

SB 6407 - H COMM AMD

By Committee on Early Learning & Human Services

NOT ADOPTED 03/01/2018

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

3 "Sec. 1. RCW 13.34.025 and 2009 c 520 s 20 are each amended to
4 read as follows:

5 (1) The department and (~~supervising~~) agencies shall develop
6 methods for coordination of services to parents and children in child
7 dependency cases. To the maximum extent possible under current
8 funding levels, the department and (~~supervising~~) agencies must:

9 (a) Coordinate and integrate services to children and families,
10 using service plans and activities that address the children's and
11 families' multiple needs, including ensuring that siblings have
12 regular visits with each other, as appropriate. Assessment criteria
13 should screen for multiple needs;

14 (b) Develop treatment plans for the individual needs of the
15 client in a manner that minimizes the number of contacts the client
16 is required to make; and

17 (c) Access training for department and (~~supervising~~) agency
18 staff to increase skills across disciplines to assess needs for
19 mental health, substance abuse, developmental disabilities, and other
20 areas.

21 (2) The department shall coordinate within the administrations of
22 the department, and with contracted service providers (~~including~~
23 ~~supervising—agencies~~), to ensure that parents in dependency
24 proceedings under this chapter receive priority access to remedial
25 services recommended by the department (~~or supervising agency~~) in
26 its social study or ordered by the court for the purpose of
27 correcting any parental deficiencies identified in the dependency
28 proceeding that are capable of being corrected in the foreseeable
29 future. Services may also be provided to caregivers other than the
30 parents as identified in RCW 13.34.138.

31 (a) For purposes of this chapter, remedial services are those
32 services defined in the federal adoption and safe families act as

1 time-limited family reunification services. Remedial services include
2 individual, group, and family counseling; substance abuse treatment
3 services; mental health services; assistance to address domestic
4 violence; services designed to provide temporary child care and
5 therapeutic services for families; and transportation to or from any
6 of the above services and activities.

7 (b) The department shall provide funds for remedial services if
8 the parent is unable to pay to the extent funding is appropriated in
9 the operating budget or otherwise available to the department for
10 such specific services. As a condition for receiving funded remedial
11 services, the court may inquire into the parent's ability to pay for
12 all or part of such services or may require that the parent make
13 appropriate applications for funding to alternative funding sources
14 for such services.

15 (c) If court-ordered remedial services are unavailable for any
16 reason, including lack of funding, lack of services, or language
17 barriers, the department (~~(or supervising agency)~~) shall promptly
18 notify the court that the parent is unable to engage in the treatment
19 due to the inability to access such services.

20 (d) This section does not create an entitlement to services and
21 does not create judicial authority to order the provision of services
22 except for the specific purpose of making reasonable efforts to
23 remedy parental deficiencies identified in a dependency proceeding
24 under this chapter.

25 **Sec. 2.** RCW 13.34.030 and 2017 c 276 s 2 are each amended to
26 read as follows:

27 For purposes of this chapter:

28 (1) "Abandoned" means when the child's parent, guardian, or other
29 custodian has expressed, either by statement or conduct, an intent to
30 forego, for an extended period, parental rights or responsibilities
31 despite an ability to exercise such rights and responsibilities. If
32 the court finds that the petitioner has exercised due diligence in
33 attempting to locate the parent, no contact between the child and the
34 child's parent, guardian, or other custodian for a period of three
35 months creates a rebuttable presumption of abandonment, even if there
36 is no expressed intent to abandon.

37 (2) "Child," "juvenile," and "youth" means:

38 (a) Any individual under the age of eighteen years; or

1 (b) Any individual age eighteen to twenty-one years who is
2 eligible to receive and who elects to receive the extended foster
3 care services authorized under RCW 74.13.031. A youth who remains
4 dependent and who receives extended foster care services under RCW
5 74.13.031 shall not be considered a "child" under any other statute
6 or for any other purpose.

7 (3) "Current placement episode" means the period of time that
8 begins with the most recent date that the child was removed from the
9 home of the parent, guardian, or legal custodian for purposes of
10 placement in out-of-home care and continues until: (a) The child
11 returns home; (b) an adoption decree, a permanent custody order, or
12 guardianship order is entered; or (c) the dependency is dismissed,
13 whichever occurs first.

14 (4) "Department" means the department of social and health
15 services.

16 (5) "Dependency guardian" means the person, nonprofit
17 corporation, or Indian tribe appointed by the court pursuant to this
18 chapter for the limited purpose of assisting the court in the
19 supervision of the dependency.

20 (6) "Dependent child" means any child who:

21 (a) Has been abandoned;

22 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
23 person legally responsible for the care of the child;

24 (c) Has no parent, guardian, or custodian capable of adequately
25 caring for the child, such that the child is in circumstances which
26 constitute a danger of substantial damage to the child's
27 psychological or physical development; or

28 (d) Is receiving extended foster care services, as authorized by
29 RCW 74.13.031.

30 (7) "Developmental disability" means a disability attributable to
31 intellectual disability, cerebral palsy, epilepsy, autism, or another
32 neurological or other condition of an individual found by the
33 secretary to be closely related to an intellectual disability or to
34 require treatment similar to that required for individuals with
35 intellectual disabilities, which disability originates before the
36 individual attains age eighteen, which has continued or can be
37 expected to continue indefinitely, and which constitutes a
38 substantial limitation to the individual.

39 (8) "Educational liaison" means a person who has been appointed
40 by the court to fulfill responsibilities outlined in RCW 13.34.046.

1 (9) "Extended foster care services" means residential and other
2 support services the department is authorized to provide under RCW
3 74.13.031. These services may include placement in licensed,
4 relative, or otherwise approved care, or supervised independent
5 living settings; assistance in meeting basic needs; independent
6 living services; medical assistance; and counseling or treatment.

7 (10) "Guardian" means the person or agency that: (a) Has been
8 appointed as the guardian of a child in a legal proceeding, including
9 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
10 legal right to custody of the child pursuant to such appointment. The
11 term "guardian" does not include a "dependency guardian" appointed
12 pursuant to a proceeding under this chapter.

13 (11) "Guardian ad litem" means a person, appointed by the court
14 to represent the best interests of a child in a proceeding under this
15 chapter, or in any matter which may be consolidated with a proceeding
16 under this chapter. A "court-appointed special advocate" appointed by
17 the court to be the guardian ad litem for the child, or to perform
18 substantially the same duties and functions as a guardian ad litem,
19 shall be deemed to be guardian ad litem for all purposes and uses of
20 this chapter.

21 (12) "Guardian ad litem program" means a court-authorized
22 volunteer program, which is or may be established by the superior
23 court of the county in which such proceeding is filed, to manage all
24 aspects of volunteer guardian ad litem representation for children
25 alleged or found to be dependent. Such management shall include but
26 is not limited to: Recruitment, screening, training, supervision,
27 assignment, and discharge of volunteers.

28 (13) "Housing assistance" means appropriate referrals by the
29 department or other (~~supervising~~) agencies to federal, state,
30 local, or private agencies or organizations, assistance with forms,
31 applications, or financial subsidies or other monetary assistance for
32 housing. For purposes of this chapter, "housing assistance" is not a
33 remedial service or time-limited family reunification service as
34 described in RCW 13.34.025(2).

35 (14) "Indigent" means a person who, at any stage of a court
36 proceeding, is:

37 (a) Receiving one of the following types of public assistance:
38 Temporary assistance for needy families, aged, blind, or disabled
39 assistance benefits, medical care services under RCW 74.09.035,
40 pregnant women assistance benefits, poverty-related veterans'

1 benefits, food stamps or food stamp benefits transferred
2 electronically, refugee resettlement benefits, medicaid, or
3 supplemental security income; or

4 (b) Involuntarily committed to a public mental health facility;
5 or

6 (c) Receiving an annual income, after taxes, of one hundred
7 twenty-five percent or less of the federally established poverty
8 level; or

9 (d) Unable to pay the anticipated cost of counsel for the matter
10 before the court because his or her available funds are insufficient
11 to pay any amount for the retention of counsel.

12 (15) "Nonminor dependent" means any individual age eighteen to
13 twenty-one years who is participating in extended foster care
14 services authorized under RCW 74.13.031.

15 (16) "Out-of-home care" means placement in a foster family home
16 or group care facility licensed pursuant to chapter 74.15 RCW or
17 placement in a home, other than that of the child's parent, guardian,
18 or legal custodian, not required to be licensed pursuant to chapter
19 74.15 RCW.

20 (17) "Parent" means the biological or adoptive parents of a
21 child, or an individual who has established a parent-child
22 relationship under RCW 26.26.101, unless the legal rights of that
23 person have been terminated by a judicial proceeding pursuant to this
24 chapter, chapter 26.33 RCW, or the equivalent laws of another state
25 or a federally recognized Indian tribe.

26 (18) "Preventive services" means preservation services, as
27 defined in chapter 74.14C RCW, and other reasonably available
28 services, including housing assistance, capable of preventing the
29 need for out-of-home placement while protecting the child.

30 (19) "Shelter care" means temporary physical care in a facility
31 licensed pursuant to RCW 74.15.030 or in a home not required to be
32 licensed pursuant to RCW 74.15.030.

33 (20) "Sibling" means a child's birth brother, birth sister,
34 adoptive brother, adoptive sister, half-brother, or half-sister, or
35 as defined by the law or custom of the Indian child's tribe for an
36 Indian child as defined in RCW 13.38.040.

37 (21) "Social study" means a written evaluation of matters
38 relevant to the disposition of the case and shall contain the
39 following information:

1 (a) A statement of the specific harm or harms to the child that
2 intervention is designed to alleviate;

3 (b) A description of the specific services and activities, for
4 both the parents and child, that are needed in order to prevent
5 serious harm to the child; the reasons why such services and
6 activities are likely to be useful; the availability of any proposed
7 services; and the agency's overall plan for ensuring that the
8 services will be delivered. The description shall identify the
9 services chosen and approved by the parent;

10 (c) If removal is recommended, a full description of the reasons
11 why the child cannot be protected adequately in the home, including a
12 description of any previous efforts to work with the parents and the
13 child in the home; the in-home treatment programs that have been
14 considered and rejected; the preventive services, including housing
15 assistance, that have been offered or provided and have failed to
16 prevent the need for out-of-home placement, unless the health,
17 safety, and welfare of the child cannot be protected adequately in
18 the home; and the parents' attitude toward placement of the child;

19 (d) A statement of the likely harms the child will suffer as a
20 result of removal;

21 (e) A description of the steps that will be taken to minimize the
22 harm to the child that may result if separation occurs including an
23 assessment of the child's relationship and emotional bond with any
24 siblings, and the agency's plan to provide ongoing contact between
25 the child and the child's siblings if appropriate; and

26 (f) Behavior that will be expected before determination that
27 supervision of the family or placement is no longer necessary.

28 (22) "Supervised independent living" includes, but is not limited
29 to, apartment living, room and board arrangements, college or
30 university dormitories, and shared roommate settings. Supervised
31 independent living settings must be approved by the children's
32 administration or the court.

33 ~~(23) ("Supervising agency" means an agency licensed by the state
34 under RCW 74.15.090, or licensed by a federally recognized Indian
35 tribe located in this state under RCW 74.15.190, that has entered
36 into a performance-based contract with the department to provide case
37 management for the delivery and documentation of child welfare
38 services as defined in RCW 74.13.020.~~

39 ~~(24))~~ "Voluntary placement agreement" means, for the purposes of
40 extended foster care services, a written voluntary agreement between

1 a nonminor dependent who agrees to submit to the care and authority
2 of the department for the purposes of participating in the extended
3 foster care program.

4 **Sec. 3.** RCW 13.34.030 and 2017 3rd sp.s. c 6 s 302 are each
5 amended to read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Abandoned" means when the child's parent, guardian, or other
9 custodian has expressed, either by statement or conduct, an intent to
10 forego, for an extended period, parental rights or responsibilities
11 despite an ability to exercise such rights and responsibilities. If
12 the court finds that the petitioner has exercised due diligence in
13 attempting to locate the parent, no contact between the child and the
14 child's parent, guardian, or other custodian for a period of three
15 months creates a rebuttable presumption of abandonment, even if there
16 is no expressed intent to abandon.

17 (2) "Child," "juvenile," and "youth" mean:

18 (a) Any individual under the age of eighteen years; or

19 (b) Any individual age eighteen to twenty-one years who is
20 eligible to receive and who elects to receive the extended foster
21 care services authorized under RCW 74.13.031. A youth who remains
22 dependent and who receives extended foster care services under RCW
23 74.13.031 shall not be considered a "child" under any other statute
24 or for any other purpose.

25 (3) "Current placement episode" means the period of time that
26 begins with the most recent date that the child was removed from the
27 home of the parent, guardian, or legal custodian for purposes of
28 placement in out-of-home care and continues until: (a) The child
29 returns home; (b) an adoption decree, a permanent custody order, or
30 guardianship order is entered; or (c) the dependency is dismissed,
31 whichever occurs first.

32 (4) "Department" means the department of children, youth, and
33 families.

34 (5) "Dependency guardian" means the person, nonprofit
35 corporation, or Indian tribe appointed by the court pursuant to this
36 chapter for the limited purpose of assisting the court in the
37 supervision of the dependency.

38 (6) "Dependent child" means any child who:

39 (a) Has been abandoned;

1 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
2 person legally responsible for the care of the child;

3 (c) Has no parent, guardian, or custodian capable of adequately
4 caring for the child, such that the child is in circumstances which
5 constitute a danger of substantial damage to the child's
6 psychological or physical development; or

7 (d) Is receiving extended foster care services, as authorized by
8 RCW 74.13.031.

9 (7) "Developmental disability" means a disability attributable to
10 intellectual disability, cerebral palsy, epilepsy, autism, or another
11 neurological or other condition of an individual found by the
12 secretary of the department of social and health services to be
13 closely related to an intellectual disability or to require treatment
14 similar to that required for individuals with intellectual
15 disabilities, which disability originates before the individual
16 attains age eighteen, which has continued or can be expected to
17 continue indefinitely, and which constitutes a substantial limitation
18 to the individual.

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20 by the court to fulfill responsibilities outlined in RCW 13.34.046.

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22 support services the department is authorized to provide under RCW
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24 relative, or otherwise approved care, or supervised independent
25 living settings; assistance in meeting basic needs; independent
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34 to represent the best interests of a child in a proceeding under this
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36 under this chapter. A "court-appointed special advocate" appointed by
37 the court to be the guardian ad litem for the child, or to perform
38 substantially the same duties and functions as a guardian ad litem,
39 shall be deemed to be guardian ad litem for all purposes and uses of
40 this chapter.

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2 volunteer program, which is or may be established by the superior
3 court of the county in which such proceeding is filed, to manage all
4 aspects of volunteer guardian ad litem representation for children
5 alleged or found to be dependent. Such management shall include but
6 is not limited to: Recruitment, screening, training, supervision,
7 assignment, and discharge of volunteers.

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9 department or other (~~supervising~~) agencies to federal, state,
10 local, or private agencies or organizations, assistance with forms,
11 applications, or financial subsidies or other monetary assistance for
12 housing. For purposes of this chapter, "housing assistance" is not a
13 remedial service or time-limited family reunification service as
14 described in RCW 13.34.025(2).

15 (14) "Indigent" means a person who, at any stage of a court
16 proceeding, is:

17 (a) Receiving one of the following types of public assistance:
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19 assistance benefits, medical care services under RCW 74.09.035,
20 pregnant women assistance benefits, poverty-related veterans'
21 benefits, food stamps or food stamp benefits transferred
22 electronically, refugee resettlement benefits, medicaid, or
23 supplemental security income; or

24 (b) Involuntarily committed to a public mental health facility;
25 or

26 (c) Receiving an annual income, after taxes, of one hundred
27 twenty-five percent or less of the federally established poverty
28 level; or

29 (d) Unable to pay the anticipated cost of counsel for the matter
30 before the court because his or her available funds are insufficient
31 to pay any amount for the retention of counsel.

32 (15) "Nonminor dependent" means any individual age eighteen to
33 twenty-one years who is participating in extended foster care
34 services authorized under RCW 74.13.031.

35 (16) "Out-of-home care" means placement in a foster family home
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37 placement in a home, other than that of the child's parent, guardian,
38 or legal custodian, not required to be licensed pursuant to chapter
39 74.15 RCW.

1 (17) "Parent" means the biological or adoptive parents of a
2 child, or an individual who has established a parent-child
3 relationship under RCW 26.26.101, unless the legal rights of that
4 person have been terminated by a judicial proceeding pursuant to this
5 chapter, chapter 26.33 RCW, or the equivalent laws of another state
6 or a federally recognized Indian tribe.

7 (18) "Preventive services" means preservation services, as
8 defined in chapter 74.14C RCW, and other reasonably available
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10 need for out-of-home placement while protecting the child.

11 (19) "Shelter care" means temporary physical care in a facility
12 licensed pursuant to RCW 74.15.030 or in a home not required to be
13 licensed pursuant to RCW 74.15.030.

14 (20) "Sibling" means a child's birth brother, birth sister,
15 adoptive brother, adoptive sister, half-brother, or half-sister, or
16 as defined by the law or custom of the Indian child's tribe for an
17 Indian child as defined in RCW 13.38.040.

18 (21) "Social study" means a written evaluation of matters
19 relevant to the disposition of the case and shall contain the
20 following information:

21 (a) A statement of the specific harm or harms to the child that
22 intervention is designed to alleviate;

23 (b) A description of the specific services and activities, for
24 both the parents and child, that are needed in order to prevent
25 serious harm to the child; the reasons why such services and
26 activities are likely to be useful; the availability of any proposed
27 services; and the agency's overall plan for ensuring that the
28 services will be delivered. The description shall identify the
29 services chosen and approved by the parent;

30 (c) If removal is recommended, a full description of the reasons
31 why the child cannot be protected adequately in the home, including a
32 description of any previous efforts to work with the parents and the
33 child in the home; the in-home treatment programs that have been
34 considered and rejected; the preventive services, including housing
35 assistance, that have been offered or provided and have failed to
36 prevent the need for out-of-home placement, unless the health,
37 safety, and welfare of the child cannot be protected adequately in
38 the home; and the parents' attitude toward placement of the child;

39 (d) A statement of the likely harms the child will suffer as a
40 result of removal;

1 (e) A description of the steps that will be taken to minimize the
2 harm to the child that may result if separation occurs including an
3 assessment of the child's relationship and emotional bond with any
4 siblings, and the agency's plan to provide ongoing contact between
5 the child and the child's siblings if appropriate; and

6 (f) Behavior that will be expected before determination that
7 supervision of the family or placement is no longer necessary.

8 (22) "Supervised independent living" includes, but is not limited
9 to, apartment living, room and board arrangements, college or
10 university dormitories, and shared roommate settings. Supervised
11 independent living settings must be approved by the children's
12 administration or the court.

13 ~~(23) ("Supervising agency" means an agency licensed by the state
14 under RCW 74.15.090, or licensed by a federally recognized Indian
15 tribe located in this state under RCW 74.15.190, that has entered
16 into a performance-based contract with the department to provide case
17 management for the delivery and documentation of child welfare
18 services as defined in RCW 74.13.020.~~

19 ~~(24))~~ "Voluntary placement agreement" means, for the purposes of
20 extended foster care services, a written voluntary agreement between
21 a nonminor dependent who agrees to submit to the care and authority
22 of the department for the purposes of participating in the extended
23 foster care program.

24 **Sec. 4.** RCW 13.34.065 and 2013 c 162 s 6 are each amended to
25 read as follows:

26 (1)(a) When a child is taken into custody, the court shall hold a
27 shelter care hearing within seventy-two hours, excluding Saturdays,
28 Sundays, and holidays. The primary purpose of the shelter care
29 hearing is to determine whether the child can be immediately and
30 safely returned home while the adjudication of the dependency is
31 pending.

32 (b) Any parent, guardian, or legal custodian who for good cause
33 is unable to attend the shelter care hearing may request that a
34 subsequent shelter care hearing be scheduled. The request shall be
35 made to the clerk of the court where the petition is filed prior to
36 the initial shelter care hearing. Upon the request of the parent, the
37 court shall schedule the hearing within seventy-two hours of the
38 request, excluding Saturdays, Sundays, and holidays. The clerk shall
39 notify all other parties of the hearing by any reasonable means.

1 (2)(a) If it is likely that the child will remain in shelter care
2 longer than seventy-two hours, (~~in those areas in which child~~
3 ~~welfare services are being provided by a supervising agency, the~~
4 ~~supervising agency shall assume case management responsibilities of~~
5 ~~the case.~~) the department (~~or supervising agency~~) shall submit a
6 recommendation to the court as to the further need for shelter care
7 in all cases in which the child will remain in shelter care longer
8 than the seventy-two hour period. In all other cases, the
9 recommendation shall be submitted by the juvenile court probation
10 counselor.

11 (b) All parties have the right to present testimony to the court
12 regarding the need or lack of need for shelter care.

13 (c) Hearsay evidence before the court regarding the need or lack
14 of need for shelter care must be supported by sworn testimony,
15 affidavit, or declaration of the person offering such evidence.

16 (3)(a) At the commencement of the hearing, the court shall notify
17 the parent, guardian, or custodian of the following:

18 (i) The parent, guardian, or custodian has the right to a shelter
19 care hearing;

20 (ii) The nature of the shelter care hearing, the rights of the
21 parents, and the proceedings that will follow; and

22 (iii) If the parent, guardian, or custodian is not represented by
23 counsel, the right to be represented. If the parent, guardian, or
24 custodian is indigent, the court shall appoint counsel as provided in
25 RCW 13.34.090; and

26 (b) If a parent, guardian, or legal custodian desires to waive
27 the shelter care hearing, the court shall determine, on the record
28 and with the parties present, whether such waiver is knowing and
29 voluntary. A parent may not waive his or her right to the shelter
30 care hearing unless he or she appears in court and the court
31 determines that the waiver is knowing and voluntary. Regardless of
32 whether the court accepts the parental waiver of the shelter care
33 hearing, the court must provide notice to the parents of their rights
34 required under (a) of this subsection and make the finding required
35 under subsection (4) of this section.

36 (4) At the shelter care hearing the court shall examine the need
37 for shelter care and inquire into the status of the case. The
38 paramount consideration for the court shall be the health, welfare,
39 and safety of the child. At a minimum, the court shall inquire into
40 the following:

1 (a) Whether the notice required under RCW 13.34.062 was given to
2 all known parents, guardians, or legal custodians of the child. The
3 court shall make an express finding as to whether the notice required
4 under RCW 13.34.062 was given to the parent, guardian, or legal
5 custodian. If actual notice was not given to the parent, guardian, or
6 legal custodian and the whereabouts of such person is known or can be
7 ascertained, the court shall order the department to make reasonable
8 efforts to advise the parent, guardian, or legal custodian of the
9 status of the case, including the date and time of any subsequent
10 hearings, and their rights under RCW 13.34.090;

11 (b) Whether the child can be safely returned home while the
12 adjudication of the dependency is pending;

13 (c) What efforts have been made to place the child with a
14 relative. The court shall ask the parents whether the department
15 discussed with them the placement of the child with a relative or
16 other suitable person described in RCW 13.34.130(1)(b) and shall
17 determine what efforts have been made toward such a placement;

18 (d) What services were provided to the family to prevent or
19 eliminate the need for removal of the child from the child's home. If
20 the dependency petition or other information before the court alleges
21 that homelessness or the lack of suitable housing was a significant
22 factor contributing to the removal of the child, the court shall
23 inquire as to whether housing assistance was provided to the family
24 to prevent or eliminate the need for removal of the child or
25 children;

26 (e) Is the placement proposed by the department (~~(or supervising~~
27 ~~agency))~~) the least disruptive and most family-like setting that meets
28 the needs of the child;

29 (f) Whether it is in the best interest of the child to remain
30 enrolled in the school, developmental program, or child care the
31 child was in prior to placement and what efforts have been made to
32 maintain the child in the school, program, or child care if it would
33 be in the best interest of the child to remain in the same school,
34 program, or child care;

35 (g) Appointment of a guardian ad litem or attorney;

36 (h) Whether the child is or may be an Indian child as defined in
37 RCW 13.38.040, whether the provisions of the federal Indian child
38 welfare act or chapter 13.38 RCW apply, and whether there is
39 compliance with the federal Indian child welfare act and chapter
40 13.38 RCW, including notice to the child's tribe;

1 (i) Whether, as provided in RCW 26.44.063, restraining orders, or
2 orders expelling an allegedly abusive household member from the home
3 of a nonabusive parent, guardian, or legal custodian, will allow the
4 child to safely remain in the home;

5 (j) Whether any orders for examinations, evaluations, or
6 immediate services are needed. The court may not order a parent to
7 undergo examinations, evaluation, or services at the shelter care
8 hearing unless the parent agrees to the examination, evaluation, or
9 service;

10 (k) The terms and conditions for parental, sibling, and family
11 visitation.

12 (5)(a) The court shall release a child alleged to be dependent to
13 the care, custody, and control of the child's parent, guardian, or
14 legal custodian unless the court finds there is reasonable cause to
15 believe that:

16 (i) After consideration of the specific services that have been
17 provided, reasonable efforts have been made to prevent or eliminate
18 the need for removal of the child from the child's home and to make
19 it possible for the child to return home; and

20 (ii)(A) The child has no parent, guardian, or legal custodian to
21 provide supervision and care for such child; or

22 (B) The release of such child would present a serious threat of
23 substantial harm to such child, notwithstanding an order entered
24 pursuant to RCW 26.44.063; or

25 (C) The parent, guardian, or custodian to whom the child could be
26 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

27 (b) If the court does not release the child to his or her parent,
28 guardian, or legal custodian, the court shall order placement with a
29 relative or other suitable person as described in RCW
30 13.34.130(1)(b), unless there is reasonable cause to believe the
31 health, safety, or welfare of the child would be jeopardized or that
32 the efforts to reunite the parent and child will be hindered. If such
33 relative or other suitable person appears otherwise suitable and
34 competent to provide care and treatment, the fingerprint-based
35 background check need not be completed before placement, but as soon
36 as possible after placement. The court must also determine whether
37 placement with the relative or other suitable person is in the
38 child's best interests. The relative or other suitable person must be
39 willing and available to:

1 (i) Care for the child and be able to meet any special needs of
2 the child;

3 (ii) Facilitate the child's visitation with siblings, if such
4 visitation is part of the (~~supervising agency's~~) department's plan
5 or is ordered by the court; and

6 (iii) Cooperate with the department (~~or supervising agency~~) in
7 providing necessary background checks and home studies.

8 (c) If the child was not initially placed with a relative or
9 other suitable person, and the court does not release the child to
10 his or her parent, guardian, or legal custodian, the (~~supervising
11 agency~~) department shall make reasonable efforts to locate a
12 relative or other suitable person pursuant to RCW 13.34.060(1). In
13 determining placement, the court shall weigh the child's length of
14 stay and attachment to the current provider in determining what is in
15 the best interest of the child.

16 (d) If a relative or other suitable person is not available, the
17 court shall order continued shelter care and shall set forth its
18 reasons for the order. If the court orders placement of the child
19 with a person not related to the child and not licensed to provide
20 foster care, the placement is subject to all terms and conditions of
21 this section that apply to relative placements.

22 (e) Any placement with a relative, or other suitable person
23 approved by the court pursuant to this section, shall be contingent
24 upon cooperation with the department's or (~~supervising~~) agency's
25 case plan and compliance with court orders related to the care and
26 supervision of the child including, but not limited to, court orders
27 regarding parent-child contacts, sibling contacts, and any other
28 conditions imposed by the court. Noncompliance with the case plan or
29 court order is grounds for removal of the child from the home of the
30 relative or other suitable person, subject to review by the court.

