

CERTIFICATION OF ENROLLMENT

SENATE BILL 6407

65th Legislature
2018 Regular Session

Passed by the Senate March 6, 2018
Yeas 49 Nays 0

President of the Senate

Passed by the House March 1, 2018
Yeas 97 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6407** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6407

AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2018 Regular Session

By Senator Darneille; by request of Department of Social and Health Services

1 AN ACT Relating to private case management of child welfare
2 services; amending RCW 13.34.025, 13.34.030, 13.34.030, 13.34.065,
3 13.34.067, 13.34.094, 13.34.096, 13.34.096, 13.34.125, 13.34.130,
4 13.34.132, 13.34.136, 13.34.136, 13.34.174, 13.34.176, 13.34.180,
5 13.34.180, 13.34.210, 13.34.215, 13.34.233, 13.34.245, 13.34.320,
6 13.34.330, 13.34.340, 13.34.370, 13.34.380, 13.34.385, 13.34.400,
7 26.44.020, 26.44.020, 74.13.010, 74.13.020, 74.13.020, 74.13.0311,
8 74.13.042, 74.13.045, 74.13.055, 74.13.065, 74.13.170, 74.13.280,
9 74.13.283, 74.13.285, 74.13.289, 74.13.300, 74.13.310, 74.13.315,
10 74.13.325, 74.13.333, 74.13.334, 74.13.500, 74.13.515, 74.13.525,
11 74.13.530, 74.13.560, 74.13.590, 74.13.600, 74.13.640, 74.13.650,
12 74.13B.020, 74.15.010, 74.15.020, and 74.15.020; reenacting and
13 amending RCW 13.34.138, 13.34.145, 13.34.155, 74.13.031, 74.13.036,
14 and 74.15.100; repealing RCW 74.13.320, 74.13.360, 74.13.362,
15 74.13.364, 74.13.366, 74.13.370, 74.13.372, and 43.10.280; providing
16 an effective date; and providing an expiration date.

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

18 **Sec. 1.** RCW 13.34.025 and 2009 c 520 s 20 are each amended to
19 read as follows:

20 (1) The department and (~~supervising~~) agencies shall develop
21 methods for coordination of services to parents and children in child

1 dependency cases. To the maximum extent possible under current
2 funding levels, the department and (~~supervising~~) agencies must:

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

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

11 (c) Access training for department and (~~supervising~~) agency
12 staff to increase skills across disciplines to assess needs for
13 mental health, substance abuse, developmental disabilities, and other
14 areas.

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

25 (a) For purposes of this chapter, remedial services are those
26 services defined in the federal adoption and safe families act as
27 time-limited family reunification services. Remedial services include
28 individual, group, and family counseling; substance abuse treatment
29 services; mental health services; assistance to address domestic
30 violence; services designed to provide temporary child care and
31 therapeutic services for families; and transportation to or from any
32 of the above services and activities.

33 (b) The department shall provide funds for remedial services if
34 the parent is unable to pay to the extent funding is appropriated in
35 the operating budget or otherwise available to the department for
36 such specific services. As a condition for receiving funded remedial
37 services, the court may inquire into the parent's ability to pay for
38 all or part of such services or may require that the parent make
39 appropriate applications for funding to alternative funding sources
40 for such services.

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

6 (d) This section does not create an entitlement to services and
7 does not create judicial authority to order the provision of services
8 except for the specific purpose of making reasonable efforts to
9 remedy parental deficiencies identified in a dependency proceeding
10 under this chapter.

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

13 For purposes of this chapter:

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

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

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

25 (b) Any individual age eighteen to twenty-one years who is
26 eligible to receive and who elects to receive the extended foster
27 care services authorized under RCW 74.13.031. A youth who remains
28 dependent and who receives extended foster care services under RCW
29 74.13.031 shall not be considered a "child" under any other statute
30 or for any other purpose.

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

38 (4) "Department" means the department of social and health
39 services.

