
SENATE BILL 6095

State of Washington

63rd Legislature

2014 Regular Session

By Senators Hargrove, Kline, and Roach

Read first time 01/15/14. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to facilitating safe placements for dependent
2 children; and amending RCW 13.34.130.

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

4 **Sec. 1.** RCW 13.34.130 and 2013 c 254 s 1 are each amended to read
5 as follows:

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

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

14 (a) Order a disposition that maintains the child in his or her
15 home, which shall provide a program designed to alleviate the immediate
16 danger to the child, to mitigate or cure any damage the child has
17 already suffered, and to aid the parents so that the child will not be
18 endangered in the future. In determining the disposition, the court

1 should choose services to assist the parents in maintaining the child
2 in the home, including housing assistance, if appropriate, that least
3 interfere with family autonomy and are adequate to protect the child.

4 (b)(i) Order the child to be removed from his or her home and into
5 the custody, control, and care of a relative or other suitable person,
6 the department, or a supervising agency for supervision of the child's
7 placement. If the court orders that the child be placed with a
8 caregiver over the objections of the parent or the department, the
9 court shall articulate, on the record, his or her reasons for ordering
10 the placement. The court may not order an Indian child, as defined in
11 RCW 13.38.040, to be removed from his or her home unless the court
12 finds, by clear and convincing evidence including testimony of
13 qualified expert witnesses, that the continued custody of the child by
14 the parent or Indian custodian is likely to result in serious emotional
15 or physical damage to the child.

16 (ii) The department or supervising agency has the authority to
17 place the child, subject to review and approval by the court (A) with
18 a relative as defined in RCW 74.15.020(2)(a), (B) in the home of
19 another suitable person if the child or family has a preexisting
20 relationship with that person, and the person has completed all
21 required criminal history background checks and otherwise appears to
22 the department or supervising agency to be suitable and competent to
23 provide care for the child((7)): PROVIDED, That if such relative or
24 other suitable person appears otherwise suitable and competent to
25 provide care and treatment, the fingerprint-based background check need
26 not be completed before placement, but as soon as possible after
27 placement. The department must not automatically disqualify a relative
28 or other suitable person based upon standards that are more extensive
29 than guidelines provided by the federal government in the adoption and
30 safe families act of 1997. The state and its officers, agents, and
31 employees may not be held criminally or civilly liable for a placement
32 decision under this subsection (1)(b)(ii)(B) unless the state or its
33 officers, agents, and employees acted with reckless disregard; or (C)
34 in a foster family home or group care facility licensed pursuant to
35 chapter 74.15 RCW.

36 (iii) The department may also consider placing the child, subject
37 to review and approval by the court, with a person with whom the
38 child's sibling or half-sibling is residing or a person who has adopted

1 the sibling or half-sibling of the child being placed as long as the
2 person has completed all required criminal history background checks
3 and otherwise appears to the department or supervising agency to be
4 competent to provide care for the child.

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

8 (3) The department or supervising agency may only place a child
9 with a person not related to the child as defined in RCW
10 74.15.020(2)(a), including a placement provided for in subsection
11 (1)(b)(iii) of this section, when the court finds that such placement
12 is in the best interest of the child. Unless there is reasonable cause
13 to believe that the health, safety, or welfare of the child would be
14 jeopardized or that efforts to reunite the parent and child will be
15 hindered, the child shall be placed with a person who is willing,
16 appropriate, and available to care for the child, and who is: (I)
17 Related to the child as defined in RCW 74.15.020(2)(a) with whom the
18 child has a relationship and is comfortable; or (II) a suitable person
19 as described in subsection (1)(b) of this section. The court shall
20 consider the child's existing relationships and attachments when
21 determining placement.

22 (4) When placing an Indian child in out-of-home care, the
23 department or supervising agency shall follow the placement preference
24 characteristics in RCW 13.38.180.

25 (5) Placement of the child with a relative or other suitable person
26 as described in subsection (1)(b) of this section shall be given
27 preference by the court. An order for out-of-home placement may be
28 made only if the court finds that reasonable efforts have been made to
29 prevent or eliminate the need for removal of the child from the child's
30 home and to make it possible for the child to return home, specifying
31 the services, including housing assistance, that have been provided to
32 the child and the child's parent, guardian, or legal custodian, and
33 that preventive services have been offered or provided and have failed
34 to prevent the need for out-of-home placement, unless the health,
35 safety, and welfare of the child cannot be protected adequately in the
36 home, and that:

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

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

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

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

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

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

17 (ii) There is no reasonable cause to believe that the health,
18 safety, or welfare of any child subject to the order of placement,
19 contact, or visitation would be jeopardized or that efforts to reunite
20 the parent and child would be hindered by such placement, contact, or
21 visitation. In no event shall parental visitation time be reduced in
22 order to provide sibling visitation.

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

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

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

37 (9) If there is insufficient information at the time of the
38 disposition hearing upon which to base a determination regarding the

1 suitability of a proposed placement with a relative or other suitable
2 person, the child shall remain in foster care and the court shall
3 direct the department or supervising agency to conduct necessary
4 background investigations as provided in chapter 74.15 RCW and report
5 the results of such investigation to the court within thirty days.
6 However, if such relative or other person appears otherwise suitable
7 and competent to provide care and treatment, the criminal history
8 background check need not be completed before placement, but as soon as
9 possible after placement. Any placements with relatives or other
10 suitable persons, pursuant to this section, shall be contingent upon
11 cooperation by the relative or other suitable person with the agency
12 case plan and compliance with court orders related to the care and
13 supervision of the child including, but not limited to, court orders
14 regarding parent-child contacts, sibling contacts, and any other
15 conditions imposed by the court. Noncompliance with the case plan or
16 court order shall be grounds for removal of the child from the
17 relative's or other suitable person's home, subject to review by the
18 court.

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