31 (f) Uncertainty by a parent, guardian, legal custodian, relative,
32 or other suitable person that the alleged abuser has in fact abused
33 the child shall not, alone, be the basis upon which a child is
34 removed from the care of a parent, guardian, or legal custodian under
35 (a) of this subsection, nor shall it be a basis, alone, to preclude
36 placement with a relative or other suitable person under (b) of this
37 subsection.

38 (6)(a) A shelter care order issued pursuant to this section shall
39 include the requirement for a case conference as provided in RCW
40 13.34.067. However, if the parent is not present at the shelter care

1 hearing, or does not agree to the case conference, the court shall
2 not include the requirement for the case conference in the shelter
3 care order.

4 (b) If the court orders a case conference, the shelter care order
5 shall include notice to all parties and establish the date, time, and
6 location of the case conference which shall be no later than thirty
7 days before the fact-finding hearing.

8 (c) The court may order another conference, case staffing, or
9 hearing as an alternative to the case conference required under RCW
10 13.34.067 so long as the conference, case staffing, or hearing
11 ordered by the court meets all requirements under RCW 13.34.067,
12 including the requirement of a written agreement specifying the
13 services to be provided to the parent.

14 (7)(a) A shelter care order issued pursuant to this section may
15 be amended at any time with notice and hearing thereon. The shelter
16 care decision of placement shall be modified only upon a showing of
17 change in circumstances. No child may be placed in shelter care for
18 longer than thirty days without an order, signed by the judge,
19 authorizing continued shelter care.

20 (b)(i) An order releasing the child on any conditions specified
21 in this section may at any time be amended, with notice and hearing
22 thereon, so as to return the child to shelter care for failure of the
23 parties to conform to the conditions originally imposed.

24 (ii) The court shall consider whether nonconformance with any
25 conditions resulted from circumstances beyond the control of the
26 parent, guardian, or legal custodian and give weight to that fact
27 before ordering return of the child to shelter care.

28 (8)(a) If a child is returned home from shelter care a second
29 time in the case, or if the supervisor of the caseworker deems it
30 necessary, the multidisciplinary team may be reconvened.

31 (b) If a child is returned home from shelter care a second time
32 in the case a law enforcement officer must be present and file a
33 report to the department.

34 **Sec. 5.** RCW 13.34.067 and 2013 c 173 s 1 are each amended to
35 read as follows:

36 (1)(a) Following shelter care and no later than thirty days prior
37 to fact-finding, the department (~~(or supervising agency)~~) shall
38 convene a case conference as required in the shelter care order to
39 develop and specify in a written service agreement the expectations

1 of both the department (~~(or supervising agency)~~) and the parent
2 regarding voluntary services for the parent.

3 (b) The case conference shall include the parent, counsel for the
4 parent, caseworker, counsel for the state, guardian ad litem, counsel
5 for the child, and any other person agreed upon by the parties. Once
6 the shelter care order is entered, the department (~~(or supervising
7 agency)~~) is not required to provide additional notice of the case
8 conference to any participants in the case conference.

9 (c) The written service agreement expectations must correlate
10 with the court's findings at the shelter care hearing. The written
11 service agreement must set forth specific services to be provided to
12 the parent.

13 (d) The case conference agreement must be agreed to and signed by
14 the parties. The court shall not consider the content of the
15 discussions at the case conference at the time of the fact-finding
16 hearing for the purposes of establishing that the child is a
17 dependent child, and the court shall not consider any documents or
18 written materials presented at the case conference but not
19 incorporated into the case conference agreement, unless the documents
20 or written materials were prepared for purposes other than or as a
21 result of the case conference and are otherwise admissible under the
22 rules of evidence.

23 (2) At any other stage in a dependency proceeding, the department
24 (~~(or supervising agency)~~), upon the parent's request, shall convene a
25 case conference.

26 (3) If a case conference is convened pursuant to subsection (1)
27 or (2) of this section and the parent is unable to participate in
28 person due to incarceration, the parent must have the option to
29 participate through the use of a teleconference or videoconference.

30 **Sec. 6.** RCW 13.34.094 and 2009 c 520 s 24 are each amended to
31 read as follows:

32 The department(~~(, or supervising agency after the shelter care
33 hearing,)~~) shall, within existing resources, provide to parents
34 requesting or participating in a multidisciplinary team, family group
35 conference, case conference, or prognostic staffing information that
36 describes these processes prior to the processes being undertaken.

37 **Sec. 7.** RCW 13.34.096 and 2016 c 180 s 1 are each amended to
38 read as follows:

1 (1) The department (~~(or supervising agency)~~) shall provide the
2 child's foster parents, preadoptive parents, or other caregivers with
3 timely and adequate notice of their right to be heard prior to each
4 proceeding held with respect to the child in juvenile court under
5 this chapter. For purposes of this section, "timely and adequate
6 notice" means notice at the time the department would be required to
7 give notice to parties to the case and by any means reasonably
8 certain of notifying the foster parents, preadoptive parents, or
9 other caregivers, including but not limited to written, telephone, or
10 in person oral notification. For emergency hearings, the department
11 shall give notice to foster parents, preadoptive parents, or other
12 caregivers as soon as is practicable. For six-month review and annual
13 permanency hearings, the department shall give notice to foster
14 parents upon placement or as soon as practicable.

15 (2) The court shall establish and include in the court record
16 after every hearing for which the department (~~(or supervising
17 agency)~~) is required to provide notice to the child's foster parents,
18 preadoptive parents, and caregivers whether the department provided
19 adequate and timely notice, whether a caregiver's report was received
20 by the court, and whether the court provided the child's foster
21 parents, preadoptive parents, or caregivers with an opportunity to be
22 heard in court. For purposes of this section, "caregiver's report"
23 means a form provided by the department of social and health services
24 to a child's foster parents, preadoptive parents, or caregivers that
25 provides an opportunity for those individuals to share information
26 about the child with the court before a court hearing. A caregiver's
27 report shall not include information related to a child's biological
28 parent that is not directly related to the child's well-being.

29 (3) Absent exigent circumstances, the department shall provide
30 the child's foster family home notice of expected placement changes
31 as required by RCW 74.13.300.

32 (4) The rights to notice and to be heard apply only to persons
33 with whom a child has been placed by the department or
34 (~~(supervising)~~) agency and who are providing care to the child at the
35 time of the proceeding. This section shall not be construed to grant
36 party status to any person solely on the basis of such notice and
37 right to be heard.

38 **Sec. 8.** RCW 13.34.096 and 2017 3rd sp.s. c 6 s 304 are each
39 amended to read as follows:

1 (1) The department (~~or supervising agency~~) shall provide the
2 child's foster parents, preadoptive parents, or other caregivers with
3 timely and adequate notice of their right to be heard prior to each
4 proceeding held with respect to the child in juvenile court under
5 this chapter. For purposes of this section, "timely and adequate
6 notice" means notice at the time the department would be required to
7 give notice to parties to the case and by any means reasonably
8 certain of notifying the foster parents, preadoptive parents, or
9 other caregivers, including but not limited to written, telephone, or
10 in person oral notification. For emergency hearings, the department
11 shall give notice to foster parents, preadoptive parents, or other
12 caregivers as soon as is practicable. For six-month review and annual
13 permanency hearings, the department shall give notice to foster
14 parents upon placement or as soon as practicable.

15 (2) The court shall establish and include in the court record
16 after every hearing for which the department (~~or supervising~~
17 ~~agency~~) is required to provide notice to the child's foster parents,
18 preadoptive parents, and caregivers whether the department provided
19 adequate and timely notice, whether a caregiver's report was received
20 by the court, and whether the court provided the child's foster
21 parents, preadoptive parents, or caregivers with an opportunity to be
22 heard in court. For purposes of this section, "caregiver's report"
23 means a form provided by the department to a child's foster parents,
24 preadoptive parents, or caregivers that provides an opportunity for
25 those individuals to share information about the child with the court
26 before a court hearing. A caregiver's report shall not include
27 information related to a child's biological parent that is not
28 directly related to the child's well-being.

29 (3) Absent exigent circumstances, the department shall provide
30 the child's foster family home notice of expected placement changes
31 as required by RCW 74.13.300.

32 (4) The rights to notice and to be heard apply only to persons
33 with whom a child has been placed by the department or
34 (~~supervising~~) agency and who are providing care to the child at the
35 time of the proceeding. This section shall not be construed to grant
36 party status to any person solely on the basis of such notice and
37 right to be heard.

38 **Sec. 9.** RCW 13.34.125 and 2009 c 520 s 26 are each amended to
39 read as follows:

1 In those cases where an alleged father, birth parent, or parent
2 has indicated his or her intention to make a voluntary adoption plan
3 for the child and has agreed to the termination of his or her
4 parental rights, the department (~~(or supervising agency)~~) shall
5 follow the wishes of the alleged father, birth parent, or parent
6 regarding the proposed adoptive placement of the child, if the court
7 determines that the adoption is in the best interest of the child,
8 and the prospective adoptive parents chosen by the alleged father,
9 birth parent, or parent are properly qualified to adopt in compliance
10 with the standards in this chapter and chapter 26.33 RCW. If the
11 department (~~(or supervising agency)~~) has filed a termination
12 petition, an alleged father's, birth parent's, or parent's
13 preferences regarding the proposed adoptive placement of the child
14 shall be given consideration.

15 **Sec. 10.** RCW 13.34.130 and 2013 c 254 s 1 are each amended to
16 read as follows:

17 If, after a fact-finding hearing pursuant to RCW 13.34.110, it
18 has been proven by a preponderance of the evidence that the child is
19 dependent within the meaning of RCW 13.34.030 after consideration of
20 the social study prepared pursuant to RCW 13.34.110 and after a
21 disposition hearing has been held pursuant to RCW 13.34.110, the
22 court shall enter an order of disposition pursuant to this section.

23 (1) The court shall order one of the following dispositions of
24 the case:

25 (a) Order a disposition that maintains the child in his or her
26 home, which shall provide a program designed to alleviate the
27 immediate danger to the child, to mitigate or cure any damage the
28 child has already suffered, and to aid the parents so that the child
29 will not be endangered in the future. In determining the disposition,
30 the court should choose services to assist the parents in maintaining
31 the child in the home, including housing assistance, if appropriate,
32 that least interfere with family autonomy and are adequate to protect
33 the child.

34 (b)(i) Order the child to be removed from his or her home and
35 into the custody, control, and care of a relative or other suitable
36 person, the department, or (~~(a supervising)~~) agency responsible for
37 supervision of the child's placement. If the court orders that the
38 child be placed with a caregiver over the objections of the parent or
39 the department, the court shall articulate, on the record, his or her

1 reasons for ordering the placement. The court may not order an Indian
2 child, as defined in RCW 13.38.040, to be removed from his or her
3 home unless the court finds, by clear and convincing evidence
4 including testimony of qualified expert witnesses, that the continued
5 custody of the child by the parent or Indian custodian is likely to
6 result in serious emotional or physical damage to the child.

7 (ii) The department (~~(or supervising agency)~~) has the authority
8 to place the child, subject to review and approval by the court (A)
9 with a relative as defined in RCW 74.15.020(2)(a), (B) in the home of
10 another suitable person if the child or family has a preexisting
11 relationship with that person, and the person has completed all
12 required criminal history background checks and otherwise appears to
13 the department (~~(or supervising agency)~~) to be suitable and competent
14 to provide care for the child, or (C) in a foster family home or
15 group care facility licensed pursuant to chapter 74.15 RCW.

16 (iii) The department may also consider placing the child, subject
17 to review and approval by the court, with a person with whom the
18 child's sibling or half-sibling is residing or a person who has
19 adopted the sibling or half-sibling of the child being placed as long
20 as the person has completed all required criminal history background
21 checks and otherwise appears to the department (~~(or supervising
22 agency)~~) to be competent to provide care for the child.

23 (2) Absent good cause, the department (~~(or supervising agency)~~)
24 shall follow the wishes of the natural parent regarding the placement
25 of the child in accordance with RCW 13.34.260.

26 (3) The department (~~(or supervising agency)~~) may only place a
27 child with a person not related to the child as defined in RCW
28 74.15.020(2)(a), including a placement provided for in subsection
29 (1)(b)(iii) of this section, when the court finds that such placement
30 is in the best interest of the child. Unless there is reasonable
31 cause to believe that the health, safety, or welfare of the child
32 would be jeopardized or that efforts to reunite the parent and child
33 will be hindered, the child shall be placed with a person who is
34 willing, appropriate, and available to care for the child, and who
35 is: (I) Related to the child as defined in RCW 74.15.020(2)(a) with
36 whom the child has a relationship and is comfortable; or (II) a
37 suitable person as described in subsection (1)(b) of this section.
38 The court shall consider the child's existing relationships and
39 attachments when determining placement.

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

4 (5) Placement of the child with a relative or other suitable
5 person as described in subsection (1)(b) of this section shall be
6 given preference by the court. An order for out-of-home placement may
7 be made only if the court finds that reasonable efforts have been
8 made to prevent or eliminate the need for removal of the child from
9 the child's home and to make it possible for the child to return
10 home, specifying the services, including housing assistance, that
11 have been provided to the child and the child's parent, guardian, or
12 legal custodian, and that preventive services have been offered or
13 provided and have failed to prevent the need for out-of-home
14 placement, unless the health, safety, and welfare of the child cannot
15 be protected adequately in the home, and that:

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

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

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

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

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

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

34 (ii) There is no reasonable cause to believe that the health,
35 safety, or welfare of any child subject to the order of placement,
36 contact, or visitation would be jeopardized or that efforts to
37 reunite the parent and child would be hindered by such placement,
38 contact, or visitation. In no event shall parental visitation time be
39 reduced in order to provide sibling visitation.

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

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

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

15 (9) If there is insufficient information at the time of the
16 disposition hearing upon which to base a determination regarding the
17 suitability of a proposed placement with a relative or other suitable
18 person, the child shall remain in foster care and the court shall
19 direct the department (~~(or supervising agency)~~) to conduct necessary
20 background investigations as provided in chapter 74.15 RCW and report
21 the results of such investigation to the court within thirty days.
22 However, if such relative or other person appears otherwise suitable
23 and competent to provide care and treatment, the criminal history
24 background check need not be completed before placement, but as soon
25 as possible after placement. Any placements with relatives or other
26 suitable persons, pursuant to this section, shall be contingent upon
27 cooperation by the relative or other suitable person with the agency
28 case plan and compliance with court orders related to the care and
29 supervision of the child including, but not limited to, court orders
30 regarding parent-child contacts, sibling contacts, and any other
31 conditions imposed by the court. Noncompliance with the case plan or
32 court order shall be grounds for removal of the child from the
33 relative's or other suitable person's home, subject to review by the
34 court.

35 **Sec. 11.** RCW 13.34.132 and 2013 c 302 s 11 are each amended to
36 read as follows:

37 A court may order that a petition seeking termination of the
38 parent and child relationship be filed if the following requirements
39 are met:

1 (1) The court has removed the child from his or her home pursuant
2 to RCW 13.34.130;

3 (2) Termination is recommended by the department (~~or the~~
4 ~~supervising agency~~);

5 (3) Termination is in the best interests of the child; and

6 (4) Because of the existence of aggravated circumstances,
7 reasonable efforts to unify the family are not required.
8 Notwithstanding the existence of aggravated circumstances, reasonable
9 efforts may be required if the court or department determines it is
10 in the best interests of the child. In determining whether aggravated
11 circumstances exist by clear, cogent, and convincing evidence, the
12 court shall consider one or more of the following:

13 (a) Conviction of the parent of rape of the child in the first,
14 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
15 9A.44.079;

16 (b) Conviction of the parent of criminal mistreatment of the
17 child in the first or second degree as defined in RCW 9A.42.020 and
18 9A.42.030;

19 (c) Conviction of the parent of one of the following assault
20 crimes, when the child is the victim: Assault in the first or second
21 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a
22 child in the first or second degree as defined in RCW 9A.36.120 or
23 9A.36.130;

24 (d) Conviction of the parent of murder, manslaughter, or homicide
25 by abuse of the child's other parent, sibling, or another child;

26 (e) Conviction of the parent of trafficking, or promoting
27 commercial sexual abuse of a minor when the victim of the crime is
28 the child, the child's other parent, a sibling of the child, or
29 another child;

30 (f) Conviction of the parent of attempting, soliciting, or
31 conspiring to commit a crime listed in (a), (b), (c), or (d) of this
32 subsection;

33 (g) A finding by a court that a parent is a sexually violent
34 predator as defined in RCW 71.09.020;

35 (h) Failure of the parent to complete available treatment ordered
36 under this chapter or the equivalent laws of another state, where
37 such failure has resulted in a prior termination of parental rights
38 to another child and the parent has failed to effect significant
39 change in the interim. In the case of a parent of an Indian child, as
40 defined in RCW 13.38.040, the court shall also consider tribal

1 efforts to assist the parent in completing treatment and make it
2 possible for the child to return home;

3 (i) An infant under three years of age has been abandoned;

4 (j) Conviction of the parent, when a child has been born of the
5 offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B) incest
6 under RCW 9A.64.020.

7 **Sec. 12.** RCW 13.34.136 and 2015 c 270 s 1 are each amended to
8 read as follows:

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

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

24 The permanency plan shall include:

25 (a) A permanency plan of care that shall identify one of the
26 following outcomes as a primary goal and may identify additional
27 outcomes as alternative goals: Return of the child to the home of the
28 child's parent, guardian, or legal custodian; adoption, including a
29 tribal customary adoption as defined in RCW 13.38.040; guardianship;
30 permanent legal custody; long-term relative or foster care, if the
31 child is between ages sixteen and eighteen, with a written agreement
32 between the parties and the care provider; successful completion of a
33 responsible living skills program; or independent living, if
34 appropriate and if the child is age sixteen or older. Although a
35 permanency plan of care may only identify long-term relative or
36 foster care for children between ages sixteen and eighteen, children
37 under sixteen may remain placed with relatives or in foster care. The
38 department (~~or supervising agency~~) shall not discharge a child to
39 an independent living situation before the child is eighteen years of

1 age unless the child becomes emancipated pursuant to chapter 13.64
2 RCW;

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

13 (i) The department's (~~(or supervising agency's)~~) plan shall
14 specify what services the parents will be offered to enable them to
15 resume custody, what requirements the parents must meet to resume
16 custody, and a time limit for each service plan and parental
17 requirement.

18 (A) If the parent is incarcerated, the plan must address how the
19 parent will participate in the case conference and permanency
20 planning meetings and, where possible, must include treatment that
21 reflects the resources available at the facility where the parent is
22 confined. The plan must provide for visitation opportunities, unless
23 visitation is not in the best interests of the child.

24 (B) If a parent has a developmental disability according to the
25 definition provided in RCW 71A.10.020, and that individual is
26 eligible for services provided by the developmental disabilities
27 administration, the department shall make reasonable efforts to
28 consult with the developmental disabilities administration to create
29 an appropriate plan for services. For individuals who meet the
30 definition of developmental disability provided in RCW 71A.10.020 and
31 who are eligible for services through the developmental disabilities
32 administration, the plan for services must be tailored to correct the
33 parental deficiency taking into consideration the parent's disability
34 and the department shall also determine an appropriate method to
35 offer those services based on the parent's disability.

36 (ii)(A) Visitation is the right of the family, including the
37 child and the parent, in cases in which visitation is in the best
38 interest of the child. Early, consistent, and frequent visitation is
39 crucial for maintaining parent-child relationships and making it
40 possible for parents and children to safely reunify. The

1 ((~~supervising agency or~~)) department shall encourage the maximum
2 parent and child and sibling contact possible, when it is in the best
3 interest of the child, including regular visitation and participation
4 by the parents in the care of the child while the child is in
5 placement.

6 (B) Visitation shall not be limited as a sanction for a parent's
7 failure to comply with court orders or services where the health,
8 safety, or welfare of the child is not at risk as a result of the
9 visitation.

10 (C) Visitation may be limited or denied only if the court
11 determines that such limitation or denial is necessary to protect the
12 child's health, safety, or welfare. When a parent or sibling has been
13 identified as a suspect in an active criminal investigation for a
14 violent crime that, if the allegations are true, would impact the
15 safety of the child, the department shall make a concerted effort to
16 consult with the assigned law enforcement officer in the criminal
17 case before recommending any changes in parent/child or child/sibling
18 contact. In the event that the law enforcement officer has
19 information pertaining to the criminal case that may have serious
20 implications for child safety or well-being, the law enforcement
21 officer shall provide this information to the department during the
22 consultation. The department may only use the information provided by
23 law enforcement during the consultation to inform family visitation
24 plans and may not share or otherwise distribute the information to
25 any person or entity. Any information provided to the department by
26 law enforcement during the consultation is considered investigative
27 information and is exempt from public inspection pursuant to RCW
28 42.56.240. The results of the consultation shall be communicated to
29 the court.

30 (D) The court and the department ((~~or supervising agency~~)) should
31 rely upon community resources, relatives, foster parents, and other
32 appropriate persons to provide transportation and supervision for
33 visitation to the extent that such resources are available, and
34 appropriate, and the child's safety would not be compromised.

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

39 (B) Any exceptions, limitation, or denial of contacts or
40 visitation must be approved by the supervisor of the department

1 caseworker and documented. The child, parent, department, guardian ad
2 litem, or court-appointed special advocate may challenge the denial
3 of visits in court.

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

8 (v) The plan shall state whether both in-state and, where
9 appropriate, out-of-state placement options have been considered by
10 the department (~~(or supervising agency)~~).

11 (vi) Unless it is not in the best interests of the child,
12 whenever practical, the plan should ensure the child remains enrolled
13 in the school the child was attending at the time the child entered
14 foster care.

15 (vii) The (~~(supervising agency or)~~) department shall provide all
16 reasonable services that are available within the department (~~(or~~
17 ~~supervising agency)~~), or within the community, or those services
18 which the department has existing contracts to purchase. It shall
19 report to the court if it is unable to provide such services; and

20 (c) If the court has ordered, pursuant to RCW 13.34.130(8), that
21 a termination petition be filed, a specific plan as to where the
22 child will be placed, what steps will be taken to achieve permanency
23 for the child, services to be offered or provided to the child, and,
24 if visitation would be in the best interests of the child, a
25 recommendation to the court regarding visitation between parent and
26 child pending a fact-finding hearing on the termination petition. The
27 department (~~(or supervising agency)~~) shall not be required to develop
28 a plan of services for the parents or provide services to the parents
29 if the court orders a termination petition be filed. However,
30 reasonable efforts to ensure visitation and contact between siblings
31 shall be made unless there is reasonable cause to believe the best
32 interests of the child or siblings would be jeopardized.

33 (3) Permanency planning goals should be achieved at the earliest
34 possible date. If the child has been in out-of-home care for fifteen
35 of the most recent twenty-two months, and the court has not made a
36 good cause exception, the court shall require the department (~~(or~~
37 ~~supervising agency)~~) to file a petition seeking termination of
38 parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases
39 where parental rights have been terminated, the child is legally free
40 for adoption, and adoption has been identified as the primary

1 permanency planning goal, it shall be a goal to complete the adoption
2 within six months following entry of the termination order.

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

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

12 (6) The court shall consider the child's relationships with the
13 child's siblings in accordance with RCW 13.34.130(6). Whenever the
14 permanency plan for a child is adoption, the court shall encourage
15 the prospective adoptive parents, birth parents, foster parents,
16 kinship caregivers, and the department or other (~~supervising~~)
17 agency to seriously consider the long-term benefits to the child
18 adoptee and his or her siblings of providing for and facilitating
19 continuing postadoption contact between the siblings. To the extent
20 that it is feasible, and when it is in the best interests of the
21 child adoptee and his or her siblings, contact between the siblings
22 should be frequent and of a similar nature as that which existed
23 prior to the adoption. If the child adoptee or his or her siblings
24 are represented by an attorney or guardian ad litem in a proceeding
25 under this chapter or in any other child custody proceeding, the
26 court shall inquire of each attorney and guardian ad litem regarding
27 the potential benefits of continuing contact between the siblings and
28 the potential detriments of severing contact. This section does not
29 require the department of social and health services or other
30 (~~supervising~~) agency to agree to any specific provisions in an open
31 adoption agreement and does not create a new obligation for the
32 department to provide supervision or transportation for visits
33 between siblings separated by adoption from foster care.

34 (7) For purposes related to permanency planning:

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

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

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

4 **Sec. 13.** RCW 13.34.136 and 2017 3rd sp.s. c 6 s 306 are each
5 amended to read as follows:

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

14 (2) The (~~agency supervising the dependency~~) department shall
15 submit a written permanency plan to all parties and the court not
16 less than fourteen days prior to the scheduled hearing. Responsive
17 reports of parties not in agreement with the department's (~~or~~
18 ~~supervising agency's~~) proposed permanency plan must be provided to
19 the department (~~or supervising agency~~), all other parties, and the
20 court at least seven days prior to the hearing.

21 The permanency plan shall include:

22 (a) A permanency plan of care that shall identify one of the
23 following outcomes as a primary goal and may identify additional
24 outcomes as alternative goals: Return of the child to the home of the
25 child's parent, guardian, or legal custodian; adoption, including a
26 tribal customary adoption as defined in RCW 13.38.040; guardianship;
27 permanent legal custody; long-term relative or foster care, if the
28 child is between ages sixteen and eighteen, with a written agreement
29 between the parties and the care provider; successful completion of a
30 responsible living skills program; or independent living, if
31 appropriate and if the child is age sixteen or older. Although a
32 permanency plan of care may only identify long-term relative or
33 foster care for children between ages sixteen and eighteen, children
34 under sixteen may remain placed with relatives or in foster care. The
35 department (~~or supervising agency~~) shall not discharge a child to
36 an independent living situation before the child is eighteen years of
37 age unless the child becomes emancipated pursuant to chapter 13.64
38 RCW;

1 (b) Unless the court has ordered, pursuant to RCW 13.34.130(8),
2 that a termination petition be filed, a specific plan as to where the
3 child will be placed, what steps will be taken to return the child
4 home, what steps (~~(the supervising agency or)~~) the department will
5 take to promote existing appropriate sibling relationships and/or
6 facilitate placement together or contact in accordance with the best
7 interests of each child, and what actions the department (~~(or~~
8 ~~supervising agency)~~) will take to maintain parent-child ties. All
9 aspects of the plan shall include the goal of achieving permanence
10 for the child.

11 (i) The department's (~~(or supervising agency's)~~) plan shall
12 specify what services the parents will be offered to enable them to
13 resume custody, what requirements the parents must meet to resume
14 custody, and a time limit for each service plan and parental
15 requirement.

16 (A) If the parent is incarcerated, the plan must address how the
17 parent will participate in the case conference and permanency
18 planning meetings and, where possible, must include treatment that
19 reflects the resources available at the facility where the parent is
20 confined. The plan must provide for visitation opportunities, unless
21 visitation is not in the best interests of the child.

22 (B) If a parent has a developmental disability according to the
23 definition provided in RCW 71A.10.020, and that individual is
24 eligible for services provided by the department of social and health
25 services developmental disabilities administration, the department
26 shall make reasonable efforts to consult with the department of
27 social and health services developmental disabilities administration
28 to create an appropriate plan for services. For individuals who meet
29 the definition of developmental disability provided in RCW 71A.10.020
30 and who are eligible for services through the developmental
31 disabilities administration, the plan for services must be tailored
32 to correct the parental deficiency taking into consideration the
33 parent's disability and the department shall also determine an
34 appropriate method to offer those services based on the parent's
35 disability.

36 (ii)(A) Visitation is the right of the family, including the
37 child and the parent, in cases in which visitation is in the best
38 interest of the child. Early, consistent, and frequent visitation is
39 crucial for maintaining parent-child relationships and making it
40 possible for parents and children to safely reunify. The

1 ((~~supervising agency or~~)) department shall encourage the maximum
2 parent and child and sibling contact possible, when it is in the best
3 interest of the child, including regular visitation and participation
4 by the parents in the care of the child while the child is in
5 placement.