1 (5) "Dependency guardian" means the person, nonprofit
2 corporation, or Indian tribe appointed by the court pursuant to this
3 chapter for the limited purpose of assisting the court in the
4 supervision of the dependency.

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

6 (a) Has been abandoned;

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

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

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

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

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

26 (9) "Extended foster care services" means residential and other
27 support services the department is authorized to provide under RCW
28 74.13.031. These services may include placement in licensed,
29 relative, or otherwise approved care, or supervised independent
30 living settings; assistance in meeting basic needs; independent
31 living services; medical assistance; and counseling or treatment.

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

38 (11) "Guardian ad litem" means a person, appointed by the court
39 to represent the best interests of a child in a proceeding under this
40 chapter, or in any matter which may be consolidated with a proceeding

1 under this chapter. A "court-appointed special advocate" appointed by
2 the court to be the guardian ad litem for the child, or to perform
3 substantially the same duties and functions as a guardian ad litem,
4 shall be deemed to be guardian ad litem for all purposes and uses of
5 this chapter.

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

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

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

22 (a) Receiving one of the following types of public assistance:
23 Temporary assistance for needy families, aged, blind, or disabled
24 assistance benefits, medical care services under RCW 74.09.035,
25 pregnant women assistance benefits, poverty-related veterans'
26 benefits, food stamps or food stamp benefits transferred
27 electronically, refugee resettlement benefits, medicaid, or
28 supplemental security income; or

29 (b) Involuntarily committed to a public mental health facility;
30 or

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

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

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

1 (16) "Out-of-home care" means placement in a foster family home
2 or group care facility licensed pursuant to chapter 74.15 RCW or
3 placement in a home, other than that of the child's parent, guardian,
4 or legal custodian, not required to be licensed pursuant to chapter
5 74.15 RCW.

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

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

16 (19) "Shelter care" means temporary physical care in a facility
17 licensed pursuant to RCW 74.15.030 or in a home not required to be
18 licensed pursuant to RCW 74.15.030.

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

23 (21) "Social study" means a written evaluation of matters
24 relevant to the disposition of the case and shall contain the
25 following information:

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

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

35 (c) If removal is recommended, a full description of the reasons
36 why the child cannot be protected adequately in the home, including a
37 description of any previous efforts to work with the parents and the
38 child in the home; the in-home treatment programs that have been
39 considered and rejected; the preventive services, including housing
40 assistance, that have been offered or provided and have failed to

1 prevent the need for out-of-home placement, unless the health,
2 safety, and welfare of the child cannot be protected adequately in
3 the home; and the parents' attitude toward placement of the child;

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

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

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

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

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

24 ~~(24))~~ "Voluntary placement agreement" means, for the purposes of
25 extended foster care services, a written voluntary agreement between
26 a nonminor dependent who agrees to submit to the care and authority
27 of the department for the purposes of participating in the extended
28 foster care program.

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

31 The definitions in this section apply throughout this chapter
32 unless the context clearly requires otherwise.

33 (1) "Abandoned" means when the child's parent, guardian, or other
34 custodian has expressed, either by statement or conduct, an intent to
35 forego, for an extended period, parental rights or responsibilities
36 despite an ability to exercise such rights and responsibilities. If
37 the court finds that the petitioner has exercised due diligence in
38 attempting to locate the parent, no contact between the child and the
39 child's parent, guardian, or other custodian for a period of three

1 months creates a rebuttable presumption of abandonment, even if there
2 is no expressed intent to abandon.

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

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

5 (b) Any individual age eighteen to twenty-one years who is
6 eligible to receive and who elects to receive the extended foster
7 care services authorized under RCW 74.13.031. A youth who remains
8 dependent and who receives extended foster care services under RCW
9 74.13.031 shall not be considered a "child" under any other statute
10 or for any other purpose.

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

18 (4) "Department" means the department of children, youth, and
19 families.

20 (5) "Dependency guardian" means the person, nonprofit
21 corporation, or Indian tribe appointed by the court pursuant to this
22 chapter for the limited purpose of assisting the court in the
23 supervision of the dependency.

