

EHB 2582 - S AMD 654

By Senators Hargrove, Darneille, O'Ban

ADOPTED 03/07/2014

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

3 "Sec. 1. RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009
4 c 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read as
5 follows:

6 (1) The status of all children found to be dependent shall be
7 reviewed by the court at least every six months from the beginning date
8 of the placement episode or the date dependency is established,
9 whichever is first. The purpose of the hearing shall be to review the
10 progress of the parties and determine whether court supervision should
11 continue.

12 (a) The initial review hearing shall be an in-court review and
13 shall be set six months from the beginning date of the placement
14 episode or no more than ninety days from the entry of the disposition
15 order, whichever comes first. The requirements for the initial review
16 hearing, including the in-court review requirement, shall be
17 accomplished within existing resources.

18 (b) The initial review hearing may be a permanency planning hearing
19 when necessary to meet the time frames set forth in RCW 13.34.145(1)(a)
20 or 13.34.134.

21 (2)(a) A child shall not be returned home at the review hearing
22 unless the court finds that a reason for removal as set forth in RCW
23 13.34.130 no longer exists. The parents, guardian, or legal custodian
24 shall report to the court the efforts they have made to correct the
25 conditions which led to removal. If a child is returned, casework
26 supervision by the supervising agency or department shall continue for
27 a period of six months, at which time there shall be a hearing on the
28 need for continued intervention.

29 (b) Prior to the child returning home, the department or
30 supervising agency must complete the following:

1 (i) Identify all adults residing in the home and conduct background
2 checks on those persons;

3 (ii) Identify any persons who may act as a caregiver for the child
4 in addition to the parent with whom the child is being placed and
5 determine whether such persons are in need of any services in order to
6 ensure the safety of the child, regardless of whether such persons are
7 a party to the dependency. The department or supervising agency may
8 recommend to the court and the court may order that placement of the
9 child in the parent's home be contingent on or delayed based on the
10 need for such persons to engage in or complete services to ensure the
11 safety of the child prior to placement. If services are recommended
12 for the caregiver, and the caregiver fails to engage in or follow
13 through with the recommended services, the department or supervising
14 agency must promptly notify the court; and

15 (iii) Notify the parent with whom the child is being placed that he
16 or she has an ongoing duty to notify the department or supervising
17 agency of all persons who reside in the home or who may act as a
18 caregiver for the child both prior to the placement of the child in the
19 home and subsequent to the placement of the child in the home as long
20 as the court retains jurisdiction of the dependency proceeding or the
21 department is providing or monitoring either remedial services to the
22 parent or services to ensure the safety of the child to any caregivers.

23 Caregivers may be required to engage in services under this
24 subsection solely for the purpose of ensuring the present and future
25 safety of a child who is a ward of the court. This subsection does not
26 grant party status to any individual not already a party to the
27 dependency proceeding, create an entitlement to services or a duty on
28 the part of the department or supervising agency to provide services,
29 or create judicial authority to order the provision of services to any
30 person other than for the express purposes of this section or RCW
31 13.34.025 or if the services are unavailable or unsuitable or the
32 person is not eligible for such services.

33 (c) If the child is not returned home, the court shall establish in
34 writing:

35 (i) Whether the supervising agency or the department is making
36 reasonable efforts to provide services to the family and eliminate the
37 need for placement of the child. If additional services, including

1 housing assistance, are needed to facilitate the return of the child to
2 the child's parents, the court shall order that reasonable services be
3 offered specifying such services;

4 (ii) Whether there has been compliance with the case plan by the
5 child, the child's parents, and the agency supervising the placement;

6 (iii) Whether progress has been made toward correcting the problems
7 that necessitated the child's placement in out-of-home care;

8 (iv) Whether the services set forth in the case plan and the
9 responsibilities of the parties need to be clarified or modified due to
10 the availability of additional information or changed circumstances;

11 (v) Whether there is a continuing need for placement;

12 (vi) Whether a parent's homelessness or lack of suitable housing is
13 a significant factor delaying permanency for the child by preventing
14 the return of the child to the home of the child's parent and whether
15 housing assistance should be provided by the department or supervising
16 agency;