6 (B) Visitation shall not be limited as a sanction for a parent's
7 failure to comply with court orders or services where the health,
8 safety, or welfare of the child is not at risk as a result of the
9 visitation.

10 (C) Visitation may be limited or denied only if the court
11 determines that such limitation or denial is necessary to protect the
12 child's health, safety, or welfare. When a parent or sibling has been
13 identified as a suspect in an active criminal investigation for a
14 violent crime that, if the allegations are true, would impact the
15 safety of the child, the department shall make a concerted effort to
16 consult with the assigned law enforcement officer in the criminal
17 case before recommending any changes in parent/child or child/sibling
18 contact. In the event that the law enforcement officer has
19 information pertaining to the criminal case that may have serious
20 implications for child safety or well-being, the law enforcement
21 officer shall provide this information to the department during the
22 consultation. The department may only use the information provided by
23 law enforcement during the consultation to inform family visitation
24 plans and may not share or otherwise distribute the information to
25 any person or entity. Any information provided to the department by
26 law enforcement during the consultation is considered investigative
27 information and is exempt from public inspection pursuant to RCW
28 42.56.240. The results of the consultation shall be communicated to
29 the court.

30 (D) The court and the department ((~~or supervising agency~~)) should
31 rely upon community resources, relatives, foster parents, and other
32 appropriate persons to provide transportation and supervision for
33 visitation to the extent that such resources are available, and
34 appropriate, and the child's safety would not be compromised.

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

39 (B) Any exceptions, limitation, or denial of contacts or
40 visitation must be approved by the supervisor of the department

1 caseworker and documented. The child, parent, department, guardian ad
2 litem, or court-appointed special advocate may challenge the denial
3 of visits in court.

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

8 (v) The plan shall state whether both in-state and, where
9 appropriate, out-of-state placement options have been considered by
10 the department (~~(or supervising agency)~~).

11 (vi) Unless it is not in the best interests of the child,
12 whenever practical, the plan should ensure the child remains enrolled
13 in the school the child was attending at the time the child entered
14 foster care.

15 (vii) The (~~(supervising agency or)~~) department shall provide all
16 reasonable services that are available within the department (~~(or~~
17 ~~supervising agency)~~), or within the community, or those services
18 which the department has existing contracts to purchase. It shall
19 report to the court if it is unable to provide such services; and

20 (c) If the court has ordered, pursuant to RCW 13.34.130(8), that
21 a termination petition be filed, a specific plan as to where the
22 child will be placed, what steps will be taken to achieve permanency
23 for the child, services to be offered or provided to the child, and,
24 if visitation would be in the best interests of the child, a
25 recommendation to the court regarding visitation between parent and
26 child pending a fact-finding hearing on the termination petition. The
27 department (~~(or supervising agency)~~) shall not be required to develop
28 a plan of services for the parents or provide services to the parents
29 if the court orders a termination petition be filed. However,
30 reasonable efforts to ensure visitation and contact between siblings
31 shall be made unless there is reasonable cause to believe the best
32 interests of the child or siblings would be jeopardized.

33 (3) Permanency planning goals should be achieved at the earliest
34 possible date. If the child has been in out-of-home care for fifteen
35 of the most recent twenty-two months, and the court has not made a
36 good cause exception, the court shall require the department (~~(or~~
37 ~~supervising agency)~~) to file a petition seeking termination of
38 parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases
39 where parental rights have been terminated, the child is legally free
40 for adoption, and adoption has been identified as the primary

1 permanency planning goal, it shall be a goal to complete the adoption
2 within six months following entry of the termination order.

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

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

12 (6) The court shall consider the child's relationships with the
13 child's siblings in accordance with RCW 13.34.130(6). Whenever the
14 permanency plan for a child is adoption, the court shall encourage
15 the prospective adoptive parents, birth parents, foster parents,
16 kinship caregivers, and the department or other ((~~supervising~~))
17 agency to seriously consider the long-term benefits to the child
18 adoptee and his or her siblings of providing for and facilitating
19 continuing postadoption contact between the siblings. To the extent
20 that it is feasible, and when it is in the best interests of the
21 child adoptee and his or her siblings, contact between the siblings
22 should be frequent and of a similar nature as that which existed
23 prior to the adoption. If the child adoptee or his or her siblings
24 are represented by an attorney or guardian ad litem in a proceeding
25 under this chapter or in any other child custody proceeding, the
26 court shall inquire of each attorney and guardian ad litem regarding
27 the potential benefits of continuing contact between the siblings and
28 the potential detriments of severing contact. This section does not
29 require the department or other ((~~supervising~~)) agency to agree to
30 any specific provisions in an open adoption agreement and does not
31 create a new obligation for the department to provide supervision or
32 transportation for visits between siblings separated by adoption from
33 foster care.

34 (7) For purposes related to permanency planning:

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

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

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

4 **Sec. 14.** RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009
5 c 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read
6 as 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
9 date 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
12 should 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.

19 (b) The initial review hearing may be a permanency planning
20 hearing when necessary to meet the time frames set forth in RCW
21 13.34.145(1)(a) or 13.34.134.

22 (2)(a) A child shall not be returned home at the review hearing
23 unless the court finds that a reason for removal as set forth in RCW
24 13.34.130 no longer exists. The parents, guardian, or legal custodian
25 shall report to the court the efforts they have made to correct the
26 conditions which led to removal. If a child is returned, casework
27 supervision by the (~~supervising agency or~~) department shall
28 continue for a period of six months, at which time there shall be a
29 hearing on the need for continued intervention.

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

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

34 (ii) Identify any persons who may act as a caregiver for the
35 child in addition to the parent with whom the child is being placed
36 and determine whether such persons are in need of any services in
37 order to ensure the safety of the child, regardless of whether such
38 persons are a party to the dependency. The department (~~or~~
39 ~~supervising agency~~) may recommend to the court and the court may

1 order that placement of the child in the parent's home be contingent
2 on or delayed based on the need for such persons to engage in or
3 complete services to ensure the safety of the child prior to
4 placement. If services are recommended for the caregiver, and the
5 caregiver fails to engage in or follow through with the recommended
6 services, the department (~~(or supervising agency)~~) must promptly
7 notify the court; and

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

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

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

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

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

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

39 (iv) Whether the services set forth in the case plan and the
40 responsibilities of the parties need to be clarified or modified due

1 to the availability of additional information or changed
2 circumstances;

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

4 (vi) Whether a parent's homelessness or lack of suitable housing
5 is a significant factor delaying permanency for the child by
6 preventing the return of the child to the home of the child's parent
7 and whether housing assistance should be provided by the department
8 (~~(or supervising agency)~~);

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

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

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

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

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

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

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

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

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

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

29 (i) The compliance of the parents with court orders related to
30 the care and supervision of the child, including compliance with the
31 (~~(supervising agency's)~~) department's case plan; and

32 (ii) The continued participation of the parents, if applicable,
33 in available substance abuse or mental health treatment if substance
34 abuse or mental illness was a contributing factor to the removal of
35 the child.

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

38 (i) Noncompliance by the parents with the department's (~~(or~~
39 ~~supervising agency's)~~) case plan or court order;

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

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

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

16 (4) The court's authority to order housing assistance under this
17 chapter is: (a) Limited to cases in which a parent's homelessness or
18 lack of suitable housing is a significant factor delaying permanency
19 for the child and housing assistance would aid the parent in
20 providing an appropriate home for the child; and (b) subject to the
21 availability of funds appropriated for this specific purpose. Nothing
22 in this chapter shall be construed to create an entitlement to
23 housing assistance nor to create judicial authority to order the
24 provision of such assistance to any person or family if the
25 assistance or funding are unavailable or the child or family are not
26 eligible for such assistance.

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

29 **Sec. 15.** RCW 13.34.145 and 2015 c 270 s 2 and 2015 c 257 s 1 are
30 each reenacted and amended to read as follows:

31 (1) The purpose of a permanency planning hearing is to review the
32 permanency plan for the child, inquire into the welfare of the child
33 and progress of the case, and reach decisions regarding the permanent
34 placement of the child.

35 (a) A permanency planning hearing shall be held in all cases
36 where the child has remained in out-of-home care for at least nine
37 months and an adoption decree, guardianship order, or permanent
38 custody order has not previously been entered. The hearing shall take

1 place no later than twelve months following commencement of the
2 current placement episode.

3 (b) Whenever a child is removed from the home of a dependency
4 guardian or long-term relative or foster care provider, and the child
5 is not returned to the home of the parent, guardian, or legal
6 custodian but is placed in out-of-home care, a permanency planning
7 hearing shall take place no later than twelve months, as provided in
8 this section, following the date of removal unless, prior to the
9 hearing, the child returns to the home of the dependency guardian or
10 long-term care provider, the child is placed in the home of the
11 parent, guardian, or legal custodian, an adoption decree,
12 guardianship order, or a permanent custody order is entered, or the
13 dependency is dismissed. Every effort shall be made to provide
14 stability in long-term placement, and to avoid disruption of
15 placement, unless the child is being returned home or it is in the
16 best interest of the child.

17 (c) Permanency planning goals should be achieved at the earliest
18 possible date, preferably before the child has been in out-of-home
19 care for fifteen months. In cases where parental rights have been
20 terminated, the child is legally free for adoption, and adoption has
21 been identified as the primary permanency planning goal, it shall be
22 a goal to complete the adoption within six months following entry of
23 the termination order.

24 (2) No later than ten working days prior to the permanency
25 planning hearing, the agency having custody of the child shall submit
26 a written permanency plan to the court and shall mail a copy of the
27 plan to all parties and their legal counsel, if any.

28 (3) When the youth is at least age seventeen years but not older
29 than seventeen years and six months, the department shall provide the
30 youth with written documentation which explains the availability of
31 extended foster care services and detailed instructions regarding how
32 the youth may access such services after he or she reaches age
33 eighteen years.

34 (4) At the permanency planning hearing, the court shall conduct
35 the following inquiry:

36 (a) If a goal of long-term foster or relative care has been
37 achieved prior to the permanency planning hearing, the court shall
38 review the child's status to determine whether the placement and the
39 plan for the child's care remain appropriate. The court shall find,
40 as of the date of the hearing, that the child's placement and plan of

1 care is the best permanency plan for the child and provide compelling
2 reasons why it continues to not be in the child's best interest to
3 (i) return home; (ii) be placed for adoption; (iii) be placed with a
4 legal guardian; or (iv) be placed with a fit and willing relative. If
5 the child is present at the hearing, the court should ask the child
6 about his or her desired permanency outcome.

7 (b) In cases where the primary permanency planning goal has not
8 been achieved, the court shall inquire regarding the reasons why the
9 primary goal has not been achieved and determine what needs to be
10 done to make it possible to achieve the primary goal. The court shall
11 review the permanency plan prepared by the agency and make explicit
12 findings regarding each of the following:

13 (i) The continuing necessity for, and the safety and
14 appropriateness of, the placement;

15 (ii) The extent of compliance with the permanency plan by the
16 department (~~(or supervising agency)~~) and any other service providers,
17 the child's parents, the child, and the child's guardian, if any;

18 (iii) The extent of any efforts to involve appropriate service
19 providers in addition to department (~~(or supervising agency)~~) staff
20 in planning to meet the special needs of the child and the child's
21 parents;

22 (iv) The progress toward eliminating the causes for the child's
23 placement outside of his or her home and toward returning the child
24 safely to his or her home or obtaining a permanent placement for the
25 child;

26 (v) The date by which it is likely that the child will be
27 returned to his or her home or placed for adoption, with a guardian
28 or in some other alternative permanent placement; and

29 (vi) If the child has been placed outside of his or her home for
30 fifteen of the most recent twenty-two months, not including any
31 period during which the child was a runaway from the out-of-home
32 placement or the first six months of any period during which the
33 child was returned to his or her home for a trial home visit, the
34 appropriateness of the permanency plan, whether reasonable efforts
35 were made by the department (~~(or supervising agency)~~) to achieve the
36 goal of the permanency plan, and the circumstances which prevent the
37 child from any of the following:

38 (A) Being returned safely to his or her home;

39 (B) Having a petition for the involuntary termination of parental
40 rights filed on behalf of the child;

1 (C) Being placed for adoption;

2 (D) Being placed with a guardian;

3 (E) Being placed in the home of a fit and willing relative of the
4 child; or

5 (F) Being placed in some other alternative permanent placement,
6 including independent living or long-term foster care.

7 (5) Following this inquiry, at the permanency planning hearing,
8 the court shall order the department (~~(or supervising agency)~~) to
9 file a petition seeking termination of parental rights if the child
10 has been in out-of-home care for fifteen of the last twenty-two
11 months since the date the dependency petition was filed unless the
12 court makes a good cause exception as to why the filing of a
13 termination of parental rights petition is not appropriate. Any good
14 cause finding shall be reviewed at all subsequent hearings pertaining
15 to the child.

16 (a) For purposes of this subsection, "good cause exception"
17 includes but is not limited to the following:

18 (i) The child is being cared for by a relative;

19 (ii) The department has not provided to the child's family such
20 services as the court and the department have deemed necessary for
21 the child's safe return home;

22 (iii) The department has documented in the case plan a compelling
23 reason for determining that filing a petition to terminate parental
24 rights would not be in the child's best interests;

25 (iv) The parent is incarcerated, or the parent's prior
26 incarceration is a significant factor in why the child has been in
27 foster care for fifteen of the last twenty-two months, the parent
28 maintains a meaningful role in the child's life, and the department
29 has not documented another reason why it would be otherwise
30 appropriate to file a petition pursuant to this section;

31 (v) Where a parent has been accepted into a dependency treatment
32 court program or long-term substance abuse or dual diagnoses
33 treatment program and is demonstrating compliance with treatment
34 goals; or

35 (vi) Where a parent who has been court ordered to complete
36 services necessary for the child's safe return home files a
37 declaration under penalty of perjury stating the parent's financial
38 inability to pay for the same court-ordered services, and also
39 declares the department was unwilling or unable to pay for the same
40 services necessary for the child's safe return home.

1 (b) The court's assessment of whether a parent who is
2 incarcerated maintains a meaningful role in the child's life may
3 include consideration of the following:

4 (i) The parent's expressions or acts of manifesting concern for
5 the child, such as letters, telephone calls, visits, and other forms
6 of communication with the child;

7 (ii) The parent's efforts to communicate and work with the
8 department (~~(or supervising agency)~~) or other individuals for the
9 purpose of complying with the service plan and repairing,
10 maintaining, or building the parent-child relationship;

11 (iii) A positive response by the parent to the reasonable efforts
12 of the department (~~(or the supervising agency)~~);

13 (iv) Information provided by individuals or agencies in a
14 reasonable position to assist the court in making this assessment,
15 including but not limited to the parent's attorney, correctional and
16 mental health personnel, or other individuals providing services to
17 the parent;

18 (v) Limitations in the parent's access to family support
19 programs, therapeutic services, and visiting opportunities,
20 restrictions to telephone and mail services, inability to participate
21 in foster care planning meetings, and difficulty accessing lawyers
22 and participating meaningfully in court proceedings; and

23 (vi) Whether the continued involvement of the parent in the
24 child's life is in the child's best interest.

25 (c) The constraints of a parent's current or prior incarceration
26 and associated delays or barriers to accessing court-mandated
27 services may be considered in rebuttal to a claim of aggravated
28 circumstances under RCW 13.34.132(4)(h) for a parent's failure to
29 complete available treatment.

30 (6)(a) If the permanency plan identifies independent living as a
31 goal, the court at the permanency planning hearing shall make a
32 finding that the provision of services to assist the child in making
33 a transition from foster care to independent living will allow the
34 child to manage his or her financial, personal, social, educational,
35 and nonfinancial affairs prior to approving independent living as a
36 permanency plan of care. The court will inquire whether the child has
37 been provided information about extended foster care services.

38 (b) The permanency plan shall also specifically identify the
39 services, including extended foster care services, where appropriate,

1 that will be provided to assist the child to make a successful
2 transition from foster care to independent living.

3 (c) The department (~~(or supervising agency)~~) shall not discharge
4 a child to an independent living situation before the child is
5 eighteen years of age unless the child becomes emancipated pursuant
6 to chapter 13.64 RCW.

7 (7) If the child has resided in the home of a foster parent or
8 relative for more than six months prior to the permanency planning
9 hearing, the court shall:

10 (a) Enter a finding regarding whether the foster parent or
11 relative was informed of the hearing as required in RCW 74.13.280,
12 13.34.215(6), and 13.34.096; and

13 (b) If the department (~~(or supervising agency)~~) is recommending a
14 placement other than the child's current placement with a foster
15 parent, relative, or other suitable person, enter a finding as to the
16 reasons for the recommendation for a change in placement.

17 (8) In all cases, at the permanency planning hearing, the court
18 shall:

19 (a)(i) Order the permanency plan prepared by the (~~(supervising~~
20 ~~agency)~~) department to be implemented; or

21 (ii) Modify the permanency plan, and order implementation of the
22 modified plan; and

23 (b)(i) Order the child returned home only if the court finds that
24 a reason for removal as set forth in RCW 13.34.130 no longer exists;
25 or

26 (ii) Order the child to remain in out-of-home care for a limited
27 specified time period while efforts are made to implement the
28 permanency plan.

29 (9) Following the first permanency planning hearing, the court
30 shall hold a further permanency planning hearing in accordance with
31 this section at least once every twelve months until a permanency
32 planning goal is achieved or the dependency is dismissed, whichever
33 occurs first.

34 (10) Prior to the second permanency planning hearing, the agency
35 that has custody of the child shall consider whether to file a
36 petition for termination of parental rights.

37 (11) If the court orders the child returned home, casework
38 supervision by the department (~~(or supervising agency)~~) shall
39 continue for at least six months, at which time a review hearing

1 shall be held pursuant to RCW 13.34.138, and the court shall
2 determine the need for continued intervention.

3 (12) The juvenile court may hear a petition for permanent legal
4 custody when: (a) The court has ordered implementation of a
5 permanency plan that includes permanent legal custody; and (b) the
6 party pursuing the permanent legal custody is the party identified in
7 the permanency plan as the prospective legal custodian. During the
8 pendency of such proceeding, the court shall conduct review hearings
9 and further permanency planning hearings as provided in this chapter.
10 At the conclusion of the legal guardianship or permanent legal
11 custody proceeding, a juvenile court hearing shall be held for the
12 purpose of determining whether dependency should be dismissed. If a
13 guardianship or permanent custody order has been entered, the
14 dependency shall be dismissed.

15 (13) Continued juvenile court jurisdiction under this chapter
16 shall not be a barrier to the entry of an order establishing a legal
17 guardianship or permanent legal custody when the requirements of
18 subsection (12) of this section are met.

19 (14) Nothing in this chapter may be construed to limit the
20 ability of the agency that has custody of the child to file a
21 petition for termination of parental rights or a guardianship
22 petition at any time following the establishment of dependency. Upon
23 the filing of such a petition, a fact-finding hearing shall be
24 scheduled and held in accordance with this chapter unless the
25 department (~~(or supervising agency)~~) requests dismissal of the
26 petition prior to the hearing or unless the parties enter an agreed
27 order terminating parental rights, establishing guardianship, or
28 otherwise resolving the matter.

29 (15) The approval of a permanency plan that does not contemplate
30 return of the child to the parent does not relieve the (~~(supervising~~
31 ~~agency)~~) department of its obligation to provide reasonable services,
32 under this chapter, intended to effectuate the return of the child to
33 the parent, including but not limited to, visitation rights. The
34 court shall consider the child's relationships with siblings in
35 accordance with RCW 13.34.130.

36 (16) Nothing in this chapter may be construed to limit the
37 procedural due process rights of any party in a termination or
38 guardianship proceeding filed under this chapter.

1 **Sec. 16.** RCW 13.34.155 and 2009 c 526 s 2 and 2009 c 520 s 31
2 are each reenacted and amended to read as follows:

3 (1) The court hearing the dependency petition may hear and
4 determine issues related to chapter 26.10 RCW in a dependency
5 proceeding as necessary to facilitate a permanency plan for the child
6 or children as part of the dependency disposition order or a
7 dependency review order or as otherwise necessary to implement a
8 permanency plan of care for a child. The parents, guardians, or legal
9 custodian of the child must agree, subject to court approval, to
10 establish a permanent custody order. This agreed order may have the
11 concurrence of the other parties to the dependency (~~including the~~
12 ~~supervising agency~~), the guardian ad litem of the child, and the
13 child if age twelve or older, and must also be in the best interests
14 of the child. If the petitioner for a custody order under chapter
15 26.10 RCW is not a party to the dependency proceeding, he or she must
16 agree on the record or by the filing of a declaration to the entry of
17 a custody order. Once an order is entered under chapter 26.10 RCW,
18 and the dependency petition dismissed, the department (~~or~~
19 ~~supervising agency~~) shall not continue to supervise the placement.

20 (2)(a) The court hearing the dependency petition may establish or
21 modify a parenting plan under chapter 26.09 or 26.26 RCW as part of a
22 disposition order or at a review hearing when doing so will implement
23 a permanent plan of care for the child and result in dismissal of the
24 dependency.

25 (b) The dependency court shall adhere to procedural requirements
26 under chapter 26.09 RCW and must make a written finding that the
27 parenting plan established or modified by the dependency court under
28 this section is in the child's best interests.

29 (c) Unless the whereabouts of one of the parents is unknown to
30 either the department or the court, the parents must agree, subject
31 to court approval, to establish the parenting plan or modify an
32 existing parenting plan.

33 (d) Whenever the court is asked to establish or modify a
34 parenting plan, the child's residential schedule, the allocation of
35 decision-making authority, and dispute resolution under this section,
36 the dependency court may:

37 (i) Appoint a guardian ad litem to represent the interests of the
38 child when the court believes the appointment is necessary to protect
39 the best interests of the child; and

1 (ii) Appoint an attorney to represent the interests of the child
2 with respect to provisions for the parenting plan.

3 (e) The dependency court must make a written finding that the
4 parenting plan established or modified by the dependency court under
5 this section is in the child's best interests.

6 (f) The dependency court may interview the child in chambers to
7 ascertain the child's wishes as to the child's residential schedule
8 in a proceeding for the entry or modification of a parenting plan
9 under this section. The court may permit counsel to be present at the
10 interview. The court shall cause a record of the interview to be made
11 and to become part of the court record of the dependency case and the
12 case under chapters 26.09 or 26.26 RCW.

13 (g) In the absence of agreement by a parent, guardian, or legal
14 custodian of the child to allow the juvenile court to hear and
15 determine issues related to the establishment or modification of a
16 parenting plan under chapters 26.09 or 26.26 RCW, a party may move
17 the court to transfer such issues to the family law department of the
18 superior court for further resolution. The court may only grant the
19 motion upon entry of a written finding that it is in the best
20 interests of the child.

21 (h) In any parenting plan agreed to by the parents and entered or
22 modified in juvenile court under this section, all issues pertaining
23 to child support and the division of marital property shall be
24 referred to or retained by the family law department of the superior
25 court.

26 (3) Any court order determining issues under chapter 26.10 RCW is
27 subject to modification upon the same showing and standards as a
28 court order determining Title 26 RCW issues.

29 (4) Any order entered in the dependency court establishing or
30 modifying a permanent legal custody order or, parenting plan, or
31 residential schedule under chapters 26.09, 26.10, and 26.26 RCW shall
32 also be filed in the chapters 26.09, 26.10, and 26.26 RCW action by
33 the moving or prevailing party. If the petitioning or moving party
34 has been found indigent and appointed counsel at public expense in
35 the dependency proceeding, no filing fees shall be imposed by the
36 clerk. Once filed, any order, parenting plan, or residential schedule
37 establishing or modifying permanent legal custody of a child shall
38 survive dismissal of the dependency proceeding.

1 **Sec. 17.** RCW 13.34.174 and 2009 c 520 s 32 are each amended to
2 read as follows:

3 (1) The provisions of this section shall apply when a court
4 orders a party to undergo an alcohol or substance abuse diagnostic
5 investigation and evaluation.

6 (2) The facility conducting the investigation and evaluation
7 shall make a written report to the court stating its findings and
8 recommendations including family-based services or treatment when
9 appropriate. If its findings and recommendations support treatment,
10 it shall also recommend a treatment plan setting out:

- 11 (a) Type of treatment;
- 12 (b) Nature of treatment;
- 13 (c) Length of treatment;
- 14 (d) A treatment time schedule; and
- 15 (e) Approximate cost of the treatment.

16 The affected person shall be included in developing the
17 appropriate treatment plan. The treatment plan must be signed by the
18 treatment provider and the affected person. The initial written
19 progress report based on the treatment plan shall be sent to the
20 appropriate persons six weeks after initiation of treatment.
21 Subsequent progress reports shall be provided after three months, six
22 months, twelve months, and thereafter every six months if treatment
23 exceeds twelve months. Reports are to be filed with the court in a
24 timely manner. Close-out of the treatment record must include summary
25 of pretreatment and posttreatment, with final outcome and
26 disposition. The report shall also include recommendations for
27 ongoing stability and decrease in destructive behavior.

28 Each report shall also be filed with the court and a copy given
29 to the person evaluated and the person's counsel. A copy of the
30 treatment plan shall also be given to the department's (~~or~~
31 ~~supervising agency's~~) caseworker and to the guardian ad litem. Any
32 program for chemical dependency shall meet the program requirements
33 contained in chapter 70.96A RCW.

34 (3) If the court has ordered treatment pursuant to a dependency
35 proceeding it shall also require the treatment program to provide, in
36 the reports required by subsection (2) of this section, status
37 reports to the court, the department, (~~the supervising agency,~~) and
38 the person or person's counsel regarding the person's cooperation
39 with the treatment plan proposed and the person's progress in
40 treatment.

1 (4) If a person subject to this section fails or neglects to
2 carry out and fulfill any term or condition of the treatment plan,
3 the program or agency administering the treatment shall report such
4 breach to the court, the department, the guardian ad litem, (~~the~~
5 ~~supervising agency if any,~~) and the person or person's counsel,
6 within twenty-four hours, together with its recommendation. These
7 reports shall be made as a declaration by the person who is
8 personally responsible for providing the treatment.

9 (5) Nothing in this chapter may be construed as allowing the
10 court to require the department to pay for the cost of any alcohol or
11 substance abuse evaluation or treatment program.

12 **Sec. 18.** RCW 13.34.176 and 2009 c 520 s 33 are each amended to
13 read as follows:

14 (1) The court, upon receiving a report under RCW 13.34.174(4) or
15 at the department's (~~or supervising agency's~~) request, may schedule
16 a show cause hearing to determine whether the person is in violation
17 of the treatment conditions. All parties shall be given notice of the
18 hearing. The court shall hold the hearing within ten days of the
19 request for a hearing. At the hearing, testimony, declarations,
20 reports, or other relevant information may be presented on the
21 person's alleged failure to comply with the treatment plan and the
22 person shall have the right to present similar information on his or
23 her own behalf.

24 (2) If the court finds that there has been a violation of the
25 treatment conditions it shall modify the dependency order, as
26 necessary, to ensure the safety of the child. The modified order
27 shall remain in effect until the party is in full compliance with the
28 treatment requirements.