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

25 (a) Has been abandoned;

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

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

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

34 (7) "Developmental disability" means a disability attributable to
35 intellectual disability, cerebral palsy, epilepsy, autism, or another
36 neurological or other condition of an individual found by the
37 secretary of the department of social and health services to be
38 closely related to an intellectual disability or to require treatment
39 similar to that required for individuals with intellectual
40 disabilities, which disability originates before the individual

1 attains age eighteen, which has continued or can be expected to
2 continue indefinitely, and which constitutes a substantial limitation
3 to the individual.

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

6 (9) "Extended foster care services" means residential and other
7 support services the department is authorized to provide under RCW
8 74.13.031. These services may include placement in licensed,
9 relative, or otherwise approved care, or supervised independent
10 living settings; assistance in meeting basic needs; independent
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15 legal right to custody of the child pursuant to such appointment. The
16 term "guardian" does not include a "dependency guardian" appointed
17 pursuant to a proceeding under this chapter.

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

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

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

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

3 (a) Receiving one of the following types of public assistance:
4 Temporary assistance for needy families, aged, blind, or disabled
5 assistance benefits, medical care services under RCW 74.09.035,
6 pregnant women assistance benefits, poverty-related veterans'
7 benefits, food stamps or food stamp benefits transferred
8 electronically, refugee resettlement benefits, medicaid, or
9 supplemental security income; or

10 (b) Involuntarily committed to a public mental health facility;
11 or

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

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

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

21 (16) "Out-of-home care" means placement in a foster family home
22 or group care facility licensed pursuant to chapter 74.15 RCW or
23 placement in a home, other than that of the child's parent, guardian,
24 or legal custodian, not required to be licensed pursuant to chapter
25 74.15 RCW.

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

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

36 (19) "Shelter care" means temporary physical care in a facility
37 licensed pursuant to RCW 74.15.030 or in a home not required to be
38 licensed pursuant to RCW 74.15.030.

39 (20) "Sibling" means a child's birth brother, birth sister,
40 adoptive brother, adoptive sister, half-brother, or half-sister, or

1 as defined by the law or custom of the Indian child's tribe for an
2 Indian child as defined in RCW 13.38.040.

3 (21) "Social study" means a written evaluation of matters
4 relevant to the disposition of the case and shall contain the
5 following information:

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

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

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

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

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

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

33 (22) "Supervised independent living" includes, but is not limited
34 to, apartment living, room and board arrangements, college or
35 university dormitories, and shared roommate settings. Supervised
36 independent living settings must be approved by the children's
37 administration or the court.

38 (~~(23) ("Supervising agency" means an agency licensed by the state
39 under RCW 74.15.090, or licensed by a federally recognized Indian
40 tribe located in this state under RCW 74.15.190, that has entered~~

1 ~~into a performance based contract with the department to provide case~~
2 ~~management for the delivery and documentation of child welfare~~
3 ~~services as defined in RCW 74.13.020.~~

4 (24)) "Voluntary placement agreement" means, for the purposes of
5 extended foster care services, a written voluntary agreement between
6 a nonminor dependent who agrees to submit to the care and authority
7 of the department for the purposes of participating in the extended
8 foster care program.

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

11 (1)(a) When a child is taken into custody, the court shall hold a
12 shelter care hearing within seventy-two hours, excluding Saturdays,
13 Sundays, and holidays. The primary purpose of the shelter care
14 hearing is to determine whether the child can be immediately and
15 safely returned home while the adjudication of the dependency is
16 pending.

17 (b) Any parent, guardian, or legal custodian who for good cause
18 is unable to attend the shelter care hearing may request that a
19 subsequent shelter care hearing be scheduled. The request shall be
20 made to the clerk of the court where the petition is filed prior to
21 the initial shelter care hearing. Upon the request of the parent, the
22 court shall schedule the hearing within seventy-two hours of the
23 request, excluding Saturdays, Sundays, and holidays. The clerk shall
24 notify all other parties of the hearing by any reasonable means.

