

SHB 1800 - S COMM AMD

By Committee on Human Services, Mental Health & Housing

ADOPTED AS AMENDED 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.

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  
19 hearing when necessary to meet the time frames set forth in RCW  
20 13.34.145(1)(a) 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  
27 for a period of six months, at which time there shall be a hearing on  
28 the need for continued intervention.

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

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

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

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

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

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

34 (i) Whether the supervising agency or the department is making  
35 reasonable efforts to provide services to the family and eliminate  
36 the need for placement of the child. If additional services,  
37 including housing assistance, are needed to facilitate the return of  
38 the child to the child's parents, the court shall order that  
39 reasonable services be offered specifying such services;

1 (ii) Whether there has been compliance with the case plan by the  
2 child, the child's parents, and the agency supervising the placement;  
3 (iii) Whether progress has been made toward correcting the  
4 problems that necessitated the child's placement in out-of-home care;  
5 (iv) Whether the services set forth in the case plan and the  
6 responsibilities of the parties need to be clarified or modified due  
7 to the availability of additional information or changed  
8 circumstances;  
9 (v) Whether there is a continuing need for placement;  
10 (vi) Whether a parent's homelessness or lack of suitable housing  
11 is a significant factor delaying permanency for the child by  
12 preventing the return of the child to the home of the child's parent  
13 and whether housing assistance should be provided by the department  
14 or supervising agency;  
15 (vii) Whether the child is in an appropriate placement which  
16 adequately meets all physical, emotional, and educational needs;  
17 (viii) Whether preference has been given to placement with the  
18 child's relatives if such placement is in the child's best interests;  
19 (ix) Whether both in-state and, where appropriate, out-of-state  
20 placements have been considered;  
21 (x) Whether the parents have visited the child and any reasons  
22 why visitation has not occurred or has been infrequent;  
23 (xi) Whether terms of visitation need to be modified;  
24 (xii) Whether the court-approved long-term permanent plan for the  
25 child remains the best plan for the child;  
26 (xiii) Whether any additional court orders need to be made to  
27 move the case toward permanency; and  
28 (xiv) The projected date by which the child will be returned home  
29 or other permanent plan of care will be implemented.  
30 (d) The court at the review hearing may order that a petition  
31 seeking termination of the parent and child relationship be filed. If  
32 the court determines that the child has been in out-of-home care for  
33 at least twelve consecutive months following the filing of a  
34 dependency petition and the parent has had no contact with the  
35 department or any service providers identified in the department's  
36 case plan, the court shall order that a petition seeking termination  
37 of parent and child relationship be filed unless the court makes a  
38 good cause exception based on the factors described in RCW 13.34.145.

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

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

7 (ii) The continued participation of the parents, if applicable,  
8 in available substance abuse or mental health treatment if substance  
9 abuse or mental illness was a contributing factor to the removal of  
10 the child.

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

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

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

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

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

30 (4) The court's authority to order housing assistance under this  
31 chapter is: (a) Limited to cases in which a parent's homelessness or  
32 lack of suitable housing is a significant factor delaying permanency  
33 for the child and housing assistance would aid the parent in  
34 providing an appropriate home for the child; and (b) subject to the  
35 availability of funds appropriated for this specific purpose. Nothing  
36 in this chapter shall be construed to create an entitlement to  
37 housing assistance nor to create judicial authority to order the  
38 provision of such assistance to any person or family if the  
39 assistance or funding are unavailable or the child or family are not  
40 eligible for such assistance.

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

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

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

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

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

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

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

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

4       (~~(6)~~) (7) If it appears from affidavit or sworn statement  
5 presented to the judge that there is probable cause for the issuance  
6 of a warrant of arrest or that the child needs to be taken into  
7 custody pursuant to RCW 13.34.050, the judge may endorse upon the  
8 summons an order that an officer serving the summons shall at once  
9 take the child into custody and take him or her to the place of  
10 shelter designated by the court.

11       (~~(7)~~) (8) If the person summoned as provided in this section is  
12 subject to an order of the court pursuant to subsection (~~(5) or~~)  
13 (6) or (7) of this section, and if the person fails to abide by the  
14 order, he or she may be proceeded against as for contempt of court.  
15 The order endorsed upon the summons shall conspicuously display the  
16 following legend:

17   NOTICE:  
18   VIOLATION OF THIS ORDER  
19   IS SUBJECT TO PROCEEDING  
20   FOR CONTEMPT OF COURT  
21   PURSUANT TO RCW 13.34.070.

22       (~~(8)~~) (9) If a party to be served with a summons can be found  
23 within the state, the summons shall be served upon the party  
24 personally as soon as possible following the filing of the petition,  
25 but in no case later than fifteen court days before the fact-finding  
26 hearing, or such time as set by the court. If the party is within the  
27 state and cannot be personally served, but the party's address is  
28 known or can with reasonable diligence be ascertained, the summons  
29 may be served upon the party by mailing a copy by certified mail as  
30 soon as possible following the filing of the petition, but in no case  
31 later than fifteen court days before the hearing, or such time as set  
32 by the court. If a party other than the child is without the state  
33 but can be found or the address is known, or can with reasonable  
34 diligence be ascertained, service of the summons may be made either  
35 by delivering a copy to the party personally or by mailing a copy  
36 thereof to the party by certified mail at least ten court days before  
37 the fact-finding hearing, or such time as set by the court.

38       (~~(9)~~) (10) Service of summons may be made under the direction  
39 of the court by any person eighteen years of age or older who is not

1 a party to the proceedings or by any law enforcement officer,  
2 probation counselor, or department employee.

3 ~~((10))~~ (11) Whenever the court or the petitioning party in a  
4 proceeding under this chapter knows or has reason to know that an  
5 Indian child as defined in RCW 13.38.040 is involved, the petitioning  
6 party shall promptly provide notice to the child's parent or Indian  
7 custodian and to the agent designated by the child's Indian tribe to  
8 receive such notices. Notice shall comply with RCW 13.38.070."

**SHB 1800** - S COMM AMD

By Committee on Human Services, Mental Health & Housing

**ADOPTED AS AMENDED 4/15/2015**

9 On page 1, line 2 of the title, after "rights;" strike the  
10 remainder of the title and insert "amending RCW 13.34.070; and  
11 reenacting and amending RCW 13.34.138."

EFFECT: Parents are provided notice at the time of a dependency filing through the summons that if the court finds the child to be a dependent and the parents have no contact with DSHS or any service providers identified in DSHS's case plan, the court shall order that a petition seeking termination of the parent and child relationship be filed if the child remains in out-of-home care for at least twelve consecutive months following the filing of this dependency petition, unless the court makes a good cause exception based on the factors described in RCW 13.34.145.

--- END ---