29 **Sec. 19.** RCW 13.34.180 and 2013 c 173 s 4 are each amended to
30 read as follows:

31 (1) A petition seeking termination of a parent and child
32 relationship may be filed in juvenile court by any party(~~, including~~
33 ~~the supervising agency,~~) to the dependency proceedings concerning
34 that child. Such petition shall conform to the requirements of RCW
35 13.34.040, shall be served upon the parties as provided in RCW
36 13.34.070(8), and shall allege all of the following unless subsection
37 (3) or (4) of this section applies:

38 (a) That the child has been found to be a dependent child;

1 (b) That the court has entered a dispositional order pursuant to
2 RCW 13.34.130;

3 (c) That the child has been removed or will, at the time of the
4 hearing, have been removed from the custody of the parent for a
5 period of at least six months pursuant to a finding of dependency;

6 (d) That the services ordered under RCW 13.34.136 have been
7 expressly and understandably offered or provided and all necessary
8 services, reasonably available, capable of correcting the parental
9 deficiencies within the foreseeable future have been expressly and
10 understandably offered or provided;

11 (e) That there is little likelihood that conditions will be
12 remedied so that the child can be returned to the parent in the near
13 future. A parent's failure to substantially improve parental
14 deficiencies within twelve months following entry of the
15 dispositional order shall give rise to a rebuttable presumption that
16 there is little likelihood that conditions will be remedied so that
17 the child can be returned to the parent in the near future. The
18 presumption shall not arise unless the petitioner makes a showing
19 that all necessary services reasonably capable of correcting the
20 parental deficiencies within the foreseeable future have been clearly
21 offered or provided. In determining whether the conditions will be
22 remedied the court may consider, but is not limited to, the following
23 factors:

24 (i) Use of intoxicating or controlled substances so as to render
25 the parent incapable of providing proper care for the child for
26 extended periods of time or for periods of time that present a risk
27 of imminent harm to the child, and documented unwillingness of the
28 parent to receive and complete treatment or documented multiple
29 failed treatment attempts;

30 (ii) Psychological incapacity or mental deficiency of the parent
31 that is so severe and chronic as to render the parent incapable of
32 providing proper care for the child for extended periods of time or
33 for periods of time that present a risk of imminent harm to the
34 child, and documented unwillingness of the parent to receive and
35 complete treatment or documentation that there is no treatment that
36 can render the parent capable of providing proper care for the child
37 in the near future; or

38 (iii) Failure of the parent to have contact with the child for an
39 extended period of time after the filing of the dependency petition
40 if the parent was provided an opportunity to have a relationship with

1 the child by the department or the court and received documented
2 notice of the potential consequences of this failure, except that the
3 actual inability of a parent to have visitation with the child
4 including, but not limited to, mitigating circumstances such as a
5 parent's current or prior incarceration or service in the military
6 does not in and of itself constitute failure to have contact with the
7 child; and

8 (f) That continuation of the parent and child relationship
9 clearly diminishes the child's prospects for early integration into a
10 stable and permanent home. If the parent is incarcerated, the court
11 shall consider whether a parent maintains a meaningful role in his or
12 her child's life based on factors identified in RCW 13.34.145(5)(b);
13 whether the department (~~or supervising agency~~) made reasonable
14 efforts as defined in this chapter; and whether particular barriers
15 existed as described in RCW 13.34.145(5)(b) including, but not
16 limited to, delays or barriers experienced in keeping the agency
17 apprised of his or her location and in accessing visitation or other
18 meaningful contact with the child.

19 (2) As evidence of rebuttal to any presumption established
20 pursuant to subsection (1)(e) of this section, the court may consider
21 the particular constraints of a parent's current or prior
22 incarceration. Such evidence may include, but is not limited to,
23 delays or barriers a parent may experience in keeping the agency
24 apprised of his or her location and in accessing visitation or other
25 meaningful contact with the child.

26 (3) In lieu of the allegations in subsection (1) of this section,
27 the petition may allege that the child was found under such
28 circumstances that the whereabouts of the child's parent are unknown
29 and no person has acknowledged paternity or maternity and requested
30 custody of the child within two months after the child was found.

31 (4) In lieu of the allegations in subsection (1)(b) through (f)
32 of this section, the petition may allege that the parent has been
33 convicted of:

34 (a) Murder in the first degree, murder in the second degree, or
35 homicide by abuse as defined in chapter 9A.32 RCW against another
36 child of the parent;

37 (b) Manslaughter in the first degree or manslaughter in the
38 second degree, as defined in chapter 9A.32 RCW against another child
39 of the parent;

1 (c) Attempting, conspiring, or soliciting another to commit one
2 or more of the crimes listed in (a) or (b) of this subsection; or

3 (d) Assault in the first or second degree, as defined in chapter
4 9A.36 RCW, against the surviving child or another child of the
5 parent.

6 (5) When a parent has been sentenced to a long-term incarceration
7 and has maintained a meaningful role in the child's life considering
8 the factors provided in RCW 13.34.145(5)(b), and it is in the best
9 interest of the child, the department should consider a permanent
10 placement that allows the parent to maintain a relationship with his
11 or her child, such as, but not limited to, a guardianship pursuant to
12 chapter 13.36 RCW.

13 (6) Notice of rights shall be served upon the parent, guardian,
14 or legal custodian with the petition and shall be in substantially
15 the following form:

16 "NOTICE

17 A petition for termination of parental rights has been filed
18 against you. You have important legal rights and you must
19 take steps to protect your interests. This petition could
20 result in permanent loss of your parental rights.

21 1. You have the right to a fact-finding hearing before a
22 judge.

23 2. You have the right to have a lawyer represent you at
24 the hearing. A lawyer can look at the files in your case,
25 talk to the department of social and health services or (~~the~~
26 ~~supervising agency and~~) other agencies, tell you about the
27 law, help you understand your rights, and help you at
28 hearings. If you cannot afford a lawyer, the court will
29 appoint one to represent you. To get a court-appointed lawyer
30 you must contact: (explain local procedure).

31 3. At the hearing, you have the right to speak on your
32 own behalf, to introduce evidence, to examine witnesses, and
33 to receive a decision based solely on the evidence presented
34 to the judge.

35 You should be present at this hearing.

36 You may call (insert agency) for more information
37 about your child. The agency's name and telephone number are
38 (insert name and telephone number)."

1 **Sec. 20.** RCW 13.34.180 and 2017 3rd sp.s. c 6 s 308 are each
2 amended to read as follows:

3 (1) A petition seeking termination of a parent and child
4 relationship may be filed in juvenile court by any party(~~(, including~~
5 ~~the supervising agency,~~)) to the dependency proceedings concerning
6 that child. Such petition shall conform to the requirements of RCW
7 13.34.040, shall be served upon the parties as provided in RCW
8 13.34.070(8), and shall allege all of the following unless subsection
9 (3) or (4) of this section applies:

10 (a) That the child has been found to be a dependent child;

11 (b) That the court has entered a dispositional order pursuant to
12 RCW 13.34.130;

13 (c) That the child has been removed or will, at the time of the
14 hearing, have been removed from the custody of the parent for a
15 period of at least six months pursuant to a finding of dependency;

16 (d) That the services ordered under RCW 13.34.136 have been
17 expressly and understandably offered or provided and all necessary
18 services, reasonably available, capable of correcting the parental
19 deficiencies within the foreseeable future have been expressly and
20 understandably offered or provided;

21 (e) That there is little likelihood that conditions will be
22 remedied so that the child can be returned to the parent in the near
23 future. A parent's failure to substantially improve parental
24 deficiencies within twelve months following entry of the
25 dispositional order shall give rise to a rebuttable presumption that
26 there is little likelihood that conditions will be remedied so that
27 the child can be returned to the parent in the near future. The
28 presumption shall not arise unless the petitioner makes a showing
29 that all necessary services reasonably capable of correcting the
30 parental deficiencies within the foreseeable future have been clearly
31 offered or provided. In determining whether the conditions will be
32 remedied the court may consider, but is not limited to, the following
33 factors:

34 (i) Use of intoxicating or controlled substances so as to render
35 the parent incapable of providing proper care for the child for
36 extended periods of time or for periods of time that present a risk
37 of imminent harm to the child, and documented unwillingness of the
38 parent to receive and complete treatment or documented multiple
39 failed treatment attempts;

1 (ii) Psychological incapacity or mental deficiency of the parent
2 that is so severe and chronic as to render the parent incapable of
3 providing proper care for the child for extended periods of time or
4 for periods of time that present a risk of imminent harm to the
5 child, and documented unwillingness of the parent to receive and
6 complete treatment or documentation that there is no treatment that
7 can render the parent capable of providing proper care for the child
8 in the near future; or

9 (iii) Failure of the parent to have contact with the child for an
10 extended period of time after the filing of the dependency petition
11 if the parent was provided an opportunity to have a relationship with
12 the child by the department or the court and received documented
13 notice of the potential consequences of this failure, except that the
14 actual inability of a parent to have visitation with the child
15 including, but not limited to, mitigating circumstances such as a
16 parent's current or prior incarceration or service in the military
17 does not in and of itself constitute failure to have contact with the
18 child; and

19 (f) That continuation of the parent and child relationship
20 clearly diminishes the child's prospects for early integration into a
21 stable and permanent home. If the parent is incarcerated, the court
22 shall consider whether a parent maintains a meaningful role in his or
23 her child's life based on factors identified in RCW 13.34.145(5)(b);
24 whether the department (~~or supervising agency~~) made reasonable
25 efforts as defined in this chapter; and whether particular barriers
26 existed as described in RCW 13.34.145(5)(b) including, but not
27 limited to, delays or barriers experienced in keeping the agency
28 apprised of his or her location and in accessing visitation or other
29 meaningful contact with the child.

30 (2) As evidence of rebuttal to any presumption established
31 pursuant to subsection (1)(e) of this section, the court may consider
32 the particular constraints of a parent's current or prior
33 incarceration. Such evidence may include, but is not limited to,
34 delays or barriers a parent may experience in keeping the agency
35 apprised of his or her location and in accessing visitation or other
36 meaningful contact with the child.

37 (3) In lieu of the allegations in subsection (1) of this section,
38 the petition may allege that the child was found under such
39 circumstances that the whereabouts of the child's parent are unknown

1 and no person has acknowledged paternity or maternity and requested
2 custody of the child within two months after the child was found.

3 (4) In lieu of the allegations in subsection (1)(b) through (f)
4 of this section, the petition may allege that the parent has been
5 convicted of:

6 (a) Murder in the first degree, murder in the second degree, or
7 homicide by abuse as defined in chapter 9A.32 RCW against another
8 child of the parent;

9 (b) Manslaughter in the first degree or manslaughter in the
10 second degree, as defined in chapter 9A.32 RCW against another child
11 of the parent;

12 (c) Attempting, conspiring, or soliciting another to commit one
13 or more of the crimes listed in (a) or (b) of this subsection; or

14 (d) Assault in the first or second degree, as defined in chapter
15 9A.36 RCW, against the surviving child or another child of the
16 parent.

17 (5) When a parent has been sentenced to a long-term incarceration
18 and has maintained a meaningful role in the child's life considering
19 the factors provided in RCW 13.34.145(5)(b), and it is in the best
20 interest of the child, the department should consider a permanent
21 placement that allows the parent to maintain a relationship with his
22 or her child, such as, but not limited to, a guardianship pursuant to
23 chapter 13.36 RCW.

24 (6) Notice of rights shall be served upon the parent, guardian,
25 or legal custodian with the petition and shall be in substantially
26 the following form:

27 "NOTICE

28 A petition for termination of parental rights has been filed
29 against you. You have important legal rights and you must
30 take steps to protect your interests. This petition could
31 result in permanent loss of your parental rights.

32 1. You have the right to a fact-finding hearing before a
33 judge.

34 2. You have the right to have a lawyer represent you at
35 the hearing. A lawyer can look at the files in your case,
36 talk to the department of children, youth, and families or
37 ((the supervising agency and)) other agencies, tell you about
38 the law, help you understand your rights, and help you at
39 hearings. If you cannot afford a lawyer, the court will

1 appoint one to represent you. To get a court-appointed lawyer
2 you must contact: (explain local procedure).

3 3. At the hearing, you have the right to speak on your
4 own behalf, to introduce evidence, to examine witnesses, and
5 to receive a decision based solely on the evidence presented
6 to the judge.

7 You should be present at this hearing.

8 You may call (insert agency) for more information
9 about your child. The agency's name and telephone number are
10 (insert name and telephone number)."

11 **Sec. 21.** RCW 13.34.210 and 2010 c 272 s 13 are each amended to
12 read as follows:

13 If, upon entering an order terminating the parental rights of a
14 parent, there remains no parent having parental rights, the court
15 shall commit the child to the custody of the department (~~(or a~~
16 ~~supervising agency)~~) willing to accept custody for the purpose of
17 placing the child for adoption. If an adoptive home has not been
18 identified, the department (~~(or supervising agency)~~) shall place the
19 child in a licensed foster home, or take other suitable measures for
20 the care and welfare of the child. The custodian shall have authority
21 to consent to the adoption of the child consistent with chapter 26.33
22 RCW, the marriage of the child, the enlistment of the child in the
23 armed forces of the United States, necessary surgical and other
24 medical treatment for the child, and to consent to such other matters
25 as might normally be required of the parent of the child.

26 If a child has not been adopted within six months after the date
27 of the order and a guardianship of the child under chapter 13.36 RCW
28 or chapter 11.88 RCW, or a permanent custody order under chapter
29 26.10 RCW, has not been entered by the court, the court shall review
30 the case every six months until a decree of adoption is entered. The
31 (~~(supervising agency)~~) department shall take reasonable steps to
32 ensure that the child maintains relationships with siblings as
33 provided in RCW 13.34.130(~~(+3)~~) (6) and shall report to the court
34 the status and extent of such relationships.

35 **Sec. 22.** RCW 13.34.215 and 2011 c 292 s 2 are each amended to
36 read as follows:

1 (1) A child may petition the juvenile court to reinstate the
2 previously terminated parental rights of his or her parent under the
3 following circumstances:

4 (a) The child was previously found to be a dependent child under
5 this chapter;

6 (b) The child's parent's rights were terminated in a proceeding
7 under this chapter;

8 (c)(i) The child has not achieved his or her permanency plan; or

9 (ii) While the child achieved a permanency plan, it has not since
10 been sustained;

11 (d) Three years have passed since the final order of termination
12 was entered; and

13 (e) The child must be at least twelve years old at the time the
14 petition is filed. Upon the child's motion for good cause shown, or
15 on its own motion, the court may hear a petition filed by a child
16 younger than twelve years old.

17 (2) If the child is eligible to petition the juvenile court under
18 subsection (1) of this section and a parent whose rights have been
19 previously terminated contacts the department (~~(or supervising~~
20 ~~agency))~~ or the child's guardian ad litem regarding reinstatement,
21 the department (~~(or supervising agency))~~ or the guardian ad litem
22 must notify the eligible child about his or her right to petition for
23 reinstatement of parental rights.

24 (3) A child seeking to petition under this section shall be
25 provided counsel at no cost to the child.

26 (4) The petition must be signed by the child in the absence of a
27 showing of good cause as to why the child could not do so.

28 (5) If, after a threshold hearing to consider the parent's
29 apparent fitness and interest in reinstatement of parental rights,
30 the court finds by a preponderance of the evidence that the best
31 interests of the child may be served by reinstatement of parental
32 rights, the juvenile court shall order that a hearing on the merits
33 of the petition be held.

34 (6) The court shall give prior notice for any proceeding under
35 this section, or cause prior notice to be given, to the department
36 (~~(or the supervising agency))~~, the child's attorney, and the child.
37 The court shall also order the department (~~(or supervising agency))~~
38 to give prior notice of any hearing to the child's former parent
39 whose parental rights are the subject of the petition, any parent
40 whose rights have not been terminated, the child's current foster

1 parent, relative caregiver, guardian or custodian, and the child's
2 tribe, if applicable.

3 (7) The juvenile court shall conditionally grant the petition if
4 it finds by clear and convincing evidence that the child has not
5 achieved his or her permanency plan and is not likely to imminently
6 achieve his or her permanency plan and that reinstatement of parental
7 rights is in the child's best interest. In determining whether
8 reinstatement is in the child's best interest the court shall
9 consider, but is not limited to, the following:

10 (a) Whether the parent whose rights are to be reinstated is a fit
11 parent and has remedied his or her deficits as provided in the record
12 of the prior termination proceedings and prior termination order;

13 (b) The age and maturity of the child, and the ability of the
14 child to express his or her preference;

15 (c) Whether the reinstatement of parental rights will present a
16 risk to the child's health, welfare, or safety; and

17 (d) Other material changes in circumstances, if any, that may
18 have occurred which warrant the granting of the petition.

19 (8) In determining whether the child has or has not achieved his
20 or her permanency plan or whether the child is likely to achieve his
21 or her permanency plan, the department (~~(or supervising agency)~~)
22 shall provide the court, and the court shall review, information
23 related to any efforts to achieve the permanency plan including
24 efforts to achieve adoption or a permanent guardianship.

25 (9)(a) If the court conditionally grants the petition under
26 subsection (7) of this section, the case will be continued for six
27 months and a temporary order of reinstatement entered. During this
28 period, the child shall be placed in the custody of the parent. The
29 department (~~(or supervising agency)~~) shall develop a permanency plan
30 for the child reflecting the plan to be reunification and shall
31 provide transition services to the family as appropriate.

32 (b) If the child must be removed from the parent due to abuse or
33 neglect allegations prior to the expiration of the conditional six-
34 month period, the court shall dismiss the petition for reinstatement
35 of parental rights if the court finds the allegations have been
36 proven by a preponderance of the evidence.

37 (c) If the child has been successfully placed with the parent for
38 six months, the court order reinstating parental rights remains in
39 effect and the court shall dismiss the dependency.

1 (10) After the child has been placed with the parent for six
2 months, the court shall hold a hearing. If the placement with the
3 parent has been successful, the court shall enter a final order of
4 reinstatement of parental rights, which shall restore all rights,
5 powers, privileges, immunities, duties, and obligations of the parent
6 as to the child, including those relating to custody, control, and
7 support of the child. The court shall dismiss the dependency and
8 direct the clerk's office to provide a certified copy of the final
9 order of reinstatement of parental rights to the parent at no cost.

10 (11) The granting of the petition under this section does not
11 vacate or otherwise affect the validity of the original termination
12 order.

13 (12) Any parent whose rights are reinstated under this section
14 shall not be liable for any child support owed to the department
15 pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services
16 provided to a child for the time period from the date of termination
17 of parental rights to the date parental rights are reinstated.

18 (13) A proceeding to reinstate parental rights is a separate
19 action from the termination of parental rights proceeding and does
20 not vacate the original termination of parental rights. An order
21 granted under this section reinstates the parental rights to the
22 child. This reinstatement is a recognition that the situation of the
23 parent and child have changed since the time of the termination of
24 parental rights and reunification is now appropriate.

25 (14) This section is retroactive and applies to any child who is
26 under the jurisdiction of the juvenile court at the time of the
27 hearing regardless of the date parental rights were terminated.

28 (15) The state, the department, (~~(the supervising agency)~~) and
29 its employees are not liable for civil damages resulting from any act
30 or omission in the provision of services under this section, unless
31 the act or omission constitutes gross negligence. This section does
32 not create any duty and shall not be construed to create a duty where
33 none exists. This section does not create a cause of action against
34 the state, the department, (~~(the supervising agency)~~) or its
35 employees concerning the original termination.

36 **Sec. 23.** RCW 13.34.233 and 2009 c 520 s 38 are each amended to
37 read as follows:

38 (1) Any party may request the court under RCW 13.34.150 to modify
39 or terminate a dependency guardianship order. Notice of any motion to

1 modify or terminate the guardianship shall be served on all other
2 parties, including any agency that was responsible for supervising
3 the child's placement at the time the guardianship petition was
4 filed. Notice in all cases shall be served upon the department. If
5 the department (~~(or supervising agency)~~) was not previously a party
6 to the guardianship proceeding, the department (~~(or supervising
7 agency)~~) shall nevertheless have the right to: (a) Initiate a
8 proceeding to modify or terminate a guardianship; and (b) intervene
9 at any stage of such a proceeding.

10 (2) The guardianship may be modified or terminated upon the
11 motion of any party, or the department(~~(, or the supervising agency)~~)
12 if the court finds by a preponderance of the evidence that there has
13 been a substantial change of circumstances subsequent to the
14 establishment of the guardianship and that it is in the child's best
15 interest to modify or terminate the guardianship. The court shall
16 hold a hearing on the motion before modifying or terminating a
17 guardianship.

18 (3) Upon entry of an order terminating the guardianship, the
19 dependency guardian shall not have any rights or responsibilities
20 with respect to the child and shall not have legal standing to
21 participate as a party in further dependency proceedings pertaining
22 to the child. The court may allow the child's dependency guardian to
23 attend dependency review proceedings pertaining to the child for the
24 sole purpose of providing information about the child to the court.

25 (4) Upon entry of an order terminating the guardianship, the
26 child shall remain dependent and the court shall either return the
27 child to the child's parent or order the child into the custody,
28 control, and care of the department (~~(or a supervising agency)~~) for
29 placement in a foster home or group care facility licensed pursuant
30 to chapter 74.15 RCW or in a home not required to be licensed
31 pursuant to such chapter. The court shall not place a child in the
32 custody of the child's parent unless the court finds that reasons for
33 removal as set forth in RCW 13.34.130 no longer exist and that such
34 placement is in the child's best interest. The court shall thereafter
35 conduct reviews as provided in RCW 13.34.138 and, where applicable,
36 shall hold a permanency planning hearing in accordance with RCW
37 13.34.145.

38 **Sec. 24.** RCW 13.34.245 and 2009 c 520 s 39 are each amended to
39 read as follows:

1 (1) Where any parent or Indian custodian voluntarily consents to
2 foster care placement of an Indian child and a petition for
3 dependency has not been filed regarding the child, such consent shall
4 not be valid unless executed in writing before the court and filed
5 with the court. The consent shall be accompanied by the written
6 certification of the court that the terms and consequences of the
7 consent were fully explained in detail to the parent or Indian
8 custodian during the court proceeding and were fully understood by
9 the parent or Indian custodian. The court shall also certify in
10 writing either that the parent or Indian custodian fully understood
11 the explanation in English or that it was interpreted into a language
12 that the parent or Indian custodian understood. Any consent given
13 prior to, or within ten days after, the birth of the Indian child
14 shall not be valid.

15 (2) To obtain court validation of a voluntary consent to foster
16 care placement, any person may file a petition for validation
17 alleging that there is located or residing within the county an
18 Indian child whose parent or Indian custodian wishes to voluntarily
19 consent to foster care placement of the child and requesting that the
20 court validate the consent as provided in this section. The petition
21 shall contain the name, date of birth, and residence of the child,
22 the names and residences of the consenting parent or Indian
23 custodian, and the name and location of the Indian tribe in which the
24 child is a member or eligible for membership. The petition shall
25 state whether the placement preferences of 25 U.S.C. Sec. 1915 (b) or
26 (c) will be followed. Reasonable attempts shall be made by the
27 petitioner to ascertain and set forth in the petition the identity,
28 location, and custodial status of any parent or Indian custodian who
29 has not consented to foster care placement and why that parent or
30 Indian custodian cannot assume custody of the child.

31 (3) Upon filing of the petition for validation, the clerk of the
32 court shall schedule the petition for a hearing on the court
33 validation of the voluntary consent no later than forty-eight hours
34 after the petition has been filed, excluding Saturdays, Sundays, and
35 holidays. Notification of time, date, location, and purpose of the
36 validation hearing shall be provided as soon as possible to the
37 consenting parent or Indian custodian, the department (~~or~~
38 ~~supervising agency~~) which is to assume responsibility for the
39 child's placement and care pursuant to the consent to foster care
40 placement, and the Indian tribe in which the child is enrolled or

1 eligible for enrollment as a member. If the identity and location of
2 any nonconsenting parent or Indian custodian is known, reasonable
3 attempts shall be made to notify the parent or Indian custodian of
4 the consent to placement and the validation hearing. Notification
5 under this subsection may be given by the most expedient means,
6 including, but not limited to, mail, personal service, telephone, and
7 telegraph.

8 (4) Any parent or Indian custodian may withdraw consent to a
9 voluntary foster care placement, made under this section, at any
10 time. Unless the Indian child has been taken in custody pursuant to
11 RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW
12 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the
13 Indian child shall be returned to the parent or Indian custodian upon
14 withdrawal of consent to foster care placement of the child.

15 (5) Upon termination of the voluntary foster care placement and
16 return of the child to the parent or Indian custodian, the department
17 (~~(or supervising agency)~~) which had assumed responsibility for the
18 child's placement and care pursuant to the consent to foster care
19 placement shall file with the court written notification of the
20 child's return and shall also send such notification to the Indian
21 tribe in which the child is enrolled or eligible for enrollment as a
22 member and to any other party to the validation proceeding including
23 any noncustodial parent.

24 **Sec. 25.** RCW 13.34.320 and 2009 c 520 s 40 are each amended to
25 read as follows:

26 The department (~~(or supervising agency)~~) shall obtain the prior
27 consent of a child's parent, legal guardian, or legal custodian
28 before a dependent child is admitted into an inpatient mental health
29 treatment facility. If the child's parent, legal guardian, or legal
30 custodian is unavailable or does not agree with the proposed
31 admission, the department (~~(or supervising agency)~~) shall request a
32 hearing and provide notice to all interested parties to seek prior
33 approval of the juvenile court before such admission. In the event
34 that an emergent situation creating a risk of substantial harm to the
35 health and welfare of a child in the custody of the department (~~(or~~
36 ~~supervising agency)~~) does not allow time for the department (~~(or~~
37 ~~supervising agency)~~) to obtain prior approval or to request a court
38 hearing before consenting to the admission of the child into an
39 inpatient mental health hospital, the department (~~(or supervising~~

1 agency)) shall seek court approval by requesting that a hearing be
2 set on the first available court date.

3 **Sec. 26.** RCW 13.34.330 and 2009 c 520 s 41 are each amended to
4 read as follows:

5 A dependent child who is admitted to an inpatient mental health
6 facility shall be placed in a facility, with available treatment
7 space, that is closest to the family home, unless the department ((~~or~~
8 ~~supervising agency~~)), in consultation with the admitting authority
9 finds that admission in the facility closest to the child's home
10 would jeopardize the health or safety of the child.

11 **Sec. 27.** RCW 13.34.340 and 2009 c 520 s 42 are each amended to
12 read as follows:

13 For minors who cannot consent to the release of their records
14 with the department ((~~or supervising agency~~)) because they are not
15 old enough to consent to treatment, or, if old enough, lack the
16 capacity to consent, or if the minor is receiving treatment
17 involuntarily with a provider the department ((~~or supervising~~
18 ~~agency~~)) has authorized to provide mental health treatment under RCW
19 13.34.320, the department ((~~or supervising agency~~)) shall disclose,
20 upon the treating physician's request, all relevant records,
21 including the minor's passport as established under RCW 74.13.285, in
22 the department's ((~~or supervising agency's~~)) possession that the
23 treating physician determines contain information required for
24 treatment of the minor. The treating physician shall maintain all
25 records received from the department ((~~or supervising agency~~)) in a
26 manner that distinguishes the records from any other records in the
27 minor's file with the treating physician and the department ((~~or~~
28 ~~supervising agency~~)) records may not be disclosed by the treating
29 physician to any other person or entity absent a court order except
30 that, for medical purposes only, a treating physician may disclose
31 the department ((~~or supervising agency~~)) records to another treating
32 physician.

33 **Sec. 28.** RCW 13.34.370 and 2009 c 520 s 44 are each amended to
34 read as follows:

35 The court may order expert evaluations of parties to obtain
36 information regarding visitation issues or other issues in a case.
37 These evaluations shall be performed by appointed evaluators who are

1 mutually agreed upon by the court, (~~the supervising agency,~~) the
2 department, and the parents' counsel, and, if the child is to be
3 evaluated, by the representative for the child. If no agreement can
4 be reached, the court shall select the expert evaluator.