25 (2)(a) If it is likely that the child will remain in shelter care
26 longer than seventy-two hours, (~~in those areas in which child~~
27 ~~welfare services are being provided by a supervising agency, the~~
28 ~~supervising agency shall assume case management responsibilities of~~
29 ~~the case.)) the department (~~or supervising agency~~) shall submit a
30 recommendation to the court as to the further need for shelter care
31 in all cases in which the child will remain in shelter care longer
32 than the seventy-two hour period. In all other cases, the
33 recommendation shall be submitted by the juvenile court probation
34 counselor.~~

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

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

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

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

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

7 (iii) If the parent, guardian, or custodian is not represented by
8 counsel, the right to be represented. If the parent, guardian, or
9 custodian is indigent, the court shall appoint counsel as provided in
10 RCW 13.34.090; and

11 (b) If a parent, guardian, or legal custodian desires to waive
12 the shelter care hearing, the court shall determine, on the record
13 and with the parties present, whether such waiver is knowing and
14 voluntary. A parent may not waive his or her right to the shelter
15 care hearing unless he or she appears in court and the court
16 determines that the waiver is knowing and voluntary. Regardless of
17 whether the court accepts the parental waiver of the shelter care
18 hearing, the court must provide notice to the parents of their rights
19 required under (a) of this subsection and make the finding required
20 under subsection (4) of this section.

21 (4) At the shelter care hearing the court shall examine the need
22 for shelter care and inquire into the status of the case. The
23 paramount consideration for the court shall be the health, welfare,
24 and safety of the child. At a minimum, the court shall inquire into
25 the following:

26 (a) Whether the notice required under RCW 13.34.062 was given to
27 all known parents, guardians, or legal custodians of the child. The
28 court shall make an express finding as to whether the notice required
29 under RCW 13.34.062 was given to the parent, guardian, or legal
30 custodian. If actual notice was not given to the parent, guardian, or
31 legal custodian and the whereabouts of such person is known or can be
32 ascertained, the court shall order the department to make reasonable
33 efforts to advise the parent, guardian, or legal custodian of the
34 status of the case, including the date and time of any subsequent
35 hearings, and their rights under RCW 13.34.090;

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

38 (c) What efforts have been made to place the child with a
39 relative. The court shall ask the parents whether the department
40 discussed with them the placement of the child with a relative or

1 other suitable person described in RCW 13.34.130(1)(b) and shall
2 determine what efforts have been made toward such a placement;

3 (d) What services were provided to the family to prevent or
4 eliminate the need for removal of the child from the child's home. If
5 the dependency petition or other information before the court alleges
6 that homelessness or the lack of suitable housing was a significant
7 factor contributing to the removal of the child, the court shall
8 inquire as to whether housing assistance was provided to the family
9 to prevent or eliminate the need for removal of the child or
10 children;

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

14 (f) Whether it is in the best interest of the child to remain
15 enrolled in the school, developmental program, or child care the
16 child was in prior to placement and what efforts have been made to
17 maintain the child in the school, program, or child care if it would
18 be in the best interest of the child to remain in the same school,
19 program, or child care;

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

21 (h) Whether the child is or may be an Indian child as defined in
22 RCW 13.38.040, whether the provisions of the federal Indian child
23 welfare act or chapter 13.38 RCW apply, and whether there is
24 compliance with the federal Indian child welfare act and chapter
25 13.38 RCW, including notice to the child's tribe;

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

30 (j) Whether any orders for examinations, evaluations, or
31 immediate services are needed. The court may not order a parent to
32 undergo examinations, evaluation, or services at the shelter care
33 hearing unless the parent agrees to the examination, evaluation, or
34 service;

35 (k) The terms and conditions for parental, sibling, and family
36 visitation.

