

SHB 1284 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/17/2013

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

3 "Sec. 1. RCW 13.34.067 and 2009 c 520 s 23 are each amended to
4 read as follows:

5 (1)(a) Following shelter care and no later than thirty days prior
6 to fact-finding, the department or supervising agency shall convene a
7 case conference as required in the shelter care order to develop and
8 specify in a written service agreement the expectations of both the
9 department or supervising agency and the parent regarding voluntary
10 services for the parent.

11 (b) The case conference shall include the parent, counsel for the
12 parent, caseworker, counsel for the state, guardian ad litem, counsel
13 for the child, and any other person agreed upon by the parties. Once
14 the shelter care order is entered, the department or supervising agency
15 is not required to provide additional notice of the case conference to
16 any participants in the case conference.

17 (c) The written service agreement expectations must correlate with
18 the court's findings at the shelter care hearing. The written service
19 agreement must set forth specific services to be provided to the
20 parent.

21 (d) The case conference agreement must be agreed to and signed by
22 the parties. The court shall not consider the content of the
23 discussions at the case conference at the time of the fact-finding
24 hearing for the purposes of establishing that the child is a dependent
25 child, and the court shall not consider any documents or written
26 materials presented at the case conference but not incorporated into
27 the case conference agreement, unless the documents or written
28 materials were prepared for purposes other than or as a result of the
29 case conference and are otherwise admissible under the rules of
30 evidence.

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

4 (3) If a case conference is convened pursuant to subsection (1) or
5 (2) of this section and the parent is unable to participate in person
6 due to incarceration, the parent must have the option to participate
7 through the use of a teleconference or videoconference.

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

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

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

25 The permanency plan shall include:

26 (a) A permanency plan of care that shall identify one of the
27 following outcomes as a primary goal and may identify additional
28 outcomes as alternative goals: Return of the child to the home of the
29 child's parent, guardian, or legal custodian; adoption, including a
30 tribal customary adoption as defined in RCW 13.38.040; guardianship;
31 permanent legal custody; long-term relative or foster care, until the
32 child is age eighteen, with a written agreement between the parties and
33 the care provider; successful completion of a responsible living skills
34 program; or independent living, if appropriate and if the child is age
35 sixteen or older. The department or supervising agency shall not
36 discharge a child to an independent living situation before the child

1 is eighteen years of age unless the child becomes emancipated pursuant
2 to chapter 13.64 RCW;

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

12 (i) The department's or supervising agency's plan shall specify
13 what services the parents will be offered to enable them to resume
14 custody, what requirements the parents must meet to resume custody, and
15 a time limit for each service plan and parental requirement. If the
16 parent is incarcerated, the plan must address how the parent will
17 participate in the case conference and permanency planning meetings
18 and, where possible, must include treatment that reflects the resources
19 available at the facility where the parent is confined. The plan must
20 provide for visitation opportunities, unless visitation is not in the
21 best interests of the child.

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

1 persons to provide transportation and supervision for visitation to the
2 extent that such resources are available, and appropriate, and the
3 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, and the court has not made a good
36 cause exception, the court shall require the department or supervising
37 agency to file a petition seeking termination of parental rights in
38 accordance with RCW 13.34.145(3)(b)(vi). In cases where parental

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

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

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

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

35 (7) For purposes related to permanency planning:

36 (a) "Guardianship" means a dependency guardianship or a legal
37 guardianship pursuant to chapter 11.88 RCW or equivalent laws of
38 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 13.34.145 and 2011 c 330 s 6 are each amended to read
7 as follows:

8 (1) The purpose of a permanency planning hearing is to review the
9 permanency plan for the child, inquire into the welfare of the child
10 and progress of the case, and reach decisions regarding the permanent
11 placement of the child.

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

18 (b) Whenever a child is removed from the home of a dependency
19 guardian or long-term relative or foster care provider, and the child
20 is not returned to the home of the parent, guardian, or legal custodian
21 but is placed in out-of-home care, a permanency planning hearing shall
22 take place no later than twelve months, as provided in this section,
23 following the date of removal unless, prior to the hearing, the child
24 returns to the home of the dependency guardian or long-term care
25 provider, the child is placed in the home of the parent, guardian, or
26 legal custodian, an adoption decree, guardianship order, or a permanent
27 custody order is entered, or the dependency is dismissed. Every effort
28 shall be made to provide stability in long-term placement, and to avoid
29 disruption of placement, unless the child is being returned home or it
30 is in the best interest of the child.

31 (c) Permanency planning goals should be achieved at the earliest
32 possible date, preferably before the child has been in out-of-home care
33 for fifteen months. 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 (2) No later than ten working days prior to the permanency planning
2 hearing, the agency having custody of the child shall submit a written
3 permanency plan to the court and shall mail a copy of the plan to all
4 parties and their legal counsel, if any.