5 **Sec. 29.** RCW 13.34.380 and 2013 c 254 s 3 are each amended to
6 read as follows:

7 The department shall develop consistent policies and protocols,
8 based on current relevant research, concerning visitation for
9 dependent children to be implemented consistently throughout the
10 state. The department shall develop the policies and protocols in
11 consultation with researchers in the field, community-based agencies,
12 court-appointed special advocates, parents' representatives, and
13 court representatives. The policies and protocols shall include, but
14 not be limited to: The structure and quality of visitations;
15 consultation with the assigned law enforcement officer in the event
16 the parent or sibling of the child is identified as a suspect in an
17 active criminal investigation for a violent crime that, if the
18 allegations are true, would impact the safety of the child; and
19 training for department (~~and supervising agency~~) caseworkers,
20 visitation supervisors, and foster parents related to visitation.

21 The policies and protocols shall be consistent with the
22 provisions of this chapter and implementation of the policies and
23 protocols shall be consistent with relevant orders of the court.

24 **Sec. 30.** RCW 13.34.385 and 2009 c 520 s 46 are each amended to
25 read as follows:

26 (1) A relative of a dependent child may petition the juvenile
27 court for reasonable visitation with the child if:

28 (a) The child has been found to be a dependent child under this
29 chapter;

30 (b) The parental rights of both of the child's parents have been
31 terminated;

32 (c) The child is in the custody of the department(~~)~~ or another
33 public agency(~~, or a supervising agency~~); and

34 (d) The child has not been adopted and is not in a preadoptive
35 home or other permanent placement at the time the petition for
36 visitation is filed.

37 (2) The court shall give prior notice for any proceeding under
38 this section, or cause prior notice to be given, to the department,

1 other public agency, or (~~supervising~~) agency having custody of the
2 child, the child's attorney or guardian ad litem if applicable, and
3 the child. The court shall also order the custodial agency to give
4 prior notice of any hearing to the child's current foster parent,
5 relative caregiver, guardian or custodian, and the child's tribe, if
6 applicable.

7 (3) The juvenile court may grant the petition for visitation if
8 it finds that the requirements of subsection (1) of this section have
9 been met, and that unsupervised visitation between the child and the
10 relative does not present a risk to the child's safety or well-being
11 and that the visitation is in the best interests of the child. In
12 determining the best interests of the child the court shall consider,
13 but is not limited to, the following:

14 (a) The love, affection, and strength of the relationship between
15 the child and the relative;

16 (b) The length and quality of the prior relationship between the
17 child and the relative;

18 (c) Any criminal convictions for or founded history of abuse or
19 neglect of a child by the relative;

20 (d) Whether the visitation will present a risk to the child's
21 health, welfare, or safety;

22 (e) The child's reasonable preference, if the court considers the
23 child to be of sufficient age to express a preference;

24 (f) Any other factor relevant to the child's best interest.

25 (4) The visitation order may be modified at any time upon a
26 showing that the visitation poses a risk to the child's safety or
27 well-being. The visitation order shall state that visitation will
28 automatically terminate upon the child's placement in a preadoptive
29 home, if the child is adopted, or if there is a subsequent founded
30 abuse or neglect allegation against the relative.

31 (5) The granting of the petition under this section does not
32 grant the relative the right to participate in the dependency action
33 and does not grant any rights to the relative not otherwise specified
34 in the visitation order.

35 (6) This section is retroactive and applies to any eligible
36 dependent child at the time of the filing of the petition for
37 visitation, regardless of the date parental rights were terminated.

38 (7) For the purpose of this section, "relative" means a relative
39 as defined in RCW 74.15.020(2)(a), except parents.

1 (8) This section is intended to provide an additional procedure
2 by which a relative may request visitation with a dependent child. It
3 is not intended to impair or alter the ability a court currently has
4 to order visitation with a relative under the dependency statutes.

5 **Sec. 31.** RCW 13.34.400 and 2009 c 520 s 48 are each amended to
6 read as follows:

7 In any proceeding under this chapter, if the department ((~~or~~
8 ~~supervising agency~~)) submits a report to the court in which the
9 department is recommending a new placement or a change in placement,
10 the department ((~~or supervising agency~~)) shall include the documents
11 relevant to persons in the home in which a child will be placed and
12 listed in subsections (1) through (5) of this section to the report.
13 The department ((~~or supervising agency~~)) shall include only these
14 relevant documents and shall not attach the entire history of the
15 subject of the report.

16 (1) If the report contains a recommendation, opinion, or
17 assertion by the department ((~~or supervising agency~~)) relating to
18 substance abuse treatment, mental health treatment, anger management
19 classes, or domestic violence classes, the department ((~~or~~
20 ~~supervising agency~~)) shall attach the document upon which the
21 recommendation, opinion, or assertion was based. The documentation
22 may include the progress report or evaluation submitted by the
23 provider, but may not include the entire history with the provider.

24 (2) If the report contains a recommendation, opinion, or
25 assertion by the department or ((~~supervising~~)) agency relating to
26 visitation with a child, the department ((~~or supervising agency~~))
27 shall attach the document upon which the recommendation, opinion, or
28 assertion was based. The documentation may include the most recent
29 visitation report, a visitation report referencing a specific
30 incident alleged in the report, or summary of the visitation prepared
31 by the person who supervised the visitation. The documentation
32 attached to the report shall not include the entire visitation
33 history.

34 (3) If the report contains a recommendation, opinion, or
35 assertion by the department ((~~or supervising agency~~)) relating to the
36 psychological status of a person, the department ((~~or supervising~~
37 ~~agency~~)) shall attach the document upon which the recommendation,
38 opinion, or assertion was based. The documentation may include the

1 progress report, evaluation, or summary submitted by the provider,
2 but shall not include the entire history of the person.

3 (4) If the report contains a recommendation, opinion, or
4 assertion by the department (~~(or supervising agency)~~) relating to
5 injuries to a child, the department (~~(or supervising agency)~~) shall
6 attach a summary of the physician's report, prepared by the physician
7 or the physician's designee, relating to the recommendation, opinion,
8 or assertion by the department.

9 (5) If the report contains a recommendation, opinion, or
10 assertion by the department (~~(or supervising agency)~~) relating to a
11 home study, licensing action, or background check information, the
12 department (~~(or supervising agency)~~) shall attach the document or
13 documents upon which that recommendation, opinion, or assertion is
14 based.

15 **Sec. 32.** RCW 26.44.020 and 2012 c 259 s 1 are each amended to
16 read as follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

19 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
20 or injury of a child by any person under circumstances which cause
21 harm to the child's health, welfare, or safety, excluding conduct
22 permitted under RCW 9A.16.100; or the negligent treatment or
23 maltreatment of a child by a person responsible for or providing care
24 to the child. An abused child is a child who has been subjected to
25 child abuse or neglect as defined in this section.

26 (2) "Child" or "children" means any person under the age of
27 eighteen years of age.

28 (3) "Child protective services" means those services provided by
29 the department designed to protect children from child abuse and
30 neglect and safeguard such children from future abuse and neglect,
31 and conduct investigations of child abuse and neglect reports.
32 Investigations may be conducted regardless of the location of the
33 alleged abuse or neglect. Child protective services includes referral
34 to services to ameliorate conditions that endanger the welfare of
35 children, the coordination of necessary programs and services
36 relevant to the prevention, intervention, and treatment of child
37 abuse and neglect, and services to children to ensure that each child
38 has a permanent home. In determining whether protective services
39 should be provided, the department shall not decline to provide such

1 services solely because of the child's unwillingness or developmental
2 inability to describe the nature and severity of the abuse or
3 neglect.

4 (4) "Child protective services section" means the child
5 protective services section of the department.

6 (5) "Children's advocacy center" means a child-focused facility
7 in good standing with the state chapter for children's advocacy
8 centers and that coordinates a multidisciplinary process for the
9 investigation, prosecution, and treatment of sexual and other types
10 of child abuse. Children's advocacy centers provide a location for
11 forensic interviews and coordinate access to services such as, but
12 not limited to, medical evaluations, advocacy, therapy, and case
13 review by multidisciplinary teams within the context of county
14 protocols as defined in RCW 26.44.180 and 26.44.185.

15 (6) "Clergy" means any regularly licensed or ordained minister,
16 priest, or rabbi of any church or religious denomination, whether
17 acting in an individual capacity or as an employee or agent of any
18 public or private organization or institution.

19 (7) "Court" means the superior court of the state of Washington,
20 juvenile department.

21 (8) "Department" means the state department of social and health
22 services.

23 (9) "Family assessment" means a comprehensive assessment of child
24 safety, risk of subsequent child abuse or neglect, and family
25 strengths and needs that is applied to a child abuse or neglect
26 report. Family assessment does not include a determination as to
27 whether child abuse or neglect occurred, but does determine the need
28 for services to address the safety of the child and the risk of
29 subsequent maltreatment.

30 (10) "Family assessment response" means a way of responding to
31 certain reports of child abuse or neglect made under this chapter
32 using a differential response approach to child protective services.
33 The family assessment response shall focus on the safety of the
34 child, the integrity and preservation of the family, and shall assess
35 the status of the child and the family in terms of risk of abuse and
36 neglect including the parent's or guardian's or other caretaker's
37 capacity and willingness to protect the child and, if necessary, plan
38 and arrange the provision of services to reduce the risk and
39 otherwise support the family. No one is named as a perpetrator, and

1 no investigative finding is entered in the record as a result of a
2 family assessment.

3 (11) "Founded" means the determination following an investigation
4 by the department that, based on available information, it is more
5 likely than not that child abuse or neglect did occur.

6 (12) "Inconclusive" means the determination following an
7 investigation by the department, prior to October 1, 2008, that based
8 on available information a decision cannot be made that more likely
9 than not, child abuse or neglect did or did not occur.

10 (13) "Institution" means a private or public hospital or any
11 other facility providing medical diagnosis, treatment, or care.

12 (14) "Law enforcement agency" means the police department, the
13 prosecuting attorney, the state patrol, the director of public
14 safety, or the office of the sheriff.

15 (15) "Malice" or "maliciously" means an intent, wish, or design
16 to intimidate, annoy, or injure another person. Such malice may be
17 inferred from an act done in willful disregard of the rights of
18 another, or an act wrongfully done without just cause or excuse, or
19 an act or omission of duty betraying a willful disregard of social
20 duty.

21 (16) "Negligent treatment or maltreatment" means an act or a
22 failure to act, or the cumulative effects of a pattern of conduct,
23 behavior, or inaction, that evidences a serious disregard of
24 consequences of such magnitude as to constitute a clear and present
25 danger to a child's health, welfare, or safety, including but not
26 limited to conduct prohibited under RCW 9A.42.100. When considering
27 whether a clear and present danger exists, evidence of a parent's
28 substance abuse as a contributing factor to negligent treatment or
29 maltreatment shall be given great weight. The fact that siblings
30 share a bedroom is not, in and of itself, negligent treatment or
31 maltreatment. Poverty, homelessness, or exposure to domestic violence
32 as defined in RCW 26.50.010 that is perpetrated against someone other
33 than the child does not constitute negligent treatment or
34 maltreatment in and of itself.

35 (17) "Pharmacist" means any registered pharmacist under chapter
36 18.64 RCW, whether acting in an individual capacity or as an employee
37 or agent of any public or private organization or institution.

38 (18) "Practitioner of the healing arts" or "practitioner" means a
39 person licensed by this state to practice podiatric medicine and
40 surgery, optometry, chiropractic, nursing, dentistry, osteopathic

1 medicine and surgery, or medicine and surgery or to provide other
2 health services. The term "practitioner" includes a duly accredited
3 Christian Science practitioner. A person who is being furnished
4 Christian Science treatment by a duly accredited Christian Science
5 practitioner will not be considered, for that reason alone, a
6 neglected person for the purposes of this chapter.

7 (19) "Professional school personnel" include, but are not limited
8 to, teachers, counselors, administrators, child care facility
9 personnel, and school nurses.

10 (20) "Psychologist" means any person licensed to practice
11 psychology under chapter 18.83 RCW, whether acting in an individual
12 capacity or as an employee or agent of any public or private
13 organization or institution.

14 (21) "Screened-out report" means a report of alleged child abuse
15 or neglect that the department has determined does not rise to the
16 level of a credible report of abuse or neglect and is not referred
17 for investigation.

18 (22) "Sexual exploitation" includes: (a) Allowing, permitting, or
19 encouraging a child to engage in prostitution by any person; or (b)
20 allowing, permitting, encouraging, or engaging in the obscene or
21 pornographic photographing, filming, or depicting of a child by any
22 person.

23 (23) "Sexually aggressive youth" means a child who is defined in
24 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

25 (24) "Social service counselor" means anyone engaged in a
26 professional capacity during the regular course of employment in
27 encouraging or promoting the health, welfare, support, or education
28 of children, or providing social services to adults or families,
29 including mental health, drug and alcohol treatment, and domestic
30 violence programs, whether in an individual capacity, or as an
31 employee or agent of any public or private organization or
32 institution.

33 ~~(25) ("Supervising agency" means an agency licensed by the state
34 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
35 entered into a performance based contract with the department to
36 provide child welfare services.~~

37 (+26+)) "Unfounded" means the determination following an
38 investigation by the department that available information indicates
39 that, more likely than not, child abuse or neglect did not occur, or

1 that there is insufficient evidence for the department to determine
2 whether the alleged child abuse did or did not occur.

3 **Sec. 33.** RCW 26.44.020 and 2017 3rd sp.s. c 6 s 321 are each
4 amended to read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
8 or injury of a child by any person under circumstances which cause
9 harm to the child's health, welfare, or safety, excluding conduct
10 permitted under RCW 9A.16.100; or the negligent treatment or
11 maltreatment of a child by a person responsible for or providing care
12 to the child. An abused child is a child who has been subjected to
13 child abuse or neglect as defined in this section.

14 (2) "Child" or "children" means any person under the age of
15 eighteen years of age.

16 (3) "Child protective services" means those services provided by
17 the department designed to protect children from child abuse and
18 neglect and safeguard such children from future abuse and neglect,
19 and conduct investigations of child abuse and neglect reports.
20 Investigations may be conducted regardless of the location of the
21 alleged abuse or neglect. Child protective services includes referral
22 to services to ameliorate conditions that endanger the welfare of
23 children, the coordination of necessary programs and services
24 relevant to the prevention, intervention, and treatment of child
25 abuse and neglect, and services to children to ensure that each child
26 has a permanent home. In determining whether protective services
27 should be provided, the department shall not decline to provide such
28 services solely because of the child's unwillingness or developmental
29 inability to describe the nature and severity of the abuse or
30 neglect.

31 (4) "Child protective services section" means the child
32 protective services section of the department.

33 (5) "Children's advocacy center" means a child-focused facility
34 in good standing with the state chapter for children's advocacy
35 centers and that coordinates a multidisciplinary process for the
36 investigation, prosecution, and treatment of sexual and other types
37 of child abuse. Children's advocacy centers provide a location for
38 forensic interviews and coordinate access to services such as, but
39 not limited to, medical evaluations, advocacy, therapy, and case

1 review by multidisciplinary teams within the context of county
2 protocols as defined in RCW 26.44.180 and 26.44.185.

3 (6) "Clergy" means any regularly licensed or ordained minister,
4 priest, or rabbi of any church or religious denomination, whether
5 acting in an individual capacity or as an employee or agent of any
6 public or private organization or institution.

7 (7) "Court" means the superior court of the state of Washington,
8 juvenile department.

9 (8) "Department" means the department of children, youth, and
10 families.

11 (9) "Family assessment" means a comprehensive assessment of child
12 safety, risk of subsequent child abuse or neglect, and family
13 strengths and needs that is applied to a child abuse or neglect
14 report. Family assessment does not include a determination as to
15 whether child abuse or neglect occurred, but does determine the need
16 for services to address the safety of the child and the risk of
17 subsequent maltreatment.

18 (10) "Family assessment response" means a way of responding to
19 certain reports of child abuse or neglect made under this chapter
20 using a differential response approach to child protective services.
21 The family assessment response shall focus on the safety of the
22 child, the integrity and preservation of the family, and shall assess
23 the status of the child and the family in terms of risk of abuse and
24 neglect including the parent's or guardian's or other caretaker's
25 capacity and willingness to protect the child and, if necessary, plan
26 and arrange the provision of services to reduce the risk and
27 otherwise support the family. No one is named as a perpetrator, and
28 no investigative finding is entered in the record as a result of a
29 family assessment.

30 (11) "Founded" means the determination following an investigation
31 by the department that, based on available information, it is more
32 likely than not that child abuse or neglect did occur.

33 (12) "Inconclusive" means the determination following an
34 investigation by the department of social and health services, prior
35 to October 1, 2008, that based on available information a decision
36 cannot be made that more likely than not, child abuse or neglect did
37 or did not occur.

38 (13) "Institution" means a private or public hospital or any
39 other facility providing medical diagnosis, treatment, or care.

1 (14) "Law enforcement agency" means the police department, the
2 prosecuting attorney, the state patrol, the director of public
3 safety, or the office of the sheriff.

4 (15) "Malice" or "maliciously" means an intent, wish, or design
5 to intimidate, annoy, or injure another person. Such malice may be
6 inferred from an act done in willful disregard of the rights of
7 another, or an act wrongfully done without just cause or excuse, or
8 an act or omission of duty betraying a willful disregard of social
9 duty.

10 (16) "Negligent treatment or maltreatment" means an act or a
11 failure to act, or the cumulative effects of a pattern of conduct,
12 behavior, or inaction, that evidences a serious disregard of
13 consequences of such magnitude as to constitute a clear and present
14 danger to a child's health, welfare, or safety, including but not
15 limited to conduct prohibited under RCW 9A.42.100. When considering
16 whether a clear and present danger exists, evidence of a parent's
17 substance abuse as a contributing factor to negligent treatment or
18 maltreatment shall be given great weight. The fact that siblings
19 share a bedroom is not, in and of itself, negligent treatment or
20 maltreatment. Poverty, homelessness, or exposure to domestic violence
21 as defined in RCW 26.50.010 that is perpetrated against someone other
22 than the child does not constitute negligent treatment or
23 maltreatment in and of itself.

24 (17) "Pharmacist" means any registered pharmacist under chapter
25 18.64 RCW, whether acting in an individual capacity or as an employee
26 or agent of any public or private organization or institution.

27 (18) "Practitioner of the healing arts" or "practitioner" means a
28 person licensed by this state to practice podiatric medicine and
29 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
30 medicine and surgery, or medicine and surgery or to provide other
31 health services. The term "practitioner" includes a duly accredited
32 Christian Science practitioner. A person who is being furnished
33 Christian Science treatment by a duly accredited Christian Science
34 practitioner will not be considered, for that reason alone, a
35 neglected person for the purposes of this chapter.

36 (19) "Professional school personnel" include, but are not limited
37 to, teachers, counselors, administrators, child care facility
38 personnel, and school nurses.

39 (20) "Psychologist" means any person licensed to practice
40 psychology under chapter 18.83 RCW, whether acting in an individual

1 capacity or as an employee or agent of any public or private
2 organization or institution.

3 (21) "Screened-out report" means a report of alleged child abuse
4 or neglect that the department has determined does not rise to the
5 level of a credible report of abuse or neglect and is not referred
6 for investigation.

7 (22) "Sexual exploitation" includes: (a) Allowing, permitting, or
8 encouraging a child to engage in prostitution by any person; or (b)
9 allowing, permitting, encouraging, or engaging in the obscene or
10 pornographic photographing, filming, or depicting of a child by any
11 person.

12 (23) "Sexually aggressive youth" means a child who is defined in
13 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

14 (24) "Social service counselor" means anyone engaged in a
15 professional capacity during the regular course of employment in
16 encouraging or promoting the health, welfare, support, or education
17 of children, or providing social services to adults or families,
18 including mental health, drug and alcohol treatment, and domestic
19 violence programs, whether in an individual capacity, or as an
20 employee or agent of any public or private organization or
21 institution.

22 (~~(25) ("Supervising agency" means an agency licensed by the state
23 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
24 entered into a performance based contract with the department to
25 provide child welfare services.~~

26 (+26+)) "Unfounded" means the determination following an
27 investigation by the department that available information indicates
28 that, more likely than not, child abuse or neglect did not occur, or
29 that there is insufficient evidence for the department to determine
30 whether the alleged child abuse did or did not occur.

31 **Sec. 34.** RCW 74.13.010 and 2009 c 520 s 49 are each amended to
32 read as follows:

33 The purpose of this chapter is to safeguard, protect, and
34 contribute to the welfare of the children of the state, through a
35 comprehensive and coordinated program of child welfare services
36 provided by both the department and (~~(supervising)~~) agencies
37 providing for: Social services and facilities for children who
38 require guidance, care, control, protection, treatment, or
39 rehabilitation; setting of standards for social services and

1 facilities for children; cooperation with public and voluntary
2 agencies, organizations, and citizen groups in the development and
3 coordination of programs and activities in behalf of children; and
4 promotion of community conditions and resources that help parents to
5 discharge their responsibilities for the care, development, and well-
6 being of their children.

7 **Sec. 35.** RCW 74.13.020 and 2015 c 240 s 2 are each amended to
8 read as follows:

9 For purposes of this chapter:

10 (1) "Case management" means convening family meetings,
11 developing, revising, and monitoring implementation of any case plan
12 or individual service and safety plan, coordinating and monitoring
13 services needed by the child and family, caseworker-child visits,
14 family visits, and the assumption of court-related duties, excluding
15 legal representation, including preparing court reports, attending
16 judicial hearings and permanency hearings, and ensuring that the
17 child is progressing toward permanency within state and federal
18 mandates, including the Indian child welfare act.

19 (2) "Child" means:

20 (a) A person less than eighteen years of age; or

21 (b) A person age eighteen to twenty-one years who is eligible to
22 receive the extended foster care services authorized under RCW
23 74.13.031.

24 (3) "Child protective services" has the same meaning as in RCW
25 26.44.020.

26 (4) "Child welfare services" means social services including
27 voluntary and in-home services, out-of-home care, case management,
28 and adoption services which strengthen, supplement, or substitute
29 for, parental care and supervision for the purpose of:

30 (a) Preventing or remedying, or assisting in the solution of
31 problems which may result in families in conflict, or the neglect,
32 abuse, exploitation, or criminal behavior of children;

33 (b) Protecting and caring for dependent, abused, or neglected
34 children;

35 (c) Assisting children who are in conflict with their parents,
36 and assisting parents who are in conflict with their children, with
37 services designed to resolve such conflicts;

1 (d) Protecting and promoting the welfare of children, including
2 the strengthening of their own homes where possible, or, where
3 needed;

4 (e) Providing adequate care of children away from their homes in
5 foster family homes or day care or other child care agencies or
6 facilities.

7 "Child welfare services" does not include child protection
8 services.

9 ~~((("Committee" means the child welfare transformation design
10 committee.~~

11 ~~(+6))~~ "Department" means the department of social and health
12 services.

13 ~~((+7))~~ (6) "Extended foster care services" means residential and
14 other support services the department is authorized to provide to
15 foster children. These services include, but are not limited to,
16 placement in licensed, relative, or otherwise approved care, or
17 supervised independent living settings; assistance in meeting basic
18 needs; independent living services; medical assistance; and
19 counseling or treatment.

20 ~~((+8))~~ (7) "Family assessment" means a comprehensive assessment
21 of child safety, risk of subsequent child abuse or neglect, and
22 family strengths and needs that is applied to a child abuse or
23 neglect report. Family assessment does not include a determination as
24 to whether child abuse or neglect occurred, but does determine the
25 need for services to address the safety of the child and the risk of
26 subsequent maltreatment.

27 ~~((+9) "Measurable effects" means a statistically significant
28 change which occurs as a result of the service or services a
29 supervising agency is assigned in a performance based contract, in
30 time periods established in the contract.~~

31 ~~(+10))~~ (8) "Medical condition" means, for the purposes of
32 qualifying for extended foster care services, a physical or mental
33 health condition as documented by any licensed health care provider
34 regulated by a disciplining authority under RCW 18.130.040.

35 ~~((+11))~~ (9) "Nonminor dependent" means any individual age
36 eighteen to twenty-one years who is participating in extended foster
37 care services authorized under RCW 74.13.031.

38 ~~((+12))~~ (10) "Out-of-home care services" means services provided
39 after the shelter care hearing to or for children in out-of-home
40 care, as that term is defined in RCW 13.34.030, and their families,

1 including the recruitment, training, and management of foster
2 parents, the recruitment of adoptive families, and the facilitation
3 of the adoption process, family reunification, independent living,
4 emergency shelter, residential group care, and foster care, including
5 relative placement.

6 ~~((13))~~ (11) "Performance-based contracting" means the
7 structuring of all aspects of the procurement of services around the
8 purpose of the work to be performed and the desired results with the
9 contract requirements set forth in clear, specific, and objective
10 terms with measurable outcomes. Contracts shall also include
11 provisions that link the performance of the contractor to the level
12 and timing of reimbursement.

13 ~~((14))~~ (12) "Permanency services" means long-term services
14 provided to secure a child's safety, permanency, and well-being,
15 including foster care services, family reunification services,
16 adoption services, and preparation for independent living services.

17 ~~((15))~~ (13) "Primary prevention services" means services which
18 are designed and delivered for the primary purpose of enhancing child
19 and family well-being and are shown, by analysis of outcomes, to
20 reduce the risk to the likelihood of the initial need for child
21 welfare services.

22 ~~((16))~~ (14) "Supervised independent living" includes, but is
23 not limited to, apartment living, room and board arrangements,
24 college or university dormitories, and shared roommate settings.
25 Supervised independent living settings must be approved by the
26 children's administration or the court.

27 ~~((17))~~ ~~"Supervising agency" means an agency licensed by the state~~
28 ~~under RCW 74.15.090, or licensed by a federally recognized Indian~~
29 ~~tribe located in this state under RCW 74.15.190, that has entered~~
30 ~~into a performance-based contract with the department to provide case~~
31 ~~management for the delivery and documentation of child welfare~~
32 ~~services, as defined in this section. This definition is applicable~~
33 ~~on or after December 30, 2015.~~

34 ~~(18))~~ (15) "Unsupervised" has the same meaning as in RCW
35 43.43.830.

36 ~~((19))~~ (16) "Voluntary placement agreement" means, for the
37 purposes of extended foster care services, a written voluntary
38 agreement between a nonminor dependent who agrees to submit to the
39 care and authority of the department for the purposes of
40 participating in the extended foster care program.

1 **Sec. 36.** RCW 74.13.020 and 2017 3rd sp.s. c 6 s 401 are each
2 amended to read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Case management" means convening family meetings,
6 developing, revising, and monitoring implementation of any case plan
7 or individual service and safety plan, coordinating and monitoring
8 services needed by the child and family, caseworker-child visits,
9 family visits, and the assumption of court-related duties, excluding
10 legal representation, including preparing court reports, attending
11 judicial hearings and permanency hearings, and ensuring that the
12 child is progressing toward permanency within state and federal
13 mandates, including the Indian child welfare act.

14 (2) "Child" means:

15 (a) A person less than eighteen years of age; or

16 (b) A person age eighteen to twenty-one years who is eligible to
17 receive the extended foster care services authorized under RCW
18 74.13.031.

19 (3) "Child protective services" has the same meaning as in RCW
20 26.44.020.

21 (4) "Child welfare services" means social services including
22 voluntary and in-home services, out-of-home care, case management,
23 and adoption services which strengthen, supplement, or substitute
24 for, parental care and supervision for the purpose of:

25 (a) Preventing or remedying, or assisting in the solution of
26 problems which may result in families in conflict, or the neglect,
27 abuse, exploitation, or criminal behavior of children;

28 (b) Protecting and caring for dependent, abused, or neglected
29 children;

30 (c) Assisting children who are in conflict with their parents,
31 and assisting parents who are in conflict with their children, with
32 services designed to resolve such conflicts;

33 (d) Protecting and promoting the welfare of children, including
34 the strengthening of their own homes where possible, or, where
35 needed;

36 (e) Providing adequate care of children away from their homes in
37 foster family homes or day care or other child care agencies or
38 facilities.