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

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

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

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

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

12 (b) If the court does not release the child to his or her parent,
13 guardian, or legal custodian, the court shall order placement with a
14 relative or other suitable person as described in RCW
15 13.34.130(1)(b), unless there is reasonable cause to believe the
16 health, safety, or welfare of the child would be jeopardized or that
17 the efforts to reunite the parent and child will be hindered. If such
18 relative or other suitable person appears otherwise suitable and
19 competent to provide care and treatment, the fingerprint-based
20 background check need not be completed before placement, but as soon
21 as possible after placement. The court must also determine whether
22 placement with the relative or other suitable person is in the
23 child's best interests. The relative or other suitable person must be
24 willing and available to:

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

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

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

32 (c) If the child was not initially placed with a relative or
33 other suitable person, and the court does not release the child to
34 his or her parent, guardian, or legal custodian, the (~~supervising~~
35 ~~agency~~) department shall make reasonable efforts to locate a
36 relative or other suitable person pursuant to RCW 13.34.060(1). In
37 determining placement, the court shall weigh the child's length of
38 stay and attachment to the current provider in determining what is in
39 the best interest of the child.

1 (d) If a relative or other suitable person is not available, the
2 court shall order continued shelter care and shall set forth its
3 reasons for the order. If the court orders placement of the child
4 with a person not related to the child and not licensed to provide
5 foster care, the placement is subject to all terms and conditions of
6 this section that apply to relative placements.

7 (e) Any placement with a relative, or other suitable person
8 approved by the court pursuant to this section, shall be contingent
9 upon cooperation with the department's or (~~supervising~~) agency's
10 case plan and compliance with court orders related to the care and
11 supervision of the child including, but not limited to, court orders
12 regarding parent-child contacts, sibling contacts, and any other
13 conditions imposed by the court. Noncompliance with the case plan or
14 court order is grounds for removal of the child from the home of the
15 relative or other suitable person, subject to review by the court.

16 (f) Uncertainty by a parent, guardian, legal custodian, relative,
17 or other suitable person that the alleged abuser has in fact abused
18 the child shall not, alone, be the basis upon which a child is
19 removed from the care of a parent, guardian, or legal custodian under
20 (a) of this subsection, nor shall it be a basis, alone, to preclude
21 placement with a relative or other suitable person under (b) of this
22 subsection.

23 (6)(a) A shelter care order issued pursuant to this section shall
24 include the requirement for a case conference as provided in RCW
25 13.34.067. However, if the parent is not present at the shelter care
26 hearing, or does not agree to the case conference, the court shall
27 not include the requirement for the case conference in the shelter
28 care order.

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

33 (c) The court may order another conference, case staffing, or
34 hearing as an alternative to the case conference required under RCW
35 13.34.067 so long as the conference, case staffing, or hearing
36 ordered by the court meets all requirements under RCW 13.34.067,
37 including the requirement of a written agreement specifying the
38 services to be provided to the parent.

39 (7)(a) A shelter care order issued pursuant to this section may
40 be amended at any time with notice and hearing thereon. The shelter

1 care decision of placement shall be modified only upon a showing of
2 change in circumstances. No child may be placed in shelter care for
3 longer than thirty days without an order, signed by the judge,
4 authorizing continued shelter care.

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

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

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

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

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

21 (1)(a) Following shelter care and no later than thirty days prior
22 to fact-finding, the department (~~(or supervising agency)~~) shall
23 convene a case conference as required in the shelter care order to
24 develop and specify in a written service agreement the expectations
25 of both the department (~~(or supervising agency)~~) and the parent
26 regarding voluntary services for the parent.

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

33 (c) The written service agreement expectations must correlate
34 with the court's findings at the shelter care hearing. The written
35 service agreement must set forth specific services to be provided to
36 the parent.

37 (d) The case conference agreement must be agreed to and signed by
38 the parties. The court shall not consider the content of the
39 discussions at the case conference at the time of the fact-finding

1 hearing for the purposes of establishing that the child is a
2 dependent child, and the court shall not consider any documents or
3 written materials presented at the case conference but not
4 incorporated into the case conference agreement, unless the documents
5 or written materials were prepared for purposes other than or as a
6 result of the case conference and are otherwise admissible under the
7 rules of evidence.