5 (3) At the permanency planning hearing, the court shall conduct the
6 following inquiry:

7 (a) If a goal of long-term foster or relative care has been
8 achieved prior to the permanency planning hearing, the court shall
9 review the child's status to determine whether the placement and the
10 plan for the child's care remain appropriate.

11 (b) In cases where the primary permanency planning goal has not
12 been achieved, the court shall inquire regarding the reasons why the
13 primary goal has not been achieved and determine what needs to be done
14 to make it possible to achieve the primary goal. The court shall
15 review the permanency plan prepared by the agency and make explicit
16 findings regarding each of the following:

17 (i) The continuing necessity for, and the safety and
18 appropriateness of, the placement;

19 (ii) The extent of compliance with the permanency plan by the
20 department or supervising agency and any other service providers, the
21 child's parents, the child, and the child's guardian, if any;

22 (iii) The extent of any efforts to involve appropriate service
23 providers in addition to department or supervising agency staff in
24 planning to meet the special needs of the child and the child's
25 parents;

26 (iv) The progress toward eliminating the causes for the child's
27 placement outside of his or her home and toward returning the child
28 safely to his or her home or obtaining a permanent placement for the
29 child;

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

33 (vi) If the child has been placed outside of his or her home for
34 fifteen of the most recent twenty-two months, not including any period
35 during which the child was a runaway from the out-of-home placement or
36 the first six months of any period during which the child was returned
37 to his or her home for a trial home visit, the appropriateness of the

1 permanency plan, whether reasonable efforts were made by the department
2 or supervising agency to achieve the goal of the permanency plan, and
3 the circumstances which prevent the child from any of the following:

4 (A) Being returned safely to his or her home;

5 (B) Having a petition for the involuntary termination of parental
6 rights filed on behalf of the child;

7 (C) Being placed for adoption;

8 (D) Being placed with a guardian;

9 (E) Being placed in the home of a fit and willing relative of the
10 child; or

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

13 ~~((At this))~~ (4) Following this inquiry, at the permanency planning
14 hearing, the court shall order the department or supervising agency to
15 file a petition seeking termination of parental rights if the child has
16 been in out-of-home care for fifteen of the last twenty-two months
17 since the date the dependency petition was filed unless the court makes
18 a good cause exception as to why the filing of a termination of
19 parental rights petition is not appropriate. Any good cause finding
20 shall be reviewed at all subsequent hearings pertaining to the child.

21 (a) For purposes of this ~~((section))~~ subsection, "good cause
22 exception" includes but is not limited to the following:

23 (i) The child is being cared for by a relative;

24 (ii) The department has not provided to the child's family such
25 services as the court and the department have deemed necessary for the
26 child's safe return home; ~~((or))~~

27 (iii) The department has documented in the case plan a compelling
28 reason for determining that filing a petition to terminate parental
29 rights would not be in the child's best interests; or

30 (iv) The parent is incarcerated, or the parent's prior
31 incarceration is a significant factor in why the child has been in
32 foster care for fifteen of the last twenty-two months, the parent
33 maintains a meaningful role in the child's life, and the department has
34 not documented another reason why it would be otherwise appropriate to
35 file a petition pursuant to this section.

36 (b) The court's assessment of whether a parent who is incarcerated
37 maintains a meaningful role in the child's life may include
38 consideration of the following:

1 (i) The parent's expressions or acts of manifesting concern for the
2 child, such as letters, telephone calls, visits, and other forms of
3 communication with the child;

4 (ii) The parent's efforts to communicate and work with the
5 department or supervising agency or other individuals for the purpose
6 of complying with the service plan and repairing, maintaining, or
7 building the parent-child relationship;

8 (iii) A positive response by the parent to the reasonable efforts
9 of the department or the supervising agency;

10 (iv) Information provided by individuals or agencies in a
11 reasonable position to assist the court in making this assessment,
12 including but not limited to the parent's attorney, correctional and
13 mental health personnel, or other individuals providing services to the
14 parent;

15 (v) Limitations in the parent's access to family support programs,
16 therapeutic services, and visiting opportunities, restrictions to
17 telephone and mail services, inability to participate in foster care
18 planning meetings, and difficulty accessing lawyers and participating
19 meaningfully in court proceedings; and

20 (vi) Whether the continued involvement of the parent in the child's
21 life is in the child's best interest.

22 (c) The constraints of a parent's current or prior incarceration
23 and associated delays or barriers to accessing court-mandated services
24 may be considered in rebuttal to a claim of aggravated circumstances
25 under RCW 13.34.132(4)(g) for a parent's failure to complete available
26 treatment.

