

**2SSB 5389 - S AMD 145**

By Senators Billig, Carrell

ADOPTED 03/11/2013

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

3 "NEW SECTION. **Sec. 1.** The Washington state legislature recognizes  
4 the importance of frequent and meaningful contact for siblings  
5 separated due to involvement in the foster care system. The  
6 legislature also recognizes that children and youth in foster care have  
7 not always been provided adequate opportunities for visitation with  
8 their siblings. It is the intent of the legislature to encourage  
9 appropriate facilitation of sibling visits.

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

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

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

27 The permanency plan shall include:

28 (a) A permanency plan of care that shall identify one of the  
29 following outcomes as a primary goal and may identify additional

1 outcomes as alternative goals: Return of the child to the home of the  
2 child's parent, guardian, or legal custodian; adoption, including a  
3 tribal customary adoption as defined in RCW 13.38.040; guardianship;  
4 permanent legal custody; long-term relative or foster care, until the  
5 child is age eighteen, with a written agreement between the parties and  
6 the care provider; successful completion of a responsible living skills  
7 program; or independent living, if appropriate and if the child is age  
8 sixteen or older. The department or supervising agency shall not  
9 discharge a child to an independent living situation before the child  
10 is eighteen years of age unless the child becomes emancipated pursuant  
11 to chapter 13.64 RCW;

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

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

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

1 The court and the department or supervising agency should rely upon  
2 community resources, relatives, foster parents, and other appropriate  
3 persons to provide transportation and supervision for visitation to the  
4 extent that such resources are available, and appropriate, and the  
5 child's safety would not be compromised.

6 (iii)(A) The department, court, or caregiver in the out-of-home  
7 placement may not limit visitation or contact between a child and  
8 sibling as a sanction for a child's behavior or as an incentive to the  
9 child to change his or her behavior.

10 (B) Any exceptions, limitation, or denial of contacts or visitation  
11 must be approved by the supervisor of the department caseworker and  
12 documented. The child, parent, department, guardian ad litem, or  
13 court-appointed special advocate may challenge the denial of visits in  
14 court.

15 (iv) A child shall be placed as close to the child's home as  
16 possible, preferably in the child's own neighborhood, unless the court  
17 finds that placement at a greater distance is necessary to promote the  
18 child's or parents' well-being.

19 ~~((+iv+))~~ (v) The plan shall state whether both in-state and, where  
20 appropriate, out-of-state placement options have been considered by the  
21 department or supervising agency.

22 ~~((+v+))~~ (vi) Unless it is not in the best interests of the child,  
23 whenever practical, the plan should ensure the child remains enrolled  
24 in the school the child was attending at the time the child entered  
25 foster care.

26 ~~((+vi+))~~ (vii) The supervising agency or department shall provide  
27 all reasonable services that are available within the department or  
28 supervising agency, or within the community, or those services which  
29 the department has existing contracts to purchase. It shall report to  
30 the court if it is unable to provide such services; and

31 (c) If the court has ordered, pursuant to RCW 13.34.130~~((+6+))~~ (8),  
32 that a termination petition be filed, a specific plan as to where the  
33 child will be placed, what steps will be taken to achieve permanency  
34 for the child, services to be offered or provided to the child, and, if  
35 visitation would be in the best interests of the child, a  
36 recommendation to the court regarding visitation between parent and  
37 child pending a fact-finding hearing on the termination petition. The  
38 department or supervising agency shall not be required to develop a

1 plan of services for the parents or provide services to the parents if  
2 the court orders a termination petition be filed. However, reasonable  
3 efforts to ensure visitation and contact between siblings shall be made  
4 unless there is reasonable cause to believe the best interests of the  
5 child or siblings would be jeopardized.

6 (3) Permanency planning goals should be achieved at the earliest  
7 possible date. If the child has been in out-of-home care for fifteen  
8 of the most recent twenty-two months, the court shall require the  
9 department or supervising agency to file a petition seeking termination  
10 of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In  
11 cases where parental rights have been terminated, the child is legally  
12 free for adoption, and adoption has been identified as the primary  
13 permanency planning goal, it shall be a goal to complete the adoption  
14 within six months following entry of the termination order.

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

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

23 (6) The court shall consider the child's relationships with the  
24 child's siblings in accordance with RCW 13.34.130(~~((+4))~~) (6). Whenever  
25 the permanency plan for a child is adoption, the court shall encourage  
26 the prospective adoptive parents, birth parents, foster parents,  
27 kinship caregivers, and the department or other supervising agency to  
28 seriously consider the long-term benefits to the child adoptee and his  
29 or her siblings of providing for and facilitating continuing  
30 postadoption contact between the siblings. To the extent that it is  
31 feasible, and when it is in the best interests of the child adoptee and  
32 his or her siblings, contact between the siblings should be frequent  
33 and of a similar nature as that which existed prior to the adoption.  
34 If the child adoptee or his or her siblings are represented by an  
35 attorney or guardian ad litem in a proceeding under this chapter or in  
36 any other child custody proceeding, the court shall inquire of each  
37 attorney and guardian ad litem regarding the potential benefits of  
38 continuing contact between the siblings and the potential detriments of

1 severing contact. This section does not require the department of  
2 social and health services or other supervising agency to agree to any  
3 specific provisions in an open adoption agreement and does not create  
4 a new obligation for the department to provide supervision or  
5 transportation for visits between siblings separated by adoption from  
6 foster care.

7 (7) For purposes related to permanency planning:

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

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

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

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16 On page 1, line 2 of the title, after "care;" strike the remainder  
17 of the title and insert "amending RCW 13.34.136; and creating a new  
18 section."

EFFECT: To eliminate the fiscal impact of this bill, the  
requirement for two sibling visits or contacts a month is removed. The  
bill is returned to its original intent, which is to clarify that  
sibling visitation should not be used as a punishment for a child's  
behavior or as an incentive for the child to change his or her  
behavior.

FISCAL IMPACT: Eliminates the fiscal impact of the bill.

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