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

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

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

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

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

24 (1) The department (~~(or supervising agency)~~) shall provide the
25 child's foster parents, preadoptive parents, or other caregivers with
26 timely and adequate notice of their right to be heard prior to each
27 proceeding held with respect to the child in juvenile court under
28 this chapter. For purposes of this section, "timely and adequate
29 notice" means notice at the time the department would be required to
30 give notice to parties to the case and by any means reasonably
31 certain of notifying the foster parents, preadoptive parents, or
32 other caregivers, including but not limited to written, telephone, or
33 in person oral notification. For emergency hearings, the department
34 shall give notice to foster parents, preadoptive parents, or other
35 caregivers as soon as is practicable. For six-month review and annual
36 permanency hearings, the department shall give notice to foster
37 parents upon placement or as soon as practicable.

1 (2) The court shall establish and include in the court record
2 after every hearing for which the department (~~or supervising~~
3 ~~agency~~) is required to provide notice to the child's foster parents,
4 preadoptive parents, and caregivers whether the department provided
5 adequate and timely notice, whether a caregiver's report was received
6 by the court, and whether the court provided the child's foster
7 parents, preadoptive parents, or caregivers with an opportunity to be
8 heard in court. For purposes of this section, "caregiver's report"
9 means a form provided by the department of social and health services
10 to a child's foster parents, preadoptive parents, or caregivers that
11 provides an opportunity for those individuals to share information
12 about the child with the court before a court hearing. A caregiver's
13 report shall not include information related to a child's biological
14 parent that is not directly related to the child's well-being.

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

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

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

26 (1) The department (~~or supervising agency~~) shall provide the
27 child's foster parents, preadoptive parents, or other caregivers with
28 timely and adequate notice of their right to be heard prior to each
29 proceeding held with respect to the child in juvenile court under
30 this chapter. For purposes of this section, "timely and adequate
31 notice" means notice at the time the department would be required to
32 give notice to parties to the case and by any means reasonably
33 certain of notifying the foster parents, preadoptive parents, or
34 other caregivers, including but not limited to written, telephone, or
35 in person oral notification. For emergency hearings, the department
36 shall give notice to foster parents, preadoptive parents, or other
37 caregivers as soon as is practicable. For six-month review and annual
38 permanency hearings, the department shall give notice to foster
39 parents upon placement or as soon as practicable.

1 (2) The court shall establish and include in the court record
2 after every hearing for which the department (~~or supervising~~
3 ~~agency~~) is required to provide notice to the child's foster parents,
4 preadoptive parents, and caregivers whether the department provided
5 adequate and timely notice, whether a caregiver's report was received
6 by the court, and whether the court provided the child's foster
7 parents, preadoptive parents, or caregivers with an opportunity to be
8 heard in court. For purposes of this section, "caregiver's report"
9 means a form provided by the department to a child's foster parents,
10 preadoptive parents, or caregivers that provides an opportunity for
11 those individuals to share information about the child with the court
12 before a court hearing. A caregiver's report shall not include
13 information related to a child's biological parent that is not
14 directly related to the child's well-being.

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

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

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

26 In those cases where an alleged father, birth parent, or parent
27 has indicated his or her intention to make a voluntary adoption plan
28 for the child and has agreed to the termination of his or her
29 parental rights, the department (~~or supervising agency~~) shall
30 follow the wishes of the alleged father, birth parent, or parent
31 regarding the proposed adoptive placement of the child, if the court
32 determines that the adoption is in the best interest of the child,
33 and the prospective adoptive parents chosen by the alleged father,
34 birth parent, or parent are properly qualified to adopt in compliance
35 with the standards in this chapter and chapter 26.33 RCW. If the
36 department (~~or supervising agency~~) has filed a termination
37 petition, an alleged father's, birth parent's, or parent's
38 preferences regarding the proposed adoptive placement of the child
39 shall be given consideration.