27 ~~((+e+))~~ (5)(a) If the permanency plan identifies independent
28 living as a goal, the court at the permanency planning hearing shall
29 make a finding that the provision of services to assist the child in
30 making a transition from foster care to independent living will allow
31 the child to manage his or her financial, personal, social,
32 educational, and nonfinancial affairs prior to approving independent
33 living as a permanency plan of care. The court will inquire whether
34 the child has been provided information about extended foster care
35 services.

36 ~~((+ii))~~ (b) The permanency plan shall also specifically identify
37 the services, including extended foster care services, where

1 appropriate, that will be provided to assist the child to make a
2 successful transition from foster care to independent living.

3 ~~((+iii))~~ (c) The department or supervising agency shall not
4 discharge a child to an independent living situation before the child
5 is eighteen years of age unless the child becomes emancipated pursuant
6 to chapter 13.64 RCW.

7 ~~((+d))~~ (6) If the child has resided in the home of a foster parent
8 or relative for more than six months prior to the permanency planning
9 hearing, the court shall:

10 ~~((+i))~~ (a) Enter a finding regarding whether the foster parent or
11 relative was informed of the hearing as required in RCW 74.13.280,
12 13.34.215(6), and 13.34.096; and

13 ~~((+ii))~~ (b) If the department or supervising agency is
14 recommending a placement other than the child's current placement with
15 a foster parent, relative, or other suitable person, enter a finding as
16 to the reasons for the recommendation for a change in placement.

17 ~~((+4))~~ (7) In all cases, at the permanency planning hearing, the
18 court shall:

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

21 (ii) Modify the permanency plan, and order implementation of the
22 modified plan; and

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

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

28 ~~((+5))~~ (8) Following the first permanency planning hearing, the
29 court shall hold a further permanency planning hearing in accordance
30 with this section at least once every twelve months until a permanency
31 planning goal is achieved or the dependency is dismissed, whichever
32 occurs first.

33 ~~((+6))~~ (9) Prior to the second permanency planning hearing, the
34 agency that has custody of the child shall consider whether to file a
35 petition for termination of parental rights.

36 ~~((+7))~~ (10) If the court orders the child returned home, casework
37 supervision by the department or supervising agency shall continue for

1 at least six months, at which time a review hearing shall be held
2 pursuant to RCW 13.34.138, and the court shall determine the need for
3 continued intervention.

4 ~~((+8))~~ (11) The juvenile court may hear a petition for permanent
5 legal custody when: (a) The court has ordered implementation of a
6 permanency plan that includes permanent legal custody; and (b) the
7 party pursuing the permanent legal custody is the party identified in
8 the permanency plan as the prospective legal custodian. During the
9 pendency of such proceeding, the court shall conduct review hearings
10 and further permanency planning hearings as provided in this chapter.
11 At the conclusion of the legal guardianship or permanent legal custody
12 proceeding, a juvenile court hearing shall be held for the purpose of
13 determining whether dependency should be dismissed. If a guardianship
14 or permanent custody order has been entered, the dependency shall be
15 dismissed.

16 ~~((+9))~~ (12) Continued juvenile court jurisdiction under this
17 chapter shall not be a barrier to the entry of an order establishing a
18 legal guardianship or permanent legal custody when the requirements of
19 subsection ~~((+8))~~ (11) of this section are met.

20 ~~((+10))~~ (13) Nothing in this chapter may be construed to limit the
21 ability of the agency that has custody of the child to file a petition
22 for termination of parental rights or a guardianship petition at any
23 time following the establishment of dependency. Upon the filing of
24 such a petition, a fact-finding hearing shall be scheduled and held in
25 accordance with this chapter unless the department or supervising
26 agency requests dismissal of the petition prior to the hearing or
27 unless the parties enter an agreed order terminating parental rights,
28 establishing guardianship, or otherwise resolving the matter.

29 ~~((+11))~~ (14) The approval of a permanency plan that does not
30 contemplate return of the child to the parent does not relieve the
31 supervising agency of its obligation to provide reasonable services,
32 under this chapter, intended to effectuate the return of the child to
33 the parent, including but not limited to, visitation rights. The court
34 shall consider the child's relationships with siblings in accordance
35 with RCW 13.34.130.

36 ~~((+12))~~ (15) Nothing in this chapter may be construed to limit the
37 procedural due process rights of any party in a termination or
38 guardianship proceeding filed under this chapter.

