objective, and complete; (e) recognize needs  
23 of special populations, such as persons with developmental  
24 disabilities; (f) recognize the nature and consequences of  
25 victimization; (g) require investigative interviews to be conducted in  
26 a manner most likely to permit the interviewed persons the maximum  
27 emotional comfort under the circumstances; (h) address record retention  
28 and retrieval; and (i) documentation of investigative interviews.

29 (5) The identification of domestic violence is critical in ensuring  
30 the safety of children in the child welfare system. As a result,  
31 ongoing domestic violence training and consultation shall be provided  
32 to caseworkers, including how to use the children's administration's  
33 practice guide to domestic violence."

34 Correct the title.

EFFECT: (1) Adds "if the allegations are true, would" to the

provision that requires the Department of Social and Health Services to develop visitation protocols in consultation with law enforcement for a parent or a sibling identified as a suspect in an active criminal investigation.

(2) Specifies that if the Department objects to a placement with a caregiver, the courts must articulate on the record the reason for the ordered placement.

(3) Limits the Department's obligation to consult with law enforcement before modifying family visits if a parent or sibling is a suspect in a criminal investigation for a violent crime, rather than all crimes.

(4) Requires law enforcement officers to provide available information pertaining to the criminal case that may have serious implications for child safety or well-being to the Department during consultation.

(5) Specifies that information provided to the Department by law enforcement during consultation may only be used to inform family visitation plans, may not be shared or distributed, and is exempt from public inspection.

(6) Limits the Department's obligation to consult with law enforcement to develop family visitation protocols if a parent or sibling is a suspect in a criminal investigation for a violent crime, rather than all crimes.

(7) Specifies that assessments to family visitation are subject to the approval of the court.

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