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

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

9 (1) The court shall order one of the following dispositions of
10 the case:

11 (a) Order a disposition that maintains the child in his or her
12 home, which shall provide a program designed to alleviate the
13 immediate danger to the child, to mitigate or cure any damage the
14 child has already suffered, and to aid the parents so that the child
15 will not be endangered in the future. In determining the disposition,
16 the court should choose services to assist the parents in maintaining
17 the child in the home, including housing assistance, if appropriate,
18 that least interfere with family autonomy and are adequate to protect
19 the child.

20 (b)(i) Order the child to be removed from his or her home and
21 into the custody, control, and care of a relative or other suitable
22 person, the department, or (~~a supervising~~) agency responsible for
23 supervision of the child's placement. If the court orders that the
24 child be placed with a caregiver over the objections of the parent or
25 the department, the court shall articulate, on the record, his or her
26 reasons for ordering the placement. The court may not order an Indian
27 child, as defined in RCW 13.38.040, to be removed from his or her
28 home unless the court finds, by clear and convincing evidence
29 including testimony of qualified expert witnesses, that the continued
30 custody of the child by the parent or Indian custodian is likely to
31 result in serious emotional or physical damage to the child.

32 (ii) The department (~~or supervising agency~~) has the authority
33 to place the child, subject to review and approval by the court (A)
34 with a relative as defined in RCW 74.15.020(2)(a), (B) in the home of
35 another suitable person if the child or family has a preexisting
36 relationship with that person, and the person has completed all
37 required criminal history background checks and otherwise appears to
38 the department (~~or supervising agency~~) to be suitable and competent
39 to provide care for the child, or (C) in a foster family home or
40 group care facility licensed pursuant to chapter 74.15 RCW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 A court may order that a petition seeking termination of the
22 parent and child relationship be filed if the following requirements
23 are met:

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

26 (2) Termination is recommended by the department (~~or the~~
27 ~~supervising agency~~);

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

29 (4) Because of the existence of aggravated circumstances,
30 reasonable efforts to unify the family are not required.
31 Notwithstanding the existence of aggravated circumstances, reasonable
32 efforts may be required if the court or department determines it is
33 in the best interests of the child. In determining whether aggravated
34 circumstances exist by clear, cogent, and convincing evidence, the
35 court shall consider one or more of the following:

36 (a) Conviction of the parent of rape of the child in the first,
37 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
38 9A.44.079;

1 (b) Conviction of the parent of criminal mistreatment of the
2 child in the first or second degree as defined in RCW 9A.42.020 and
3 9A.42.030;

4 (c) Conviction of the parent of one of the following assault
5 crimes, when the child is the victim: Assault in the first or second
6 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a
7 child in the first or second degree as defined in RCW 9A.36.120 or
8 9A.36.130;

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

11 (e) Conviction of the parent of trafficking, or promoting
12 commercial sexual abuse of a minor when the victim of the crime is
13 the child, the child's other parent, a sibling of the child, or
14 another child;

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

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

20 (h) Failure of the parent to complete available treatment ordered
21 under this chapter or the equivalent laws of another state, where
22 such failure has resulted in a prior termination of parental rights
23 to another child and the parent has failed to effect significant
24 change in the interim. In the case of a parent of an Indian child, as
25 defined in RCW 13.38.040, the court shall also consider tribal
26 efforts to assist the parent in completing treatment and make it
27 possible for the child to return home;

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

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

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

34 (1) Whenever a child is ordered removed from the home, a
35 permanency plan shall be developed no later than sixty days from the
36 time the (~~supervising agency~~) department assumes responsibility for
37 providing services, including placing the child, or at the time of a
38 hearing under RCW 13.34.130, whichever occurs first. The permanency
39 planning process continues until a permanency planning goal is

1 achieved or dependency is dismissed. The planning process shall
2 include reasonable efforts to return the child to the parent's home.