39 "Child welfare services" does not include child protection
40 services.

1 (5) (~~"Committee" means the child welfare transformation design~~
2 ~~committee.~~

3 (6)) "Department" means the department of children, youth, and
4 families.

5 (~~(7)~~) (6) "Extended foster care services" means residential and
6 other support services the department is authorized to provide to
7 foster children. These services include, but are not limited to,
8 placement in licensed, relative, or otherwise approved care, or
9 supervised independent living settings; assistance in meeting basic
10 needs; independent living services; medical assistance; and
11 counseling or treatment.

12 (~~(8)~~) (7) "Family assessment" means a comprehensive assessment
13 of child safety, risk of subsequent child abuse or neglect, and
14 family strengths and needs that is applied to a child abuse or
15 neglect report. Family assessment does not include a determination as
16 to whether child abuse or neglect occurred, but does determine the
17 need for services to address the safety of the child and the risk of
18 subsequent maltreatment.

19 (~~(9)~~) ~~"Measurable effects" means a statistically significant~~
20 ~~change which occurs as a result of the service or services a~~
21 ~~supervising agency is assigned in a performance based contract, in~~
22 ~~time periods established in the contract.~~

23 (10)) (8) "Medical condition" means, for the purposes of
24 qualifying for extended foster care services, a physical or mental
25 health condition as documented by any licensed health care provider
26 regulated by a disciplining authority under RCW 18.130.040.

27 (~~(11)~~) (9) "Nonminor dependent" means any individual age
28 eighteen to twenty-one years who is participating in extended foster
29 care services authorized under RCW 74.13.031.

30 (~~(12)~~) (10) "Out-of-home care services" means services provided
31 after the shelter care hearing to or for children in out-of-home
32 care, as that term is defined in RCW 13.34.030, and their families,
33 including the recruitment, training, and management of foster
34 parents, the recruitment of adoptive families, and the facilitation
35 of the adoption process, family reunification, independent living,
36 emergency shelter, residential group care, and foster care, including
37 relative placement.

38 (~~(13)~~) (11) "Performance-based contracting" means the
39 structuring of all aspects of the procurement of services around the
40 purpose of the work to be performed and the desired results with the

1 contract requirements set forth in clear, specific, and objective
2 terms with measurable outcomes. Contracts shall also include
3 provisions that link the performance of the contractor to the level
4 and timing of reimbursement.

5 ~~((14))~~ (12) "Permanency services" means long-term services
6 provided to secure a child's safety, permanency, and well-being,
7 including foster care services, family reunification services,
8 adoption services, and preparation for independent living services.

9 ~~((15))~~ (13) "Primary prevention services" means services which
10 are designed and delivered for the primary purpose of enhancing child
11 and family well-being and are shown, by analysis of outcomes, to
12 reduce the risk to the likelihood of the initial need for child
13 welfare services.

14 ~~((16))~~ (14) "Secretary" means the secretary of the department.

15 ~~((17))~~ (15) "Supervised independent living" includes, but is
16 not limited to, apartment living, room and board arrangements,
17 college or university dormitories, and shared roommate settings.
18 Supervised independent living settings must be approved by the
19 children's administration or the court.

20 ~~((18))~~ ~~"Supervising agency" means an agency licensed by the state~~
21 ~~under RCW 74.15.090, or licensed by a federally recognized Indian~~
22 ~~tribe located in this state under RCW 74.15.190, that has entered~~
23 ~~into a performance based contract with the department to provide case~~
24 ~~management for the delivery and documentation of child welfare~~
25 ~~services, as defined in this section. This definition is applicable~~
26 ~~on or after December 30, 2015.~~

27 ~~(19))~~ (16) "Unsupervised" has the same meaning as in RCW
28 43.43.830.

29 ~~((20))~~ (17) "Voluntary placement agreement" means, for the
30 purposes of extended foster care services, a written voluntary
31 agreement between a nonminor dependent who agrees to submit to the
32 care and authority of the department for the purposes of
33 participating in the extended foster care program.

34 **Sec. 37.** RCW 74.13.031 and 2017 3rd sp.s. c 20 s 7 and 2017 c
35 265 s 2 are each reenacted and amended to read as follows:

36 (1) The department ~~((and supervising agencies))~~ shall develop,
37 administer, supervise, and monitor a coordinated and comprehensive
38 plan that establishes, aids, and strengthens services for the
39 protection and care of runaway, dependent, or neglected children.

1 (2) Within available resources, the department (~~and supervising~~
2 ~~agencies~~) shall recruit an adequate number of prospective adoptive
3 and foster homes, both regular and specialized, i.e. homes for
4 children of ethnic minority, including Indian homes for Indian
5 children, sibling groups, handicapped and emotionally disturbed,
6 teens, pregnant and parenting teens, and the department shall
7 annually report to the governor and the legislature concerning the
8 department's (~~and supervising agency's~~) success in: (a) Meeting the
9 need for adoptive and foster home placements; (b) reducing the foster
10 parent turnover rate; (c) completing home studies for legally free
11 children; and (d) implementing and operating the passport program
12 required by RCW 74.13.285. The report shall include a section
13 entitled "Foster Home Turn-Over, Causes and Recommendations."

14 (3) The department shall investigate complaints of any recent act
15 or failure to act on the part of a parent or caretaker that results
16 in death, serious physical or emotional harm, or sexual abuse or
17 exploitation, or that presents an imminent risk of serious harm, and
18 on the basis of the findings of such investigation, offer child
19 welfare services in relation to the problem to such parents, legal
20 custodians, or persons serving in loco parentis, and/or bring the
21 situation to the attention of an appropriate court, or another
22 community agency. An investigation is not required of nonaccidental
23 injuries which are clearly not the result of a lack of care or
24 supervision by the child's parents, legal custodians, or persons
25 serving in loco parentis. If the investigation reveals that a crime
26 against a child may have been committed, the department shall notify
27 the appropriate law enforcement agency.

28 (4) As provided in RCW 26.44.030(11), the department may respond
29 to a report of child abuse or neglect by using the family assessment
30 response.

31 (5) The department (~~or supervising agencies~~) shall offer, on a
32 voluntary basis, family reconciliation services to families who are
33 in conflict.

34 (6) The department (~~or supervising agencies~~) shall monitor
35 placements of children in out-of-home care and in-home dependencies
36 to assure the safety, well-being, and quality of care being provided
37 is within the scope of the intent of the legislature as defined in
38 RCW 74.13.010 and 74.15.010. Under this section children in out-of-
39 home care and in-home dependencies and their caregivers shall receive
40 a private and individual face-to-face visit each month. The

1 department (~~and the supervising agencies~~) shall randomly select no
2 less than ten percent of the caregivers currently providing care to
3 receive one unannounced face-to-face visit in the caregiver's home
4 per year. No caregiver will receive an unannounced visit through the
5 random selection process for two consecutive years. If the caseworker
6 makes a good faith effort to conduct the unannounced visit to a
7 caregiver and is unable to do so, that month's visit to that
8 caregiver need not be unannounced. The department (~~and supervising
9 agencies are~~) is encouraged to group monthly visits to caregivers by
10 geographic area so that in the event an unannounced visit cannot be
11 completed, the caseworker may complete other required monthly visits.
12 The department shall use a method of random selection that does not
13 cause a fiscal impact to the department.

14 The department (~~or supervising agencies~~) shall conduct the
15 monthly visits with children and caregivers to whom it is providing
16 child welfare services.

17 (7) The department (~~and supervising agencies~~) shall have
18 authority to accept custody of children from parents and to accept
19 custody of children from juvenile courts, where authorized to do so
20 under law, to provide child welfare services including placement for
21 adoption, to provide for the routine and necessary medical, dental,
22 and mental health care, or necessary emergency care of the children,
23 and to provide for the physical care of such children and make
24 payment of maintenance costs if needed. Except where required by
25 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency
26 which receives children for adoption from the department shall
27 discriminate on the basis of race, creed, or color when considering
28 applications in their placement for adoption.

29 (8) The department (~~and supervising agency~~) shall have
30 authority to provide temporary shelter to children who have run away
31 from home and who are admitted to crisis residential centers.

32 (9) The department (~~and supervising agency~~) shall have
33 authority to purchase care for children.

34 (10) The department shall establish a children's services
35 advisory committee (~~with sufficient members representing supervising
36 agencies~~) which shall assist the secretary in the development of a
37 partnership plan for utilizing resources of the public and private
38 sectors, and advise on all matters pertaining to child welfare,
39 licensing of child care agencies, adoption, and services related
40 thereto. At least one member shall represent the adoption community.

1 (11)(a) The department (~~and supervising agencies~~) shall provide
2 continued extended foster care services to nonminor dependents who
3 are:

4 (i) Enrolled in a secondary education program or a secondary
5 education equivalency program;

6 (ii) Enrolled and participating in a postsecondary academic or
7 postsecondary vocational education program;

8 (iii) Participating in a program or activity designed to promote
9 employment or remove barriers to employment;

10 (iv) Engaged in employment for eighty hours or more per month; or

11 (v) Not able to engage in any of the activities described in
12 (a)(i) through (iv) of this subsection due to a documented medical
13 condition.

14 (b) To be eligible for extended foster care services, the
15 nonminor dependent must have been dependent and in foster care at the
16 time that he or she reached age eighteen years. If the dependency
17 case of the nonminor dependent was dismissed pursuant to RCW
18 13.34.267, he or she may receive extended foster care services
19 pursuant to a voluntary placement agreement under RCW 74.13.336 or
20 pursuant to an order of dependency issued by the court under RCW
21 13.34.268. A nonminor dependent whose dependency case was dismissed
22 by the court must have requested extended foster care services before
23 reaching age nineteen years. Eligible nonminor dependents may
24 unenroll and reenroll in extended foster care through a voluntary
25 placement agreement once between ages eighteen and twenty-one.

26 (c) The department shall develop and implement rules regarding
27 youth eligibility requirements.

28 (d) The department shall make efforts to ensure that extended
29 foster care services maximize medicaid reimbursements. This must
30 include the department ensuring that health and mental health
31 extended foster care providers participate in medicaid, unless the
32 condition of the extended foster care youth requires specialty care
33 that is not available among participating medicaid providers or there
34 are no participating medicaid providers in the area. The department
35 shall coordinate other services to maximize federal resources and the
36 most cost-efficient delivery of services to extended foster care
37 youth.

38 (e) The department shall allow a youth who has received extended
39 foster care services, but lost his or her eligibility, to reenter the

1 extended foster care program once through a voluntary placement
2 agreement when he or she meets the eligibility criteria again.

3 (12) The department shall have authority to provide adoption
4 support benefits, or relative guardianship subsidies on behalf of
5 youth ages eighteen to twenty-one years who achieved permanency
6 through adoption or a relative guardianship at age sixteen or older
7 and who meet the criteria described in subsection (11) of this
8 section.

9 (13) The department shall refer cases to the division of child
10 support whenever state or federal funds are expended for the care and
11 maintenance of a child, including a child with a developmental
12 disability who is placed as a result of an action under chapter 13.34
13 RCW, unless the department finds that there is good cause not to
14 pursue collection of child support against the parent or parents of
15 the child. Cases involving individuals age eighteen through twenty
16 shall not be referred to the division of child support unless
17 required by federal law.

18 (14) The department (~~(and supervising agencies)~~) shall have
19 authority within funds appropriated for foster care services to
20 purchase care for Indian children who are in the custody of a
21 federally recognized Indian tribe or tribally licensed child-placing
22 agency pursuant to parental consent, tribal court order, or state
23 juvenile court order. The purchase of such care is exempt from the
24 requirements of chapter 74.13B RCW and may be purchased from the
25 federally recognized Indian tribe or tribally licensed child-placing
26 agency, and shall be subject to the same eligibility standards and
27 rates of support applicable to other children for whom the department
28 purchases care.

29 Notwithstanding any other provision of RCW 13.32A.170 through
30 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section
31 all services to be provided by the department under subsections (4),
32 (7), and (8) of this section, subject to the limitations of these
33 subsections, may be provided by any program offering such services
34 funded pursuant to Titles II and III of the federal juvenile justice
35 and delinquency prevention act of 1974.

36 (15) Within amounts appropriated for this specific purpose, the
37 (~~(supervising agency or)~~) department shall provide preventive
38 services to families with children that prevent or shorten the
39 duration of an out-of-home placement.

1 (16) The department (~~and supervising agencies~~) shall have
2 authority to provide independent living services to youths, including
3 individuals who have attained eighteen years of age, and have not
4 attained twenty-one years of age who are or have been in foster care.

5 (17) The department (~~and supervising agencies~~) shall consult at
6 least quarterly with foster parents, including members of the foster
7 parent association of Washington state, for the purpose of receiving
8 information and comment regarding how the department (~~and
9 supervising agencies are~~) is performing the duties and meeting the
10 obligations specified in this section and RCW 74.13.250 (~~and
11 74.13.320~~) regarding the recruitment of foster homes, reducing
12 foster parent turnover rates, providing effective training for foster
13 parents, and administering a coordinated and comprehensive plan that
14 strengthens services for the protection of children. Consultation
15 shall occur at the regional and statewide levels.

16 (18)(a) The department shall, within current funding levels,
17 place on its public web site a document listing the duties and
18 responsibilities the department has to a child subject to a
19 dependency petition including, but not limited to, the following:

20 (i) Reasonable efforts, including the provision of services,
21 toward reunification of the child with his or her family;

22 (ii) Sibling visits subject to the restrictions in RCW
23 13.34.136(2)(b)(ii);

24 (iii) Parent-child visits;

25 (iv) Statutory preference for placement with a relative or other
26 suitable person, if appropriate; and

27 (v) Statutory preference for an out-of-home placement that allows
28 the child to remain in the same school or school district, if
29 practical and in the child's best interests.

30 (b) The document must be prepared in conjunction with a
31 community-based organization and must be updated as needed.

32 (19) The department shall have the authority to purchase legal
33 representation for parents of children who are at risk of being
34 dependent, or who are dependent, to establish or modify a parenting
35 plan under chapter 26.09 or 26.26 RCW, when it is necessary for the
36 child's safety, permanence, or well-being. This subsection does not
37 create an entitlement to legal representation purchased by the
38 department and does not create judicial authority to order the
39 department to purchase legal representation for a parent. Such
40 determinations are solely within the department's discretion.

1 **Sec. 38.** RCW 74.13.0311 and 2009 c 520 s 52 are each amended to
2 read as follows:

3 The department (~~(or supervising agencies)~~) may provide child
4 welfare services pursuant to a deferred prosecution plan ordered
5 under chapter 10.05 RCW. Child welfare services provided under this
6 chapter pursuant to a deferred prosecution order may not be construed
7 to prohibit the department (~~(or supervising agencies)~~) from providing
8 services or undertaking proceedings pursuant to chapter 13.34 or
9 26.44 RCW.

10 **Sec. 39.** RCW 74.13.036 and 2009 c 520 s 54 and 2009 c 518 s 5
11 are each reenacted and amended to read as follows:

12 (1) The department shall oversee implementation of chapter 13.34
13 RCW and chapter 13.32A RCW. The oversight shall be comprised of
14 working with affected parts of the criminal justice and child care
15 systems as well as with local government, legislative, and executive
16 authorities to effectively carry out these chapters. The department
17 shall work with all such entities to ensure that chapters 13.32A and
18 13.34 RCW are implemented in a uniform manner throughout the state.

19 (2) The department shall develop a plan and procedures, in
20 cooperation with the statewide advisory committee, to insure the full
21 implementation of the provisions of chapter 13.32A RCW. Such plan and
22 procedures shall include but are not limited to:

23 (a) Procedures defining and delineating the role of the
24 department and juvenile court with regard to the execution of the
25 child in need of services placement process;

26 (b) Procedures for designating department (~~(or supervising
27 agency)~~) staff responsible for family reconciliation services;

28 (c) Procedures assuring enforcement of contempt proceedings in
29 accordance with RCW 13.32A.170 and 13.32A.250; and

30 (d) Procedures for the continued education of all individuals in
31 the criminal juvenile justice and child care systems who are affected
32 by chapter 13.32A RCW, as well as members of the legislative and
33 executive branches of government.

34 There shall be uniform application of the procedures developed by
35 the department and juvenile court personnel, to the extent
36 practicable. Local and regional differences shall be taken into
37 consideration in the development of procedures required under this
38 subsection.

1 (3) In addition to its other oversight duties, the department
2 shall:

3 (a) Identify and evaluate resource needs in each region of the
4 state;

5 (b) Disseminate information collected as part of the oversight
6 process to affected groups and the general public;

7 (c) Educate affected entities within the juvenile justice and
8 child care systems, local government, and the legislative branch
9 regarding the implementation of chapters 13.32A and 13.34 RCW;

10 (d) Review complaints concerning the services, policies, and
11 procedures of those entities charged with implementing chapters
12 13.32A and 13.34 RCW; and

13 (e) Report any violations and misunderstandings regarding the
14 implementation of chapters 13.32A and 13.34 RCW.

15 **Sec. 40.** RCW 74.13.042 and 2009 c 520 s 56 are each amended to
16 read as follows:

17 If the department (~~(or supervising agency)~~) is denied lawful
18 access to records or information, or requested records or information
19 is not provided in a timely manner, the department (~~(or supervising
20 agency)~~) may petition the court for an order compelling disclosure.

21 (1) The petition shall be filed in the juvenile court for the
22 county in which the record or information is located or the county in
23 which the person who is the subject of the record or information
24 resides. If the person who is the subject of the record or
25 information is a party to or the subject of a pending proceeding
26 under chapter 13.32A or 13.34 RCW, the petition shall be filed in
27 such proceeding.

28 (2) Except as otherwise provided in this section, the persons
29 from whom and about whom the record or information is sought shall be
30 served with a summons and a petition at least seven calendar days
31 prior to a hearing on the petition. The court may order disclosure
32 upon ex parte application of the department (~~(or supervising
33 agency)~~), without prior notice to any person, if the court finds
34 there is reason to believe access to the record or information is
35 necessary to determine whether the child is in imminent danger and in
36 need of immediate protection.

37 (3) The court shall grant the petition upon a showing that there
38 is reason to believe that the record or information sought is

1 necessary for the health, safety, or welfare of the child who is
2 currently receiving child welfare services.

3 **Sec. 41.** RCW 74.13.045 and 2009 c 520 s 57 are each amended to
4 read as follows:

5 The department shall develop and implement an informal,
6 nonadversarial complaint resolution process to be used by clients of
7 the department (~~(or supervising agency)~~), foster parents, and other
8 affected individuals who have complaints regarding a department
9 policy or procedure, the application of such a policy or procedure,
10 or the performance of an entity that has entered into a performance-
11 based contract with the department, related to programs administered
12 under this chapter. The process shall not apply in circumstances
13 where the complainant has the right under Title 13, 26, or 74 RCW to
14 seek resolution of the complaint through judicial review or through
15 an adjudicative proceeding.

16 Nothing in this section shall be construed to create substantive
17 or procedural rights in any person. Participation in the complaint
18 resolution process shall not entitle any person to an adjudicative
19 proceeding under chapter 34.05 RCW or to superior court review.
20 Participation in the process shall not affect the right of any person
21 to seek other statutorily or constitutionally permitted remedies.

22 The department shall develop procedures to assure that clients
23 and foster parents are informed of the availability of the complaint
24 resolution process and how to access it. The department shall
25 incorporate information regarding the complaint resolution process
26 into the training for foster parents and department (~~(and supervising
27 agency)~~) caseworkers.

28 The department shall compile complaint resolution data including
29 the nature of the complaint and the outcome of the process.

30 **Sec. 42.** RCW 74.13.055 and 2009 c 520 s 58 are each amended to
31 read as follows:

32 The department shall adopt rules pursuant to chapter 34.05 RCW
33 which establish goals as to the maximum number of children who will
34 remain in foster care for a period of longer than twenty-four months.
35 (~~(The department shall also work cooperatively with supervising
36 agencies to assure that a partnership plan for utilizing the
37 resources of the public and private sector in all matters pertaining
38 to child welfare is developed and implemented.)~~)

1 **Sec. 43.** RCW 74.13.065 and 2009 c 520 s 60 are each amended to
2 read as follows:

3 (1) The department (~~(or supervising agency)~~) shall conduct a
4 social study whenever a child is placed in out-of-home care under the
5 supervision of the department (~~(or supervising agency)~~). The study
6 shall be conducted prior to placement, or, if it is not feasible to
7 conduct the study prior to placement due to the circumstances of the
8 case, the study shall be conducted as soon as possible following
9 placement.

10 (2) The social study shall include, but not be limited to, an
11 assessment of the following factors:

12 (a) The physical and emotional strengths and needs of the child;

13 (b) Emotional bonds with siblings and the need to maintain
14 regular sibling contacts;

15 (c) The proximity of the child's placement to the child's family
16 to aid reunification;

17 (d) The possibility of placement with the child's relatives or
18 extended family;

19 (e) The racial, ethnic, cultural, and religious background of the
20 child;

21 (f) The least-restrictive, most family-like placement reasonably
22 available and capable of meeting the child's needs; and

23 (g) Compliance with RCW 13.34.260 regarding parental preferences
24 for placement of their children.

25 **Sec. 44.** RCW 74.13.170 and 2009 c 520 s 70 are each amended to
26 read as follows:

27 The department may, through performance-based contracts with
28 (~~(supervising)~~) agencies, implement a therapeutic family home program
29 for up to fifteen youth in the custody of the department under
30 chapter 13.34 RCW. The program shall strive to develop and maintain a
31 mutually reinforcing relationship between the youth and the
32 therapeutic staff associated with the program.

33 **Sec. 45.** RCW 74.13.280 and 2013 c 200 s 28 are each amended to
34 read as follows:

35 (1) Except as provided in RCW 70.02.220, whenever a child is
36 placed in out-of-home care by the department or (~~(a supervising)~~)
37 with an agency, the department or agency shall share information
38 known to the department or agency about the child and the child's

1 family with the care provider and shall consult with the care
2 provider regarding the child's case plan. If the child is dependent
3 pursuant to a proceeding under chapter 13.34 RCW, the department or
4 (~~supervising~~) agency shall keep the care provider informed
5 regarding the dates and location of dependency review and permanency
6 planning hearings pertaining to the child.

7 (2) Information about the child and the child's family shall
8 include information known to the department or agency as to whether
9 the child is a sexually reactive child, has exhibited high-risk
10 behaviors, or is physically assaultive or physically aggressive, as
11 defined in this section.

12 (3) Information about the child shall also include information
13 known to the department or agency that the child:

14 (a) Has received a medical diagnosis of fetal alcohol syndrome or
15 fetal alcohol effect;

16 (b) Has been diagnosed by a qualified mental health professional
17 as having a mental health disorder;

18 (c) Has witnessed a death or substantial physical violence in the
19 past or recent past; or

20 (d) Was a victim of sexual or severe physical abuse in the recent
21 past.

22 (4) Any person who receives information about a child or a
23 child's family pursuant to this section shall keep the information
24 confidential and shall not further disclose or disseminate the
25 information except as authorized by law. Care providers shall agree
26 in writing to keep the information that they receive confidential and
27 shall affirm that the information will not be further disclosed or
28 disseminated, except as authorized by law.

29 (5) Nothing in this section shall be construed to limit the
30 authority of the department or (~~supervising agencies~~) an agency to
31 disclose client information or to maintain client confidentiality as
32 provided by law.

33 (6) As used in this section:

34 (a) "Sexually reactive child" means a child who exhibits sexual
35 behavior problems including, but not limited to, sexual behaviors
36 that are developmentally inappropriate for their age or are harmful
37 to the child or others.

38 (b) "High-risk behavior" means an observed or reported and
39 documented history of one or more of the following:

40 (i) Suicide attempts or suicidal behavior or ideation;

- 1 (ii) Self-mutilation or similar self-destructive behavior;
- 2 (iii) Fire-setting or a developmentally inappropriate fascination
- 3 with fire;
- 4 (iv) Animal torture;
- 5 (v) Property destruction; or
- 6 (vi) Substance or alcohol abuse.

7 (c) "Physically assaultive or physically aggressive" means a
8 child who exhibits one or more of the following behaviors that are
9 developmentally inappropriate and harmful to the child or to others:

- 10 (i) Observed assaultive behavior;
- 11 (ii) Reported and documented history of the child willfully
- 12 assaulting or inflicting bodily harm; or
- 13 (iii) Attempting to assault or inflict bodily harm on other
- 14 children or adults under circumstances where the child has the
- 15 apparent ability or capability to carry out the attempted assaults
- 16 including threats to use a weapon.

17 **Sec. 46.** RCW 74.13.283 and 2009 c 520 s 73 are each amended to
18 read as follows:

19 (1) For the purpose of assisting foster youth in obtaining a
20 Washington state identicard, submission of the information and
21 materials listed in this subsection from the department (~~or~~
22 ~~supervising agency~~) to the department of licensing is sufficient
23 proof of identity and residency and shall serve as the necessary
24 authorization for the youth to apply for and obtain a Washington
25 state identicard:

26 (a) A written signed statement prepared on department (~~or~~
27 ~~supervising agency~~) letterhead, verifying the following:

- 28 (i) The youth is a minor who resides in Washington;
- 29 (ii) Pursuant to a court order, the youth is dependent and the
- 30 department (~~or supervising agency~~) is the legal custodian of the
- 31 youth under chapter 13.34 RCW or under the interstate compact on the
- 32 placement of children;
- 33 (iii) The youth's full name and date of birth;
- 34 (iv) The youth's social security number, if available;
- 35 (v) A brief physical description of the youth;
- 36 (vi) The appropriate address to be listed on the youth's
- 37 identicard; and
- 38 (vii) Contact information for the appropriate person with the
- 39 department (~~or supervising agency~~).

1 (b) A photograph of the youth, which may be digitized and
2 integrated into the statement.

3 (2) The department (~~(or supervising agency)~~) may provide the
4 statement and the photograph via any of the following methods,
5 whichever is most efficient or convenient:

6 (a) Delivered via first-class mail or electronically to the
7 headquarters office of the department of licensing; or

8 (b) Hand-delivered to a local office of the department of
9 licensing by a department (~~(or supervising agency)~~) caseworker.

10 (3) A copy of the statement shall be provided to the youth who
11 shall provide the copy to the department of licensing when making an
12 in-person application for a Washington state identicard.

13 (4) To the extent other identifying information is readily
14 available, the department (~~(or supervising agency)~~) shall include the
15 additional information with the submission of information required
16 under subsection (1) of this section.

17 **Sec. 47.** RCW 74.13.285 and 2009 c 520 s 74 are each amended to
18 read as follows:

19 (1) Within available resources, the department (~~(or supervising~~
20 ~~agency)~~) shall prepare a passport containing all known and available
21 information concerning the mental, physical, health, and educational
22 status of the child for any child who has been in a foster home for
23 ninety consecutive days or more. The passport shall contain education
24 records obtained pursuant to RCW 28A.150.510. The passport shall be
25 provided to a foster parent at any placement of a child covered by
26 this section. The department (~~(or supervising agency)~~) shall update
27 the passport during the regularly scheduled court reviews required
28 under chapter 13.34 RCW.

29 New placements shall have first priority in the preparation of
30 passports.

31 (2) In addition to the requirements of subsection (1) of this
32 section, the department (~~(or supervising agency)~~) shall, within
33 available resources, notify a foster parent before placement of a
34 child of any known health conditions that pose a serious threat to
35 the child and any known behavioral history that presents a serious
36 risk of harm to the child or others.

