
HOUSE BILL 2582

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Hargrove, Kagi, and Walsh

Read first time 01/21/14. Referred to Committee on Judiciary.

1 AN ACT Relating to filing a petition seeking termination of
2 parental rights; and reenacting and amending RCW 13.34.138.

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

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

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

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

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

4 (2)(a) A child shall not be returned home at the review hearing
5 unless the court finds that a reason for removal as set forth in RCW
6 13.34.130 no longer exists. The parents, guardian, or legal custodian
7 shall report to the court the efforts they have made to correct the
8 conditions which led to removal. If a child is returned, casework
9 supervision by the supervising agency or department shall continue for
10 a period of six months, at which time there shall be a hearing on the
11 need for continued intervention.

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

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

16 (ii) Identify any persons who may act as a caregiver for the child
17 in addition to the parent with whom the child is being placed and
18 determine whether such persons are in need of any services in order to
19 ensure the safety of the child, regardless of whether such persons are
20 a party to the dependency. The department or supervising agency may
21 recommend to the court and the court may order that placement of the
22 child in the parent's home be contingent on or delayed based on the
23 need for such persons to engage in or complete services to ensure the
24 safety of the child prior to placement. If services are recommended
25 for the caregiver, and the caregiver fails to engage in or follow
26 through with the recommended services, the department or supervising
27 agency must promptly notify the court; and

28 (iii) Notify the parent with whom the child is being placed that he
29 or she has an ongoing duty to notify the department or supervising
30 agency of all persons who reside in the home or who may act as a
31 caregiver for the child both prior to the placement of the child in the
32 home and subsequent to the placement of the child in the home as long
33 as the court retains jurisdiction of the dependency proceeding or the
34 department is providing or monitoring either remedial services to the
35 parent or services to ensure the safety of the child to any caregivers.

36 Caregivers may be required to engage in services under this
37 subsection solely for the purpose of ensuring the present and future
38 safety of a child who is a ward of the court. This subsection does not

1 grant party status to any individual not already a party to the
2 dependency proceeding, create an entitlement to services or a duty on
3 the part of the department or supervising agency to provide services,
4 or create judicial authority to order the provision of services to any
5 person other than for the express purposes of this section or RCW
6 13.34.025 or if the services are unavailable or unsuitable or the
7 person is not eligible for such services.

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

10 (i) Whether the supervising agency or the department is making
11 reasonable efforts to provide services to the family and eliminate the
12 need for placement of the child. If additional services, including
13 housing assistance, are needed to facilitate the return of the child to
14 the child's parents, the court shall order that reasonable services be
15 offered specifying such services;

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

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

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

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

24 (vi) Whether a parent's homelessness or lack of suitable housing is
25 a significant factor delaying permanency for the child by preventing
26 the return of the child to the home of the child's parent and whether
27 housing assistance should be provided by the department or supervising
28 agency;

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

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

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

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

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

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

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

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

7 (d) The court at the review hearing may order that a petition
8 seeking termination of the parent and child relationship be filed. In
9 any case where the court approves a sole permanency plan of adoption
10 the department must file a petition seeking termination of parental
11 rights unless the court makes a good cause exception pursuant to RCW
12 13.34.145 as to why the filing of a petition seeking termination of
13 parental rights is not appropriate.

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

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

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

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

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

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

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

36 (c) In a pending dependency case in which the court orders that a
37 dependent child may be returned home and that child is later removed
38 from the home, the court shall hold a review hearing within thirty days

1 from the date of removal to determine whether the permanency plan
2 should be changed, a termination petition should be filed, or other
3 action is warranted. The best interests of the child shall be the
4 court's primary consideration in the review hearing.

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

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

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