

SHB 1800 - S COMM AMD

By Committee on Human Services, Mental Health & Housing

ADOPTED AND ENGROSSED 4/15/2015

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
5 as 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
8 date 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
11 should continue. If a child is placed with nonrelatives, at the
12 hearing the court shall also review the status of the department's
13 efforts to locate and place a child with a relative, if such
14 placement is in the child's best interest. If a relative is
15 identified but placement is not found to be in the child's best
16 interest, the court shall establish in writing the reason why that
17 placement is not in the child's best interest.

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

24 (b) The initial review hearing may be a permanency planning
25 hearing when necessary to meet the time frames set forth in RCW
26 13.34.145(1)(a) or 13.34.134.

27 (2)(a) A child shall not be returned home at the review hearing
28 unless the court finds that a reason for removal as set forth in RCW
29 13.34.130 no longer exists. The parents, guardian, or legal custodian
30 shall report to the court the efforts they have made to correct the
31 conditions which led to removal. If a child is returned, casework
32 supervision by the supervising agency or department shall continue

1 for a period of six months, at which time there shall be a hearing on
2 the need for continued intervention.

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

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

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

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

28 Caregivers may be required to engage in services under this
29 subsection solely for the purpose of ensuring the present and future
30 safety of a child who is a ward of the court. This subsection does
31 not grant party status to any individual not already a party to the
32 dependency proceeding, create an entitlement to services or a duty on
33 the part of the department or supervising agency to provide services,
34 or create judicial authority to order the provision of services to
35 any person other than for the express purposes of this section or RCW
36 13.34.025 or if the services are unavailable or unsuitable or the
37 person is not eligible for such services.

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

1 (i) Whether the supervising agency or the department is making
2 reasonable efforts to provide services to the family and eliminate
3 the need for placement of the child. If additional services,
4 including housing assistance, are needed to facilitate the return of
5 the child to the child's parents, the court shall order that
6 reasonable services be offered specifying such services;

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

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

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

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

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

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

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

25 (ix) Whether preference has been given to placement with the
26 child's biological family, including grandparents, if such placement
27 is in the child's best interests;

28 (x) Whether both in-state and, where appropriate, out-of-state
29 placements have been considered;

30 (~~(xi)~~) (xi) Whether the parents have visited the child and any
31 reasons why visitation has not occurred or has been infrequent;

32 (~~(xii)~~) (xii) Whether terms of visitation need to be modified;

33 (~~(xiii)~~) (xiii) Whether the court-approved long-term permanent
34 plan for the child remains the best plan for the child;

35 (~~(xiv)~~) (xiv) Whether any additional court orders need to be
36 made to move the case toward permanency; and

37 (~~(xv)~~) (xv) The projected date by which the child will be
38 returned home or other permanent plan of care will be implemented.

39 (d) The court at the review hearing may order that a petition
40 seeking termination of the parent and child relationship be filed. If

1 the court determines that the child has been in out-of-home care for
2 at least twelve consecutive months following the filing of a
3 dependency petition and the parent has had no contact with the
4 department or any service providers identified in the department's
5 case plan, the court shall order that a petition seeking termination
6 of parent and child relationship be filed unless the court makes a
7 good cause exception based on the factors described in RCW 13.34.145.

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

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

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

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

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

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

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

30 (c) In a pending dependency case in which the court orders that a
31 dependent child may be returned home and that child is later removed
32 from the home, the court shall hold a review hearing within thirty
33 days from the date of removal to determine whether the permanency
34 plan should be changed, a termination petition should be filed, or
35 other action is warranted. The best interests of the child shall be
36 the court's primary consideration in the review hearing.

37 (4) The court's authority to order housing assistance under this
38 chapter is: (a) Limited to cases in which a parent's homelessness or
39 lack of suitable housing is a significant factor delaying permanency
40 for the child and housing assistance would aid the parent in

1 providing an appropriate home for the child; and (b) subject to the
2 availability of funds appropriated for this specific purpose. Nothing
3 in this chapter shall be construed to create an entitlement to
4 housing assistance nor to create judicial authority to order the
5 provision of such assistance to any person or family if the
6 assistance or funding are unavailable or the child or family are not
7 eligible for such assistance.