37 (3) The department shall hold harmless the provider (~~(including~~
38 ~~supervising agencies)~~) for any unauthorized disclosures caused by the
39 department.

1 (4) Any foster parent who receives information about a child or a
2 child's family pursuant to this section shall keep the information
3 confidential and shall not further disclose or disseminate the
4 information, except as authorized by law. Such individuals shall
5 agree in writing to keep the information that they receive
6 confidential and shall affirm that the information will not be
7 further disclosed or disseminated, except as authorized by law.

8 **Sec. 48.** RCW 74.13.289 and 2013 c 200 s 29 are each amended to
9 read as follows:

10 (1) Upon any placement, the department (~~(or supervising agency)~~)
11 shall inform each out-of-home care provider if the child to be placed
12 in that provider's care is infected with a blood-borne pathogen, and
13 shall identify the specific blood-borne pathogen for which the child
14 was tested if known by the department (~~(or supervising agency)~~).

15 (2) All out-of-home care providers licensed by the department
16 shall receive training related to blood-borne pathogens, including
17 prevention, transmission, infection control, treatment, testing, and
18 confidentiality.

19 (3) Any disclosure of information related to HIV must be in
20 accordance with RCW 70.02.220.

21 (4) The department of health shall identify by rule the term
22 "blood-borne pathogen" as used in this section.

23 **Sec. 49.** RCW 74.13.300 and 2009 c 520 s 77 are each amended to
24 read as follows:

25 (1) Whenever a child has been placed in a foster family home by
26 the department (~~(or supervising agency)~~) and the child has thereafter
27 resided in the home for at least ninety consecutive days, the
28 department (~~(or supervising agency)~~) shall notify the foster family
29 at least five days prior to moving the child to another placement,
30 unless:

31 (a) A court order has been entered requiring an immediate change
32 in placement;

33 (b) The child is being returned home;

34 (c) The child's safety is in jeopardy; or

35 (d) The child is residing in a receiving home or a group home.

36 (2) If the child has resided in a foster family home for less
37 than ninety days or if, due to one or more of the circumstances in
38 subsection (1) of this section, it is not possible to give five days'

1 notification, the department (~~or supervising agency~~) shall notify
2 the foster family of proposed placement changes as soon as reasonably
3 possible.

4 (3) This section is intended solely to assist in minimizing
5 disruption to the child in changing foster care placements. Nothing
6 in this section shall be construed to require that a court hearing be
7 held prior to changing a child's foster care placement nor to create
8 any substantive custody rights in the foster parents.

9 **Sec. 50.** RCW 74.13.310 and 2009 c 520 s 78 are each amended to
10 read as follows:

11 Adequate foster parent training has been identified as directly
12 associated with increasing the length of time foster parents are
13 willing to provide foster care and reducing the number of placement
14 disruptions for children. Placement disruptions can be harmful to
15 children by denying them consistent and nurturing support. Foster
16 parents have expressed the desire to receive training in addition to
17 the foster parent training currently offered. Foster parents who care
18 for more demanding children, such as children with severe emotional,
19 mental, or physical handicaps, would especially benefit from
20 additional training. The department (~~and supervising agency~~) shall
21 develop additional training for foster parents that focuses on skills
22 to assist foster parents in caring for emotionally, mentally, or
23 physically handicapped children.

24 **Sec. 51.** RCW 74.13.315 and 2009 c 520 s 79 are each amended to
25 read as follows:

26 The department (~~or supervising agency~~) may provide child care
27 for all foster parents who are required to attend department-
28 sponsored (~~or supervising agency sponsored~~) meetings or training
29 sessions. If the department (~~or supervising agency~~) does not
30 provide such child care, the department (~~or supervising agency~~),
31 where feasible, shall conduct the activities covered by this section
32 in the foster parent's home or other location acceptable to the
33 foster parent.

34 **Sec. 52.** RCW 74.13.325 and 2009 c 520 s 81 are each amended to
35 read as follows:

36 Within available resources, the department (~~and supervising~~
37 ~~agencies~~) shall increase the number of adoptive and foster families

1 available to accept children through an intensive recruitment and
2 retention program. (~~The department shall enter into performance-~~
3 ~~based contracts with supervising agencies, under which the agencies~~
4 ~~will coordinate all foster care and adoptive home recruitment~~
5 ~~activities.~~)

6 **Sec. 53.** RCW 74.13.333 and 2013 c 23 s 206 are each amended to
7 read as follows:

8 (1) A foster parent who believes that a department (~~or~~
9 ~~supervising agency~~) employee has retaliated against the foster
10 parent or in any other manner discriminated against the foster parent
11 because:

12 (a) The foster parent made a complaint with the office of the
13 family and children's ombuds, the attorney general, law enforcement
14 agencies, or the department(~~, or the supervising agency,~~) provided
15 information, or otherwise cooperated with the investigation of such a
16 complaint;

17 (b) The foster parent has caused to be instituted any proceedings
18 under or related to Title 13 RCW;

19 (c) The foster parent has testified or is about to testify in any
20 proceedings under or related to Title 13 RCW;

21 (d) The foster parent has advocated for services on behalf of the
22 foster child;

23 (e) The foster parent has sought to adopt a foster child in the
24 foster parent's care; or

25 (f) The foster parent has discussed or consulted with anyone
26 concerning the foster parent's rights under this chapter or chapter
27 74.15 or 13.34 RCW, may file a complaint with the office of the
28 family and children's ombuds.

29 (2) The ombuds may investigate the allegations of retaliation.
30 The ombuds shall have access to all relevant information and
31 resources held by or within the department by which to conduct the
32 investigation. Upon the conclusion of its investigation, the ombuds
33 shall provide its findings in written form to the department.

34 (3) The department shall notify the office of the family and
35 children's ombuds in writing, within thirty days of receiving the
36 ombuds's findings, of any personnel action taken or to be taken with
37 regard to the department employee.

38 (4) The office of the family and children's ombuds shall also
39 include its recommendations regarding complaints filed under this

1 section in its annual report pursuant to RCW 43.06A.030. The office
2 of the family and children's ombuds shall identify trends which may
3 indicate a need to improve relations between the department ((~~or~~
4 ~~supervising agency~~)) and foster parents.

5 **Sec. 54.** RCW 74.13.334 and 2013 c 23 s 207 are each amended to
6 read as follows:

7 The department ((~~and supervising agency~~)) shall develop
8 procedures for responding to recommendations of the office of the
9 family and children's ombuds as a result of any and all complaints
10 filed by foster parents under RCW 74.13.333.

11 **Sec. 55.** RCW 74.13.500 and 2009 c 520 s 84 are each amended to
12 read as follows:

13 (1) Consistent with the provisions of chapter 42.56 RCW and
14 applicable federal law, the secretary, or the secretary's designee,
15 shall disclose information regarding the abuse or neglect of a child,
16 the investigation of the abuse, neglect, or near fatality of a child,
17 and any services related to the abuse or neglect of a child if any
18 one of the following factors is present:

19 (a) The subject of the report has been charged in an accusatory
20 instrument with committing a crime related to a report maintained by
21 the department in its case and management information system;

22 (b) The investigation of the abuse or neglect of the child by the
23 department or the provision of services by the department ((~~or a~~
24 ~~supervising agency~~)) has been publicly disclosed in a report required
25 to be disclosed in the course of their official duties, by a law
26 enforcement agency or official, a prosecuting attorney, any other
27 state or local investigative agency or official, or by a judge of the
28 superior court;

29 (c) There has been a prior knowing, voluntary public disclosure
30 by an individual concerning a report of child abuse or neglect in
31 which such individual is named as the subject of the report; or

32 (d) The child named in the report has died and the child's death
33 resulted from abuse or neglect or the child was in the care of, or
34 receiving services from the department ((~~or a supervising agency~~)) at
35 the time of death or within twelve months before death.

36 (2) The secretary is not required to disclose information if the
37 factors in subsection (1) of this section are present if he or she
38 specifically determines the disclosure is contrary to the best

1 interests of the child, the child's siblings, or other children in
2 the household.

3 (3) Except for cases in subsection (1)(d) of this section,
4 requests for information under this section shall specifically
5 identify the case about which information is sought and the facts
6 that support a determination that one of the factors specified in
7 subsection (1) of this section is present.

8 (4) For the purposes of this section, "near fatality" means an
9 act that, as certified by a physician, places the child in serious or
10 critical condition. The secretary is under no obligation to have an
11 act certified by a physician in order to comply with this section.

12 **Sec. 56.** RCW 74.13.515 and 2009 c 520 s 85 are each amended to
13 read as follows:

14 For purposes of RCW 74.13.500(1)(d), the secretary must make the
15 fullest possible disclosure consistent with chapter 42.56 RCW and
16 applicable federal law in cases of all fatalities of children who
17 were in the care of, or receiving services from, the department (~~(or~~
18 ~~a supervising agency))~~) at the time of their death or within the
19 twelve months previous to their death.

20 If the secretary specifically determines that disclosure of the
21 name of the deceased child is contrary to the best interests of the
22 child's siblings or other children in the household, the secretary
23 may remove personally identifying information.

24 For the purposes of this section, "personally identifying
25 information" means the name, street address, social security number,
26 and day of birth of the child who died and of private persons who are
27 relatives of the child named in child welfare records. "Personally
28 identifying information" shall not include the month or year of birth
29 of the child who has died. Once this personally identifying
30 information is removed, the remainder of the records pertaining to a
31 child who has died must be released regardless of whether the
32 remaining facts in the records are embarrassing to the unidentifiable
33 other private parties or to identifiable public workers who handled
34 the case.

35 **Sec. 57.** RCW 74.13.525 and 2009 c 520 s 86 are each amended to
36 read as follows:

37 The department (~~(or supervising agency))~~), when acting in good
38 faith, is immune from any criminal or civil liability, except as

1 provided under RCW 42.56.550, for any action taken under RCW
2 74.13.500 through 74.13.520.

3 **Sec. 58.** RCW 74.13.530 and 2009 c 520 s 87 are each amended to
4 read as follows:

5 (1) No child may be placed or remain in a specific out-of-home
6 placement under this chapter or chapter 13.34 RCW when there is a
7 conflict of interest on the part of any adult residing in the home in
8 which the child is to be or has been placed. A conflict of interest
9 exists when:

10 (a) There is an adult in the home who, as a result of: (i) His or
11 her employment; and (ii) an allegation of abuse or neglect of the
12 child, conducts or has conducted an investigation of the allegation;
13 or

14 (b) The child has been, is, or is likely to be a witness in any
15 pending cause of action against any adult in the home when the cause
16 includes: (i) An allegation of abuse or neglect against the child or
17 any sibling of the child; or (ii) a claim of damages resulting from
18 wrongful interference with the parent-child relationship of the child
19 and his or her biological or adoptive parent.

20 (2) For purposes of this section, "investigation" means the
21 exercise of professional judgment in the review of allegations of
22 abuse or neglect by: (a) Law enforcement personnel; (b) persons
23 employed by, or under contract with, the state; (c) persons licensed
24 to practice law and their employees; and (d) mental health
25 professionals as defined in chapter 71.05 RCW.

26 (3) The prohibition set forth in subsection (1) of this section
27 may not be waived or deferred by the department (~~or a supervising~~
28 ~~agency~~) under any circumstance or at the request of any person,
29 regardless of who has made the request or the length of time of the
30 requested placement.

31 **Sec. 59.** RCW 74.13.560 and 2009 c 520 s 88 are each amended to
32 read as follows:

33 The administrative regions of the department (~~and the~~
34 ~~supervising agencies~~) shall develop protocols with the respective
35 school districts in their regions specifying specific strategies for
36 communication, coordination, and collaboration regarding the status
37 and progress of foster children placed in the region, in order to
38 maximize the educational continuity and achievement for foster

1 children. The protocols shall include methods to assure effective
2 sharing of information consistent with RCW 28A.225.330.

3 **Sec. 60.** RCW 74.13.590 and 2009 c 520 s 89 are each amended to
4 read as follows:

5 The department (~~and supervising agencies~~) shall perform the
6 tasks provided in RCW 74.13.550 through 74.13.580 based on available
7 resources.

8 **Sec. 61.** RCW 74.13.600 and 2009 c 520 s 90 are each amended to
9 read as follows:

10 (1) For the purposes of this section, "kin" means persons
11 eighteen years of age or older to whom the child is related by blood,
12 adoption, or marriage, including marriages that have been dissolved,
13 and means: (a) Any person denoted by the prefix "grand" or "great";
14 (b) sibling, whether full, half, or step; (c) uncle or aunt; (d)
15 nephew or niece; or (e) first cousin.

16 (2) The department (~~and supervising agencies~~) shall plan,
17 design, and implement strategies to prioritize the placement of
18 children with willing and able kin when out-of-home placement is
19 required.

20 These strategies must include at least the following:

21 (a) Development of standardized, statewide procedures to be used
22 (~~by supervising agencies~~) when searching for kin of children prior
23 to out-of-home placement. The procedures must include a requirement
24 that documentation be maintained in the child's case record that
25 identifies kin, and documentation that identifies the assessment
26 criteria and procedures that were followed during all kin searches.
27 The procedures must be used when a child is placed in out-of-home
28 care under authority of chapter 13.34 RCW, when a petition is filed
29 under RCW 13.32A.140, or when a child is placed under a voluntary
30 placement agreement. To assist with implementation of the procedures,
31 the department (~~or supervising agencies~~) shall request that the
32 juvenile court require parents to disclose to the (~~agencies~~)
33 department all contact information for available and appropriate kin
34 within two weeks of an entered order. For placements under signed
35 voluntary agreements, the department (~~and supervising agencies~~)
36 shall encourage the parents to disclose to the department (~~and~~
37 ~~agencies~~) all contact information for available and appropriate kin

1 within two weeks of the date the parent signs the voluntary placement
2 agreement.

3 (b) Development of procedures for conducting active outreach
4 efforts to identify and locate kin during all searches. The
5 procedures must include at least the following elements:

6 (i) Reasonable efforts to interview known kin, friends, teachers,
7 and other identified community members who may have knowledge of the
8 child's kin, within sixty days of the child entering out-of-home
9 care;

10 (ii) Increased use of those procedures determined by research to
11 be the most effective methods of promoting reunification efforts,
12 permanency planning, and placement decisions;

13 (iii) Contacts with kin identified through outreach efforts and
14 interviews under this subsection as part of permanency planning
15 activities and change of placement discussions;

16 (iv) Establishment of a process for ongoing contact with kin who
17 express interest in being considered as a placement resource for the
18 child; and

19 (v) A requirement that when the decision is made to not place the
20 child with any kin, the department (~~(or supervising agency)~~) provides
21 documentation as part of the child's individual service and safety
22 plan that clearly identifies the rationale for the decision and
23 corrective action or actions the kin must take to be considered as a
24 viable placement option.

25 (3) Nothing in this section shall be construed to create an
26 entitlement to services or to create judicial authority to order the
27 provision of services to any person or family if the services are
28 unavailable or unsuitable or the child or family is not eligible for
29 such services.

30 **Sec. 62.** RCW 74.13.640 and 2015 c 298 s 1 are each amended to
31 read as follows:

32 (1)(a) The department shall conduct a child fatality review in
33 the event of a fatality suspected to be caused by child abuse or
34 neglect of any minor who is in the care of the department (~~(or a~~
35 ~~supervising agency)~~) or receiving services described in this chapter
36 or who has been in the care of the department (~~(or a supervising~~
37 ~~agency)~~) or received services described in this chapter within one
38 year preceding the minor's death.

1 (b) The department shall consult with the office of the family
2 and children's ombuds to determine if a child fatality review should
3 be conducted in any case in which it cannot be determined whether the
4 child's death is the result of suspected child abuse or neglect.

5 (c) The department shall ensure that the fatality review team is
6 made up of individuals who had no previous involvement in the case,
7 including individuals whose professional expertise is pertinent to
8 the dynamics of the case.

9 (d) Upon conclusion of a child fatality review required pursuant
10 to this section, the department shall within one hundred eighty days
11 following the fatality issue a report on the results of the review,
12 unless an extension has been granted by the governor. Reports must be
13 distributed to the appropriate committees of the legislature, and the
14 department shall create a public web site where all child fatality
15 review reports required under this section must be posted and
16 maintained. A child fatality review report completed pursuant to this
17 section is subject to public disclosure and must be posted on the
18 public web site, except that confidential information may be redacted
19 by the department consistent with the requirements of RCW 13.50.100,
20 68.50.105, 74.13.500 through 74.13.525, chapter 42.56 RCW, and other
21 applicable state and federal laws.

22 (e) The department shall develop and implement procedures to
23 carry out the requirements of this section.

24 (2)(a) In the event of a near fatality of a child who is in the
25 care of or receiving services described in this chapter from the
26 department (~~((or a supervising agency))~~) or who has been in the care of
27 or received services described in this chapter from the department
28 (~~((or a supervising agency))~~) within one year preceding the near
29 fatality, the department shall promptly notify the office of the
30 family and children's ombuds. The department may conduct a review of
31 the near fatality at its discretion or at the request of the office
32 of the family and children's ombuds.

33 (b) In the event of a near fatality of a child who is in the care
34 of or receiving services described in this chapter from the
35 department (~~((or a supervising agency))~~) or who has been in the care of
36 or received services described in this chapter from the department
37 (~~((or a supervising agency))~~) within three months preceding the near
38 fatality, or was the subject of an investigation by the department
39 for possible abuse or neglect, the department shall promptly notify

1 the office of the family and children's ombuds and the department
2 shall conduct a review of the near fatality.

3 (c) "Near fatality" means an act that, as certified by a
4 physician, places the child in serious or critical condition.

5 (3) In any review of a child fatality or near fatality in which
6 the child was placed with or received services from ((a-supervising))
7 an agency pursuant to a contract with the department, the department
8 and the fatality review team shall have access to all records and
9 files regarding the child or otherwise relevant to the review that
10 have been produced or retained by the ((supervising)) agency.

11 (4)(a) A child fatality or near fatality review completed
12 pursuant to this section is subject to discovery in a civil or
13 administrative proceeding, but may not be admitted into evidence or
14 otherwise used in a civil or administrative proceeding except
15 pursuant to this section.

16 (b) A department employee responsible for conducting a child
17 fatality or near fatality review, or member of a child fatality or
18 near fatality review team, may not be examined in a civil or
19 administrative proceeding regarding (i) the work of the child
20 fatality or near fatality review team, (ii) the incident under
21 review, (iii) his or her statements, deliberations, thoughts,
22 analyses, or impressions relating to the work of the child fatality
23 or near fatality review team or the incident under review, or (iv)
24 the statements, deliberations, thoughts, analyses, or impressions of
25 any other member of the child fatality or near fatality review team,
26 or any person who provided information to the child fatality or near
27 fatality review team, relating to the work of the child fatality or
28 near fatality review team or the incident under review.

29 (c) Documents prepared by or for a child fatality or near
30 fatality review team are inadmissible and may not be used in a civil
31 or administrative proceeding, except that any document that exists
32 before its use or consideration in a child fatality or near fatality
33 review, or that is created independently of such review, does not
34 become inadmissible merely because it is reviewed or used by a child
35 fatality or near fatality review team. A person is not unavailable as
36 a witness merely because the person has been interviewed by or has
37 provided a statement for a child fatality or near fatality review,
38 but if called as a witness, a person may not be examined regarding
39 the person's interactions with the child fatality or near fatality
40 review including, without limitation, whether the person was

1 interviewed during such review, the questions that were asked during
2 such review, and the answers that the person provided during such
3 review. This section may not be construed as restricting the person
4 from testifying fully in any proceeding regarding his or her
5 knowledge of the incident under review.

6 (d) The restrictions set forth in this section do not apply in a
7 licensing or disciplinary proceeding arising from an agency's effort
8 to revoke or suspend the license of any licensed professional based
9 in whole or in part upon allegations of wrongdoing in connection with
10 a minor's death or near fatality reviewed by a child fatality or near
11 fatality review team.

12 **Sec. 63.** RCW 74.13.650 and 2009 c 520 s 92 are each amended to
13 read as follows:

14 A foster parent critical support and retention program is
15 established to retain foster parents who care for sexually reactive
16 children, physically assaultive children, or children with other
17 high-risk behaviors, as defined in RCW 74.13.280. Services shall
18 consist of short-term therapeutic and educational interventions to
19 support the stability of the placement. The department shall enter
20 into performance-based contracts with ~~((supervising))~~ agencies to
21 provide this program.

22 **Sec. 64.** RCW 74.13B.020 and 2013 c 205 s 3 are each amended to
23 read as follows:

24 (1) ~~((No later than July 1, 2014,))~~ The department shall enter
25 into performance-based contracts for the provision of family support
26 and related services. The department may enter into performance-based
27 contracts for additional services, other than case management.

28 (2) Recognizing that phased implementation may be necessary, the
29 department shall conduct ~~((a))~~ one or more procurement ~~((process))~~
30 processes to ~~((enter into performance-based contracts with one or~~
31 ~~more))~~ expand the geographic coverage of network administrators for
32 family support and related services. ~~((As part of the procurement~~
33 ~~process, the department shall consult with department caseworkers,~~
34 ~~the exclusive bargaining representative for employees of the~~
35 ~~department, tribal representatives, parents who were formerly~~
36 ~~involved in the child welfare system, youth currently or previously~~
37 ~~in foster care, child welfare services researchers, and the~~
38 ~~Washington state institute for public policy to assist in identifying~~

1 ~~the categories of family support and related services that will be~~
2 ~~included in the procurement. The categories of family support and~~
3 ~~related services shall be defined no later than July 15, 2012. In~~
4 ~~identifying services, the department must review current data and~~
5 ~~research related to the effectiveness of family support and related~~
6 ~~services that mitigate child safety concerns and promote permanency,~~
7 ~~including reunification, and child well-being.)) A procurement
8 process that encompasses all areas of the state must be concluded as
9 soon as possible, but no later than July 1, 2021. Expenditures for
10 family support and related services purchased under this section must
11 remain within the levels appropriated in the operating budget.~~

12 (3)(a) Network administrators shall, directly or through
13 subcontracts with service providers:

14 (i) Assist caseworkers in meeting their responsibility for
15 implementation of case plans and individual service and safety plans;
16 ((and))

17 (ii) Provide the family support and related services within the
18 categories of contracted services that are included in a child or
19 family's case plan or individual service and safety plan within funds
20 available under contract;

21 (iii) Manage the entire family support and related service array
22 within the geographic boundaries of a given network; and

23 (iv) Have the authority to redistribute funding within the
24 network based on provider performance and the need to address service
25 gaps.

26 (b) While the department caseworker retains responsibility for
27 case management, nothing in chapter 205, Laws of 2012 limits the
28 ability of the department to continue to contract for the provision
29 of case management services by child-placing agencies, behavioral
30 rehabilitation services agencies, or other entities that provided
31 case management under contract with the department prior to July 1,
32 2005.

33 ~~(4) ((In conducting the procurement, the department shall~~
34 ~~actively consult with other state agencies with relevant expertise,~~
35 ~~such as the health care authority, and with philanthropic entities~~
36 ~~with expertise in performance-based contracting for child welfare~~
37 ~~services. The director of the office of financial management must~~
38 ~~approve the request for proposal prior to its issuance.~~

39 ~~(5))~~ The procurement process must be developed and implemented
40 in a manner that complies with applicable provisions of

1 intergovernmental agreements between the state of Washington and
2 tribal governments and must provide an opportunity for tribal
3 governments to contract for service delivery through network
4 administrators.

5 ~~((+6))~~ (5) The procurement and resulting contracts must include,
6 but are not limited to, the following standards and requirements:

7 (a) The use of family engagement approaches to successfully
8 motivate families to engage in services and training of the network's
9 contracted providers to apply such approaches;

10 (b) The use of parents and youth who are successful veterans of
11 the child welfare system to act as mentors through activities that
12 include, but are not limited to, helping families navigate the
13 system, facilitating parent engagement, and minimizing distrust of
14 the child welfare system;

15 (c) The establishment of qualifications for service providers
16 participating in provider networks, such as appropriate licensure or
17 certification, education, and accreditation by professional
18 accrediting entities;

19 (d) Adequate provider capacity to meet the anticipated service
20 needs in the network administrator's contracted service area. The
21 network administrator must be able to demonstrate that its provider
22 network is culturally competent and has adequate capacity to address
23 disproportionality, including utilization of tribal and other ethnic
24 providers capable of serving children and families of color or who
25 need language-appropriate services;

26 (e) Fiscal solvency of network administrators and providers
27 participating in the network;

28 (f) The use of evidence-based, research-based, and promising
29 practices, where appropriate, including fidelity and quality
30 assurance provisions;

31 (g) Network administrator quality assurance activities, including
32 monitoring of the performance of providers in their provider network,
33 with respect to meeting measurable service outcomes;

34 (h) Network administrator data reporting, including data on
35 contracted provider performance and service outcomes; and

36 (i) Network administrator compliance with applicable provisions
37 of intergovernmental agreements between the state of Washington and
38 tribal governments and the federal and Washington state Indian child
39 welfare act.

1 ~~((7))~~ (6) As part of the procurement process under this section
2 to expand the coverage of network administrators, the department
3 shall issue the request for proposals or request for information no
4 later than ~~((December 31, 2013, shall begin))~~ December 30, 2018, to
5 expand the coverage area of the existing network administrator or
6 expand the number of network administrators so that there is network
7 administrator coverage on the west and east sides of the crest of the
8 Cascade mountain range. Expanded implementation of performance-based
9 contracting must begin no later than ~~((July 1, 2014))~~ March 30, 2019,
10 ~~((and))~~ if a qualified organization responds to the procurement
11 process. The department shall fully implement performance-based
12 contracting no later than July 1, ((2015)) 2021, if a qualified
13 organization responds to the procurement process.

14 ~~((8))~~ (7) Performance-based payment methodologies must be used
15 in network administrator contracting. Performance measures should
16 relate to successful engagement by a child or parent in services
17 included in their case plan, and resulting improvement in identified
18 problem behaviors and interactions. For the initial three-year period
19 of implementation of performance-based contracting, the department
20 may transfer financial risk for the provision of services to network
21 administrators only to the limited extent necessary to implement a
22 performance-based payment methodology, such as phased payment for
23 services. However, the department may develop a shared savings
24 methodology through which the network administrator will receive a
25 defined share of any savings that result from improved performance.
26 If the department receives a Title IV-E waiver, the shared savings
27 methodology must be consistent with the terms of the waiver. If a
28 shared savings methodology is adopted, the network administrator
29 shall reinvest the savings in enhanced services to better meet the
30 needs of the families and children they serve.

31 ~~((9))~~ (8) The department must actively monitor network
32 administrator compliance with the terms of contracts executed under
33 this section.

34 ~~((10))~~ (9) The use of performance-based contracts under this
35 section must be done in a manner that does not adversely affect the
36 state's ability to continue to obtain federal funding for child
37 welfare-related functions currently performed by the state and with
38 consideration of options to further maximize federal funding
39 opportunities and increase flexibility in the use of such funds,
40 including use for preventive and in-home child welfare services.

1 (10) The department shall, consistent with state and federal
2 confidentiality requirements:

3 (a) Share all relevant data with the network administrators in
4 order for the network administrators to track the performance and
5 effectiveness of the services in the network; and

6 (b) Make all performance data available to the public.

7 (11) The department must not require existing network
8 administrators to reapply to provide network administrator services
9 in the coverage area of the existing network administrator on the
10 effective date of this section.

11 (12) Beginning January 1, 2019, and in compliance with RCW
12 43.01.036, the department shall annually submit to the oversight
13 board for children, youth, and families established pursuant to RCW
14 43.216.015 and the appropriate committees of the legislature a report
15 detailing the status of the network administrator procurement and
16 implementation process.