1 **Sec. 4.** RCW 13.34.180 and 2009 c 520 s 34 and 2009 c 477 s 5 are
2 each reenacted and amended to read as follows:

3 (1) A petition seeking termination of a parent and child
4 relationship may be filed in juvenile court by any party, including the
5 supervising agency, to the dependency proceedings concerning that
6 child. Such petition shall conform to the requirements of RCW
7 13.34.040, shall be served upon the parties as provided in RCW
8 13.34.070(8), and shall allege all of the following unless subsection
9 (~~((2) or~~) (3) or (4) of this section applies:

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

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

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

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

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

33 (i) Use of intoxicating or controlled substances so as to render
34 the parent incapable of providing proper care for the child for
35 extended periods of time or for periods of time that present a risk of
36 imminent harm to the child, and documented unwillingness of the parent
37 to receive and complete treatment or documented multiple failed
38 treatment attempts;

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

9 (iii) Failure of the parent to have contact with the child for an
10 extended period of time after the filing of the dependency petition if
11 the parent was provided an opportunity to have a relationship with the
12 child by the department or the court and received documented notice of
13 the potential consequences of this failure, except that the actual
14 inability of a parent to have visitation with the child including, but
15 not limited to, mitigating circumstances such as a parent's current or
16 prior incarceration or service in the military does not in and of
17 itself constitute failure to have contact with the child; and

18 (f) That continuation of the parent and child relationship clearly
19 diminishes the child's prospects for early integration into a stable
20 and permanent home. If the parent is incarcerated, the court shall
21 consider whether a parent maintains a meaningful role in his or her
22 child's life based on factors identified in RCW 13.34.145(4)(b);
23 whether the department or supervising agency made reasonable efforts as
24 defined in this chapter; and whether particular barriers existed as
25 described in RCW 13.34.145(4)(b) including, but not limited to, delays
26 or barriers experienced in keeping the agency apprised of his or her
27 location and in accessing visitation or other meaningful contact with
28 the child.

29 (2) As evidence of rebuttal to any presumption established pursuant
30 to subsection (1)(e) of this section, the court may consider the
31 particular constraints of a parent's current or prior incarceration.
32 Such evidence may include, but is not limited to, delays or barriers a
33 parent may experience in keeping the agency apprised of his or her
34 location and in accessing visitation or other meaningful contact with
35 the child.

36 (3) In lieu of the allegations in subsection (1) of this section,
37 the petition may allege that the child was found under such

1 circumstances that the whereabouts of the child's parent are unknown
2 and no person has acknowledged paternity or maternity and requested
3 custody of the child within two months after the child was found.

4 ~~((+3))~~ (4) In lieu of the allegations in subsection (1)(b) through
5 (f) of this section, the petition may allege that the parent has been
6 convicted of:

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

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

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

15 (d) Assault in the first or second degree, as defined in chapter
16 9A.36 RCW, against the surviving child or another child of the parent.

17 ~~((+4))~~ (5) When a parent has been sentenced to a long-term
18 incarceration and has maintained a meaningful role in the child's life
19 considering the factors provided in RCW 13.34.145(4)(b), and it is in
20 the best interest of the child, the department should consider a
21 permanent placement that allows the parent to maintain a relationship
22 with his or her child, such as, but not limited to, a guardianship
23 pursuant to chapter 13.36 RCW.

24 (6) Notice of rights shall be served upon the parent, guardian, or
25 legal custodian with the petition and shall be in substantially the
26 following form:

27 "NOTICE

28 A petition for termination of parental rights has been filed
29 against you. You have important legal rights and you must take
30 steps to protect your interests. This petition could result in
31 permanent loss of your parental rights.

32 1. You have the right to a fact-finding hearing before
33 a judge.

34 2. You have the right to have a lawyer represent you at
35 the hearing. A lawyer can look at the files in your case, talk
36 to the department of social and health services or the
37 supervising agency and other agencies, tell you about the law,

1 help you understand your rights, and help you at hearings. If
2 you cannot afford a lawyer, the court will appoint one to
3 represent you. To get a court-appointed lawyer you must
4 contact: (explain local procedure).

5 3. At the hearing, you have the right to speak on your
6 own behalf, to introduce evidence, to examine witnesses, and to
7 receive a decision based solely on the evidence presented to
8 the judge.

9 You should be present at this hearing.

10 You may call (insert agency) for more information
11 about your child. The agency's name and telephone number are
12 (insert name and telephone number)."

SHB 1284 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/17/2013

13 On page 1, line 1 of the title, after "Relating to" strike the
14 remainder of the title and insert "the rights of parents who are
15 incarcerated; amending RCW 13.34.067, 13.34.136, and 13.34.145; and
16 reenacting and amending RCW 13.34.180."

EFFECT: Removes new definition of "reasonable efforts," clarifies
that court actions must be in the best interests of the child, removes
references to parents in residential substance abuse treatment
facilities, and makes technical amendments.

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