17 (vii) Whether the child is in an appropriate placement which
18 adequately meets all physical, emotional, and educational needs;

19 (viii) Whether preference has been given to placement with the
20 child's relatives if such placement is in the child's best interests;

21 (ix) Whether both in-state and, where appropriate, out-of-state
22 placements have been considered;

23 (x) Whether the parents have visited the child and any reasons why
24 visitation has not occurred or has been infrequent;

25 (xi) Whether terms of visitation need to be modified;

26 (xii) Whether the court-approved long-term permanent plan for the
27 child remains the best plan for the child;

28 (xiii) Whether any additional court orders need to be made to move
29 the case toward permanency; and

30 (xiv) The projected date by which the child will be returned home
31 or other permanent plan of care will be implemented.

32 (d) The court at the review hearing may order that a petition
33 seeking termination of the parent and child relationship be filed.
34 Unless the court makes a good cause exception under RCW 13.34.145, the
35 court shall order that a petition seeking termination of the parent and
36 child relationship be filed if the court finds that:

37 (i) The child has been in out-of-home care for at least twelve
38 consecutive months following the filing of a dependency petition;

1 (ii) The services ordered under RCW 13.34.136 have been expressly
2 and understandably offered or provided and all necessary services,
3 reasonably available, capable of correcting the parental deficiencies
4 within the foreseeable future have been expressly and understandably
5 offered or provided;

6 (iii) There is no genuine issue of material fact that the parents
7 have been noncompliant with court-ordered services; and

8 (iv) There is no genuine issue of material fact that the parents
9 have made no progress toward successfully correcting parental
10 deficiencies identified in a dependency proceeding under this chapter.

11 (3)(a) In any case in which the court orders that a dependent child
12 may be returned to or remain in the child's home, the in-home placement
13 shall be contingent upon the following:

14 (i) The compliance of the parents with court orders related to the
15 care and supervision of the child, including compliance with the
16 supervising agency's case plan; and

17 (ii) The continued participation of the parents, if applicable, in
18 available substance abuse or mental health treatment if substance abuse
19 or mental illness was a contributing factor to the removal of the
20 child.

21 (b) The following may be grounds for removal of the child from the
22 home, subject to review by the court:

23 (i) Noncompliance by the parents with the department's or
24 supervising agency's case plan or court order;

25 (ii) The parent's inability, unwillingness, or failure to
26 participate in available services or treatment for themselves or the
27 child, including substance abuse treatment if a parent's substance
28 abuse was a contributing factor to the abuse or neglect; or

29 (iii) The failure of the parents to successfully and substantially
30 complete available services or treatment for themselves or the child,
31 including substance abuse treatment if a parent's substance abuse was
32 a contributing factor to the abuse or neglect.

33 (c) In a pending dependency case in which the court orders that a
34 dependent child may be returned home and that child is later removed
35 from the home, the court shall hold a review hearing within thirty days
36 from the date of removal to determine whether the permanency plan
37 should be changed, a termination petition should be filed, or other

1 action is warranted. The best interests of the child shall be the
2 court's primary consideration in the review hearing.

3 (4) The court's authority to order housing assistance under this
4 chapter is: (a) Limited to cases in which a parent's homelessness or
5 lack of suitable housing is a significant factor delaying permanency
6 for the child and housing assistance would aid the parent in providing
7 an appropriate home for the child; and (b) subject to the availability
8 of funds appropriated for this specific purpose. Nothing in this
9 chapter shall be construed to create an entitlement to housing
10 assistance nor to create judicial authority to order the provision of
11 such assistance to any person or family if the assistance or funding
12 are unavailable or the child or family are not eligible for such
13 assistance.

14 (5) The court shall consider the child's relationship with siblings
15 in accordance with RCW 13.34.130(~~(+3)~~) (6)."

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16 On page 1, line 2 of the title, after "rights;" strike the
17 remainder of the title and insert "and reenacting and amending RCW
18 13.34.138."

EFFECT: Adds additional factors that the court must find before ordering a termination petition: DSHS has expressly and understandably offered or provided all necessary services; and there is no genuine issue of material fact that the parents have been noncompliant with court-ordered services and have made no progress toward successfully correcting parental deficiencies.

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