17 (13) In determining the cost estimate for expanded network
18 administrator implementation, the department shall consider the value
19 of the existing data platform for child welfare services.

20 **Sec. 65.** RCW 74.15.010 and 2009 c 520 s 12 are each amended to
21 read as follows:

22 The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

23 (1) To safeguard the health, safety, and well-being of children,
24 expectant mothers and developmentally disabled persons receiving care
25 away from their own homes, which is paramount over the right of any
26 person to provide care;

27 (2) To strengthen and encourage family unity and to sustain
28 parental rights and responsibilities to the end that foster care is
29 provided only when a child's family, through the use of all available
30 resources, is unable to provide necessary care;

31 (3) To promote the development of a sufficient number and variety
32 of adequate foster family homes and maternity-care facilities, both
33 public and private, through the cooperative efforts of public (~~and~~
34 ~~supervising~~)) agencies and related groups;

35 (4) To provide consultation to agencies caring for children,
36 expectant mothers or developmentally disabled persons in order to
37 help them to improve their methods of and facilities for care;

38 (5) To license agencies as defined in RCW 74.15.020 and to assure
39 the users of such agencies, their parents, the community at large and

1 the agencies themselves that adequate minimum standards are
2 maintained by all agencies caring for children, expectant mothers and
3 developmentally disabled persons.

4 **Sec. 66.** RCW 74.15.020 and 2017 c 39 s 11 are each amended to
5 read as follows:

6 The definitions in this section apply throughout this chapter and
7 RCW 74.13.031 unless the context clearly requires otherwise.

8 (1) "Agency" means any person, firm, partnership, association,
9 corporation, or facility which receives children, expectant mothers,
10 or persons with developmental disabilities for control, care, or
11 maintenance outside their own homes, or which places, arranges the
12 placement of, or assists in the placement of children, expectant
13 mothers, or persons with developmental disabilities for foster care
14 or placement of children for adoption, and shall include the
15 following irrespective of whether there is compensation to the agency
16 or to the children, expectant mothers, or persons with developmental
17 disabilities for services rendered:

18 (a) "Child-placing agency" means an agency which places a child
19 or children for temporary care, continued care, or for adoption;

20 (b) "Community facility" means a group care facility operated for
21 the care of juveniles committed to the department under RCW
22 13.40.185. A county detention facility that houses juveniles
23 committed to the department under RCW 13.40.185 pursuant to a
24 contract with the department is not a community facility;

25 (c) "Crisis residential center" means an agency which is a
26 temporary protective residential facility operated to perform the
27 duties specified in chapter 13.32A RCW, in the manner provided in RCW
28 43.185C.295 through 43.185C.310;

29 (d) "Emergency respite center" is an agency that may be commonly
30 known as a crisis nursery, that provides emergency and crisis care
31 for up to seventy-two hours to children who have been admitted by
32 their parents or guardians to prevent abuse or neglect. Emergency
33 respite centers may operate for up to twenty-four hours a day, and
34 for up to seven days a week. Emergency respite centers may provide
35 care for children ages birth through seventeen, and for persons
36 eighteen through twenty with developmental disabilities who are
37 admitted with a sibling or siblings through age seventeen. Emergency
38 respite centers may not substitute for crisis residential centers or
39 HOPE centers, or any other services defined under this section, and

1 may not substitute for services which are required under chapter
2 13.32A or 13.34 RCW;

3 (e) "Foster-family home" means an agency which regularly provides
4 care on a twenty-four hour basis to one or more children, expectant
5 mothers, or persons with developmental disabilities in the family
6 abode of the person or persons under whose direct care and
7 supervision the child, expectant mother, or person with a
8 developmental disability is placed;

9 (f) "Group-care facility" means an agency, other than a foster-
10 family home, which is maintained and operated for the care of a group
11 of children on a twenty-four hour basis;

12 (g) "HOPE center" means an agency licensed by the secretary to
13 provide temporary residential placement and other services to street
14 youth. A street youth may remain in a HOPE center for thirty days
15 while services are arranged and permanent placement is coordinated.
16 No street youth may stay longer than thirty days unless approved by
17 the department and any additional days approved by the department
18 must be based on the unavailability of a long-term placement option.
19 A street youth whose parent wants him or her returned to home may
20 remain in a HOPE center until his or her parent arranges return of
21 the youth, not longer. All other street youth must have court
22 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
23 up to thirty days;

24 (h) "Maternity service" means an agency which provides or
25 arranges for care or services to expectant mothers, before or during
26 confinement, or which provides care as needed to mothers and their
27 infants after confinement;

28 (i) "Resource and assessment center" means an agency that
29 provides short-term emergency and crisis care for a period up to
30 seventy-two hours, excluding Saturdays, Sundays, and holidays to
31 children who have been removed from their parent's or guardian's care
32 by child protective services or law enforcement;

33 (j) "Responsible living skills program" means an agency licensed
34 by the secretary that provides residential and transitional living
35 services to persons ages sixteen to eighteen who are dependent under
36 chapter 13.34 RCW and who have been unable to live in his or her
37 legally authorized residence and, as a result, the minor lived
38 outdoors or in another unsafe location not intended for occupancy by
39 the minor. Dependent minors ages fourteen and fifteen may be eligible

1 if no other placement alternative is available and the department
2 approves the placement;

3 (k) "Service provider" means the entity that operates a community
4 facility.

5 (2) "Agency" shall not include the following:

6 (a) Persons related to the child, expectant mother, or person
7 with developmental disability in the following ways:

8 (i) Any blood relative, including those of half-blood, and
9 including first cousins, second cousins, nephews or nieces, and
10 persons of preceding generations as denoted by prefixes of grand,
11 great, or great-great;

12 (ii) Stepfather, stepmother, stepbrother, and stepsister;

13 (iii) A person who legally adopts a child or the child's parent
14 as well as the natural and other legally adopted children of such
15 persons, and other relatives of the adoptive parents in accordance
16 with state law;

17 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
18 this subsection (2), even after the marriage is terminated;

19 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
20 subsection (2), of any half sibling of the child; or

21 (vi) Extended family members, as defined by the law or custom of
22 the Indian child's tribe or, in the absence of such law or custom, a
23 person who has reached the age of eighteen and who is the Indian
24 child's grandparent, aunt or uncle, brother or sister, brother-in-law
25 or sister-in-law, niece or nephew, first or second cousin, or
26 stepparent who provides care in the family abode on a twenty-four-
27 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

28 (b) Persons who are legal guardians of the child, expectant
29 mother, or persons with developmental disabilities;

30 (c) Persons who care for a neighbor's or friend's child or
31 children, with or without compensation, where the parent and person
32 providing care on a twenty-four-hour basis have agreed to the
33 placement in writing and the state is not providing any payment for
34 the care;

35 (d) A person, partnership, corporation, or other entity that
36 provides placement or similar services to exchange students or
37 international student exchange visitors or persons who have the care
38 of an exchange student in their home;

39 (e) A person, partnership, corporation, or other entity that
40 provides placement or similar services to international children who

1 have entered the country by obtaining visas that meet the criteria
2 for medical care as established by the United States citizenship and
3 immigration services, or persons who have the care of such an
4 international child in their home;

5 (f) Schools, including boarding schools, which are engaged
6 primarily in education, operate on a definite school year schedule,
7 follow a stated academic curriculum, accept only school-age children
8 and do not accept custody of children;

9 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
10 performing functions defined in chapter 70.41 RCW, nursing homes
11 licensed under chapter 18.51 RCW and assisted living facilities
12 licensed under chapter 18.20 RCW;

13 (h) Licensed physicians or lawyers;

14 (i) Facilities approved and certified under chapter 71A.22 RCW;

15 (j) Any agency having been in operation in this state ten years
16 prior to June 8, 1967, and not seeking or accepting moneys or
17 assistance from any state or federal agency, and is supported in part
18 by an endowment or trust fund;

19 (k) Persons who have a child in their home for purposes of
20 adoption, if the child was placed in such home by a licensed child-
21 placing agency, an authorized public or tribal agency or court or if
22 a replacement report has been filed under chapter 26.33 RCW and the
23 placement has been approved by the court;

24 (l) An agency operated by any unit of local, state, or federal
25 government or an agency licensed by an Indian tribe pursuant to RCW
26 74.15.190;

27 (m) A maximum or medium security program for juvenile offenders
28 operated by or under contract with the department;

29 (n) An agency located on a federal military reservation, except
30 where the military authorities request that such agency be subject to
31 the licensing requirements of this chapter;

32 (o) A host home program, and host home, operated by a tax exempt
33 organization for youth not in the care of or receiving services from
34 the department, if that program: (i) Recruits and screens potential
35 homes in the program, including performing background checks on
36 individuals over the age of eighteen residing in the home through the
37 Washington state patrol or equivalent law enforcement agency and
38 performing physical inspections of the home; (ii) screens and
39 provides case management services to youth in the program; (iii)
40 obtains a notarized permission slip or limited power of attorney from

1 the parent or legal guardian of the youth authorizing the youth to
2 participate in the program and the authorization is updated every six
3 months when a youth remains in a host home longer than six months;
4 (iv) obtains insurance for the program through an insurance provider
5 authorized under Title 48 RCW; (v) provides mandatory reporter and
6 confidentiality training; and (vi) registers with the secretary of
7 state as provided in RCW 24.03.550. A host home is a private home
8 that volunteers to host youth in need of temporary placement that is
9 associated with a host home program. Any host home program that
10 receives local, state, or government funding shall report the
11 following information to the office of homeless youth prevention and
12 protection programs annually by December 1st of each year: The number
13 of children the program served, why the child was placed with a host
14 home, and where the child went after leaving the host home, including
15 but not limited to returning to the parents, running away, reaching
16 the age of majority, or becoming a dependent of the state. A host
17 home program shall not receive more than one hundred thousand dollars
18 per year of public funding, including local, state, and federal
19 funding. A host home shall not receive any local, state, or
20 government funding.

21 (3) "Department" means the state department of social and health
22 services.

23 (4) "Juvenile" means a person under the age of twenty-one who has
24 been sentenced to a term of confinement under the supervision of the
25 department under RCW 13.40.185.

26 (5) "Performance-based contracts" or "contracting" means the
27 structuring of all aspects of the procurement of services around the
28 purpose of the work to be performed and the desired results with the
29 contract requirements set forth in clear, specific, and objective
30 terms with measurable outcomes. Contracts may also include provisions
31 that link the performance of the contractor to the level and timing
32 of the reimbursement.

33 (6) "Probationary license" means a license issued as a
34 disciplinary measure to an agency that has previously been issued a
35 full license but is out of compliance with licensing standards.

36 (7) "Requirement" means any rule, regulation, or standard of care
37 to be maintained by an agency.

38 (8) "Secretary" means the secretary of social and health
39 services.

1 (9) "Street youth" means a person under the age of eighteen who
2 lives outdoors or in another unsafe location not intended for
3 occupancy by the minor and who is not residing with his or her parent
4 or at his or her legally authorized residence.

5 ~~(10) ("Supervising agency" means an agency licensed by the state
6 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
7 entered into a performance based contract with the department to
8 provide child welfare services.~~

9 ~~(11))~~ "Transitional living services" means at a minimum, to the
10 extent funds are available, the following:

11 (a) Educational services, including basic literacy and
12 computational skills training, either in local alternative or public
13 high schools or in a high school equivalency program that leads to
14 obtaining a high school equivalency degree;

15 (b) Assistance and counseling related to obtaining vocational
16 training or higher education, job readiness, job search assistance,
17 and placement programs;

18 (c) Counseling and instruction in life skills such as money
19 management, home management, consumer skills, parenting, health care,
20 access to community resources, and transportation and housing
21 options;

22 (d) Individual and group counseling; and

23 (e) Establishing networks with federal agencies and state and
24 local organizations such as the United States department of labor,
25 employment and training administration programs including the
26 workforce innovation and opportunity act which administers private
27 industry councils and the job corps; vocational rehabilitation; and
28 volunteer programs.

29 **Sec. 67.** RCW 74.15.020 and 2017 3rd sp.s. c 6 s 408 are each
30 amended to read as follows:

31 The definitions in this section apply throughout this chapter and
32 RCW 74.13.031 unless the context clearly requires otherwise.

33 (1) "Agency" means any person, firm, partnership, association,
34 corporation, or facility which receives children, expectant mothers,
35 or persons with developmental disabilities for control, care, or
36 maintenance outside their own homes, or which places, arranges the
37 placement of, or assists in the placement of children, expectant
38 mothers, or persons with developmental disabilities for foster care
39 or placement of children for adoption, and shall include the

1 following irrespective of whether there is compensation to the agency
2 or to the children, expectant mothers, or persons with developmental
3 disabilities for services rendered:

4 (a) "Child-placing agency" means an agency which places a child
5 or children for temporary care, continued care, or for adoption;

6 (b) "Community facility" means a group care facility operated for
7 the care of juveniles committed to the department under RCW
8 13.40.185. A county detention facility that houses juveniles
9 committed to the department under RCW 13.40.185 pursuant to a
10 contract with the department is not a community facility;

11 (c) "Crisis residential center" means an agency which is a
12 temporary protective residential facility operated to perform the
13 duties specified in chapter 13.32A RCW, in the manner provided in RCW
14 43.185C.295 through 43.185C.310;

15 (d) "Emergency respite center" is an agency that may be commonly
16 known as a crisis nursery, that provides emergency and crisis care
17 for up to seventy-two hours to children who have been admitted by
18 their parents or guardians to prevent abuse or neglect. Emergency
19 respite centers may operate for up to twenty-four hours a day, and
20 for up to seven days a week. Emergency respite centers may provide
21 care for children ages birth through seventeen, and for persons
22 eighteen through twenty with developmental disabilities who are
23 admitted with a sibling or siblings through age seventeen. Emergency
24 respite centers may not substitute for crisis residential centers or
25 HOPE centers, or any other services defined under this section, and
26 may not substitute for services which are required under chapter
27 13.32A or 13.34 RCW;

28 (e) "Foster-family home" means an agency which regularly provides
29 care on a twenty-four hour basis to one or more children, expectant
30 mothers, or persons with developmental disabilities in the family
31 abode of the person or persons under whose direct care and
32 supervision the child, expectant mother, or person with a
33 developmental disability is placed;

34 (f) "Group-care facility" means an agency, other than a foster-
35 family home, which is maintained and operated for the care of a group
36 of children on a twenty-four hour basis;

37 (g) "HOPE center" means an agency licensed by the secretary to
38 provide temporary residential placement and other services to street
39 youth. A street youth may remain in a HOPE center for thirty days
40 while services are arranged and permanent placement is coordinated.

1 No street youth may stay longer than thirty days unless approved by
2 the department and any additional days approved by the department
3 must be based on the unavailability of a long-term placement option.
4 A street youth whose parent wants him or her returned to home may
5 remain in a HOPE center until his or her parent arranges return of
6 the youth, not longer. All other street youth must have court
7 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
8 up to thirty days;

9 (h) "Maternity service" means an agency which provides or
10 arranges for care or services to expectant mothers, before or during
11 confinement, or which provides care as needed to mothers and their
12 infants after confinement;

13 (i) "Resource and assessment center" means an agency that
14 provides short-term emergency and crisis care for a period up to
15 seventy-two hours, excluding Saturdays, Sundays, and holidays to
16 children who have been removed from their parent's or guardian's care
17 by child protective services or law enforcement;

18 (j) "Responsible living skills program" means an agency licensed
19 by the secretary that provides residential and transitional living
20 services to persons ages sixteen to eighteen who are dependent under
21 chapter 13.34 RCW and who have been unable to live in his or her
22 legally authorized residence and, as a result, the minor lived
23 outdoors or in another unsafe location not intended for occupancy by
24 the minor. Dependent minors ages fourteen and fifteen may be eligible
25 if no other placement alternative is available and the department
26 approves the placement;

27 (k) "Service provider" means the entity that operates a community
28 facility.

29 (2) "Agency" shall not include the following:

30 (a) Persons related to the child, expectant mother, or person
31 with developmental disability in the following ways:

32 (i) Any blood relative, including those of half-blood, and
33 including first cousins, second cousins, nephews or nieces, and
34 persons of preceding generations as denoted by prefixes of grand,
35 great, or great-great;

36 (ii) Stepfather, stepmother, stepbrother, and stepsister;

37 (iii) A person who legally adopts a child or the child's parent
38 as well as the natural and other legally adopted children of such
39 persons, and other relatives of the adoptive parents in accordance
40 with state law;

1 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
2 this subsection (2), even after the marriage is terminated;

3 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
4 subsection (2), of any half sibling of the child; or

5 (vi) Extended family members, as defined by the law or custom of
6 the Indian child's tribe or, in the absence of such law or custom, a
7 person who has reached the age of eighteen and who is the Indian
8 child's grandparent, aunt or uncle, brother or sister, brother-in-law
9 or sister-in-law, niece or nephew, first or second cousin, or
10 stepparent who provides care in the family abode on a twenty-four-
11 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

12 (b) Persons who are legal guardians of the child, expectant
13 mother, or persons with developmental disabilities;

14 (c) Persons who care for a neighbor's or friend's child or
15 children, with or without compensation, where the parent and person
16 providing care on a twenty-four-hour basis have agreed to the
17 placement in writing and the state is not providing any payment for
18 the care;

19 (d) A person, partnership, corporation, or other entity that
20 provides placement or similar services to exchange students or
21 international student exchange visitors or persons who have the care
22 of an exchange student in their home;

23 (e) A person, partnership, corporation, or other entity that
24 provides placement or similar services to international children who
25 have entered the country by obtaining visas that meet the criteria
26 for medical care as established by the United States citizenship and
27 immigration services, or persons who have the care of such an
28 international child in their home;

29 (f) Schools, including boarding schools, which are engaged
30 primarily in education, operate on a definite school year schedule,
31 follow a stated academic curriculum, accept only school-age children
32 and do not accept custody of children;

33 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
34 performing functions defined in chapter 70.41 RCW, nursing homes
35 licensed under chapter 18.51 RCW and assisted living facilities
36 licensed under chapter 18.20 RCW;

37 (h) Licensed physicians or lawyers;

38 (i) Facilities approved and certified under chapter 71A.22 RCW;

39 (j) Any agency having been in operation in this state ten years
40 prior to June 8, 1967, and not seeking or accepting moneys or

1 assistance from any state or federal agency, and is supported in part
2 by an endowment or trust fund;

3 (k) Persons who have a child in their home for purposes of
4 adoption, if the child was placed in such home by a licensed child-
5 placing agency, an authorized public or tribal agency or court or if
6 a replacement report has been filed under chapter 26.33 RCW and the
7 placement has been approved by the court;

8 (l) An agency operated by any unit of local, state, or federal
9 government or an agency licensed by an Indian tribe pursuant to RCW
10 74.15.190;

11 (m) A maximum or medium security program for juvenile offenders
12 operated by or under contract with the department;

13 (n) An agency located on a federal military reservation, except
14 where the military authorities request that such agency be subject to
15 the licensing requirements of this chapter;

16 (o) A host home program, and host home, operated by a tax exempt
17 organization for youth not in the care of or receiving services from
18 the department, if that program: (i) Recruits and screens potential
19 homes in the program, including performing background checks on
20 individuals over the age of eighteen residing in the home through the
21 Washington state patrol or equivalent law enforcement agency and
22 performing physical inspections of the home; (ii) screens and
23 provides case management services to youth in the program; (iii)
24 obtains a notarized permission slip or limited power of attorney from
25 the parent or legal guardian of the youth authorizing the youth to
26 participate in the program and the authorization is updated every six
27 months when a youth remains in a host home longer than six months;
28 (iv) obtains insurance for the program through an insurance provider
29 authorized under Title 48 RCW; (v) provides mandatory reporter and
30 confidentiality training; and (vi) registers with the secretary of
31 state as provided in RCW 24.03.550. A host home is a private home
32 that volunteers to host youth in need of temporary placement that is
33 associated with a host home program. Any host home program that
34 receives local, state, or government funding shall report the
35 following information to the office of homeless youth prevention and
36 protection programs annually by December 1st of each year: The number
37 of children the program served, why the child was placed with a host
38 home, and where the child went after leaving the host home, including
39 but not limited to returning to the parents, running away, reaching
40 the age of majority, or becoming a dependent of the state. A host

1 home program shall not receive more than one hundred thousand dollars
2 per year of public funding, including local, state, and federal
3 funding. A host home shall not receive any local, state, or
4 government funding.

5 (3) "Department" means the department of children, youth, and
6 families.

7 (4) "Juvenile" means a person under the age of twenty-one who has
8 been sentenced to a term of confinement under the supervision of the
9 department under RCW 13.40.185.

10 (5) "Performance-based contracts" or "contracting" means the
11 structuring of all aspects of the procurement of services around the
12 purpose of the work to be performed and the desired results with the
13 contract requirements set forth in clear, specific, and objective
14 terms with measurable outcomes. Contracts may also include provisions
15 that link the performance of the contractor to the level and timing
16 of the reimbursement.

17 (6) "Probationary license" means a license issued as a
18 disciplinary measure to an agency that has previously been issued a
19 full license but is out of compliance with licensing standards.

20 (7) "Requirement" means any rule, regulation, or standard of care
21 to be maintained by an agency.

22 (8) "Secretary" means the secretary of the department.

23 (9) "Street youth" means a person under the age of eighteen who
24 lives outdoors or in another unsafe location not intended for
25 occupancy by the minor and who is not residing with his or her parent
26 or at his or her legally authorized residence.

27 ~~(10) ("Supervising agency" means an agency licensed by the state
28 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
29 entered into a performance based contract with the department to
30 provide child welfare services.~~

31 ~~(11))~~ "Transitional living services" means at a minimum, to the
32 extent funds are available, the following:

33 (a) Educational services, including basic literacy and
34 computational skills training, either in local alternative or public
35 high schools or in a high school equivalency program that leads to
36 obtaining a high school equivalency degree;

37 (b) Assistance and counseling related to obtaining vocational
38 training or higher education, job readiness, job search assistance,
39 and placement programs;

1 (c) Counseling and instruction in life skills such as money
2 management, home management, consumer skills, parenting, health care,
3 access to community resources, and transportation and housing
4 options;

5 (d) Individual and group counseling; and

6 (e) Establishing networks with federal agencies and state and
7 local organizations such as the United States department of labor,
8 employment and training administration programs including the
9 workforce innovation and opportunity act which administers private
10 industry councils and the job corps; vocational rehabilitation; and
11 volunteer programs.

12 **Sec. 68.** RCW 74.15.100 and 2009 c 520 s 16 and 2009 c 206 s 1
13 are each reenacted and amended to read as follows:

14 Each agency (~~(or supervising agency)~~) shall make application for
15 a license or renewal of license to the department on forms prescribed
16 by the department. A licensed agency having foster-family homes under
17 its supervision may make application for a license on behalf of any
18 such foster-family home. Such a foster home license shall cease to be
19 valid when the home is no longer under the supervision of that
20 agency. Upon receipt of such application, the department shall either
21 grant or deny a license within ninety days unless the application is
22 for licensure as a foster-family home, in which case RCW 74.15.040
23 shall govern. A license shall be granted if the agency meets the
24 minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031
25 and the departmental requirements consistent herewith, except that an
26 initial license may be issued as provided in RCW 74.15.120. Licenses
27 provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued
28 for a period of three years. The licensee, however, shall advise the
29 secretary of any material change in circumstances which might
30 constitute grounds for reclassification of license as to category.
31 The license issued under this chapter is not transferable and applies
32 only to the licensee. The license shall be limited to a particular
33 location which shall be stated on the license. For licensed foster-
34 family homes having an acceptable history of child care, the license
35 may remain in effect for thirty days after a move, except that this
36 will apply only if the family remains intact. Licensees must notify
37 their licensor before moving to a new location and may request a
38 continuation of the license at the new location. At the request of
39 the licensee, the department shall, within thirty days following a

1 foster-family home licensee's move to a new location, amend the
2 license to reflect the new location, provided the new location and
3 the licensee meet minimum licensing standards.

4 NEW SECTION. **Sec. 69.** The following acts or parts of acts are
5 each repealed:

6 (1) RCW 74.13.320 (Printing informational materials—Department's
7 duty) and 2009 c 520 s 80 & 1990 c 284 s 15;

8 (2) RCW 74.13.360 (Performance-based contracts—Child welfare
9 demonstration sites—Department duties—Contracts with tribes) and
10 2016 c 184 s 1, 2013 c 205 s 4, 2012 c 205 s 8, 2010 c 291 s 4, &
11 2009 c 520 s 3;

12 (3) RCW 74.13.362 (Performance-based contracts—Legislative
13 mandate) and 2009 c 520 s 4;

14 (4) RCW 74.13.364 (Performance-based contracts—State authority—
15 Selection of demonstration sites) and 2010 c 291 s 5 & 2009 c 520 s
16 5;

17 (5) RCW 74.13.366 (Performance-based contracts—Preference for
18 qualifying private nonprofit entities) and 2010 c 291 s 6 & 2009 c
19 520 s 6;

20 (6) RCW 74.13.370 (Performance-based contracts—Washington state
21 institute for public policy report) and 2016 c 184 s 2, 2012 c 205 s
22 9, & 2009 c 520 s 9;

23 (7) RCW 74.13.372 (Performance-based contracts—Determination of
24 expansion of delivery of child welfare services by contractors—
25 Governor's duty) and 2016 c 184 s 3, 2012 c 205 s 11, & 2009 c 520 s
26 10; and

27 (8) RCW 43.10.280 (Dependency and termination of parental rights—
28 Legal services to supervising agencies under state contract) and 2009
29 c 520 s 7.

30 NEW SECTION. **Sec. 70.** Sections 3, 8, 13, 20, 33, 36, and 66 of
31 this act take effect July 1, 2018.

32 NEW SECTION. **Sec. 71.** Sections 2, 7, 12, 19, 32, 35, and 65 of
33 this act expire July 1, 2018."

34 Correct the title.

EFFECT: The amendment does the following:

(1) Requires the Department of Children, Youth, and Families (DCYF) to conduct one or more procurement processes to expand the geographic coverage of network administrators for family support and related services. A procurement process that encompasses all areas of the state must be concluded as soon as possible, but not later than July 1, 2021. The requests for proposal for expanded additional network administrator coverage must be issued by December 30, 2018, to expand the coverage area of the existing network administrator or expand the number of network administrators so that there is network administrator coverage on the west and east sides of the crest of the Cascade mountain range. Expanded implementation of network administrators must begin no later than March 30, 2019, if a qualified organization responds to the procurement process, and the expansion of network administrators must be fully implemented by July 1, 2021, if a qualified organization responds to the procurement process.

(2) Removes the requirement that the DCYF actively consult with other state agencies with relevant expertise and with philanthropic entities in conducting the procurement of network administrators.

(3) Removes the requirement that the director of OFM approve the network administrator request for proposal.

(4) Specifies that each network administrator shall: (a) Manage the entire family support and related service array within the geographic boundaries of a given network; and (b) have the authority to redistribute funding within the network based on provider performance and to add services as funding is available.

(5) Requires the DCYF to: (a) Share all relevant data with the network administrators; and (b) make all performance data available to the public.

(6) Specifies that the DCYF must not require existing network administrators to reapply to provide network administrator services in the coverage area of the existing network administrator on the effective date of this section.

(7) Requires the DCYF to annually submit to the Oversight Board For Children, Youth, and Families and the appropriate committees of the Legislature a report detailing the status of the network administrator procurement and implementation process.

(8) Requires the DCYF to consider the value of the existing data platform for child welfare services and not assume future costs in developing the existing child welfare data platform in determining the cost estimate for expanded network administrator implementation.

(9) Makes technical corrections.

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