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

10 **Sec. 2.** RCW 13.34.070 and 2011 c 309 s 25 are each amended to
11 read as follows:

12 (1) Upon the filing of the petition, the clerk of the court shall
13 issue a summons, one directed to the child, if the child is twelve or
14 more years of age, and another to the parents, guardian, or
15 custodian, and such other persons as appear to the court to be proper
16 or necessary parties to the proceedings, requiring them to appear
17 personally before the court at the time fixed to hear the petition.
18 If the child is developmentally disabled and not living at home, the
19 notice shall be given to the child's custodian as well as to the
20 child's parent. The developmentally disabled child shall not be
21 required to appear unless requested by the court. When the custodian
22 is summoned, the parent or guardian or both shall also be served with
23 a summons. The fact-finding hearing on the petition shall be held no
24 later than seventy-five days after the filing of the petition, unless
25 exceptional reasons for a continuance are found. The party requesting
26 the continuance shall have the burden of proving by a preponderance
27 of the evidence that exceptional circumstances exist. To ensure that
28 the hearing on the petition occurs within the seventy-five day time
29 limit, the court shall schedule and hear the matter on an expedited
30 basis.

31 (2) A copy of the petition shall be attached to each summons.

32 (3) The summons shall advise the parties of the right to counsel.
33 The summons shall also inform the child's parent, guardian, or legal
34 custodian of his or her right to appointed counsel, if indigent, and
35 of the procedure to use to secure appointed counsel.

36 (4) The summons shall advise the parents that they may be held
37 responsible for the support of the child if the child is placed in
38 out-of-home care.

1 (5) The summons shall advise the parents that if the court finds
2 the child to be a dependent and the parents have no contact with the
3 department or any service providers identified in the department's
4 case plan, the court shall order that a petition seeking termination
5 of parent and child relationship be filed if the child has been in
6 out-of-home care for at least twelve consecutive months following the
7 filing of a dependency petition, unless the court makes a good cause
8 exception based on the factors described in RCW 13.34.145.

9 (6) The judge may endorse upon the summons an order directing any
10 parent, guardian, or custodian having the custody or control of the
11 child to bring the child to the hearing.

12 ((+6)) (7) If it appears from affidavit or sworn statement
13 presented to the judge that there is probable cause for the issuance
14 of a warrant of arrest or that the child needs to be taken into
15 custody pursuant to RCW 13.34.050, the judge may endorse upon the
16 summons an order that an officer serving the summons shall at once
17 take the child into custody and take him or her to the place of
18 shelter designated by the court.

19 ((+7)) (8) If the person summoned as provided in this section is
20 subject to an order of the court pursuant to subsection ((+5) - or)
21 (6) or (7) of this section, and if the person fails to abide by the
22 order, he or she may be proceeded against as for contempt of court.
23 The order endorsed upon the summons shall conspicuously display the
24 following legend:

25 NOTICE:
26 VIOLATION OF THIS ORDER
27 IS SUBJECT TO PROCEEDING
28 FOR CONTEMPT OF COURT
29 PURSUANT TO RCW 13.34.070.

30 ((+8)) (9) If a party to be served with a summons can be found
31 within the state, the summons shall be served upon the party
32 personally as soon as possible following the filing of the petition,
33 but in no case later than fifteen court days before the fact-finding
34 hearing, or such time as set by the court. If the party is within the
35 state and cannot be personally served, but the party's address is
36 known or can with reasonable diligence be ascertained, the summons
37 may be served upon the party by mailing a copy by certified mail as
38 soon as possible following the filing of the petition, but in no case
39 later than fifteen court days before the hearing, or such time as set

1 by the court. If a party other than the child is without the state
2 but can be found or the address is known, or can with reasonable
3 diligence be ascertained, service of the summons may be made either
4 by delivering a copy to the party personally or by mailing a copy
5 thereof to the party by certified mail at least ten court days before
6 the fact-finding hearing, or such time as set by the court.

7 ~~((+9))~~ (10) Service of summons may be made under the direction
8 of the court by any person eighteen years of age or older who is not
9 a party to the proceedings or by any law enforcement officer,
10 probation counselor, or department employee.

11 ~~((+10))~~ (11) Whenever the court or the petitioning party in a
12 proceeding under this chapter knows or has reason to know that an
13 Indian child as defined in RCW 13.38.040 is involved, the petitioning
14 party shall promptly provide notice to the child's parent or Indian
15 custodian and to the agent designated by the child's Indian tribe to
16 receive such notices. Notice shall comply with RCW 13.38.070."

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17 On page 1, line 2 of the title, after "rights;" strike the
18 remainder of the title and insert "amending RCW 13.34.070; and
19 reenacting and amending RCW 13.34.138."

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