3 (2) The (~~agency supervising the dependency~~) department shall
4 submit a written permanency plan to all parties and the court not
5 less than fourteen days prior to the scheduled hearing. Responsive
6 reports of parties not in agreement with the department's (~~or~~
7 ~~supervising agency's~~) proposed permanency plan must be provided to
8 the department (~~or supervising agency~~), all other parties, and the
9 court at least seven days prior to the hearing.

10 The permanency plan shall include:

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

28 (b) Unless the court has ordered, pursuant to RCW 13.34.130(8),
29 that a termination petition be filed, a specific plan as to where the
30 child will be placed, what steps will be taken to return the child
31 home, what steps (~~the supervising agency or~~) the department will
32 take to promote existing appropriate sibling relationships and/or
33 facilitate placement together or contact in accordance with the best
34 interests of each child, and what actions the department (~~or~~
35 ~~supervising agency~~) will take to maintain parent-child ties. All
36 aspects of the plan shall include the goal of achieving permanence
37 for the child.

38 (i) The department's (~~or supervising agency's~~) plan shall
39 specify what services the parents will be offered to enable them to
40 resume custody, what requirements the parents must meet to resume

1 custody, and a time limit for each service plan and parental
2 requirement.

3 (A) If the parent is incarcerated, the plan must address how the
4 parent will participate in the case conference and permanency
5 planning meetings and, where possible, must include treatment that
6 reflects the resources available at the facility where the parent is
7 confined. The plan must provide for visitation opportunities, unless
8 visitation is not in the best interests of the child.

9 (B) If a parent has a developmental disability according to the
10 definition provided in RCW 71A.10.020, and that individual is
11 eligible for services provided by the developmental disabilities
12 administration, the department shall make reasonable efforts to
13 consult with the developmental disabilities administration to create
14 an appropriate plan for services. For individuals who meet the
15 definition of developmental disability provided in RCW 71A.10.020 and
16 who are eligible for services through the developmental disabilities
17 administration, the plan for services must be tailored to correct the
18 parental deficiency taking into consideration the parent's disability
19 and the department shall also determine an appropriate method to
20 offer those services based on the parent's disability.

21 (ii)(A) Visitation is the right of the family, including the
22 child and the parent, in cases in which visitation is in the best
23 interest of the child. Early, consistent, and frequent visitation is
24 crucial for maintaining parent-child relationships and making it
25 possible for parents and children to safely reunify. The
26 (~~supervising agency or~~) department shall encourage the maximum
27 parent and child and sibling contact possible, when it is in the best
28 interest of the child, including regular visitation and participation
29 by the parents in the care of the child while the child is in
30 placement.

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

35 (C) Visitation may be limited or denied only if the court
36 determines that such limitation or denial is necessary to protect the
37 child's health, safety, or welfare. When a parent or sibling has been
38 identified as a suspect in an active criminal investigation for a
39 violent crime that, if the allegations are true, would impact the
40 safety of the child, the department shall make a concerted effort to

1 consult with the assigned law enforcement officer in the criminal
2 case before recommending any changes in parent/child or child/sibling
3 contact. In the event that the law enforcement officer has
4 information pertaining to the criminal case that may have serious
5 implications for child safety or well-being, the law enforcement
6 officer shall provide this information to the department during the
7 consultation. The department may only use the information provided by
8 law enforcement during the consultation to inform family visitation
9 plans and may not share or otherwise distribute the information to
10 any person or entity. Any information provided to the department by
11 law enforcement during the consultation is considered investigative
12 information and is exempt from public inspection pursuant to RCW
13 42.56.240. The results of the consultation shall be communicated to
14 the court.

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

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

24 (B) Any exceptions, limitation, or denial of contacts or
25 visitation must be approved by the supervisor of the department
26 caseworker and documented. The child, parent, department, guardian ad
27 litem, or court-appointed special advocate may challenge the denial
28 of visits in court.

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

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

36 (vi) Unless it is not in the best interests of the child,
37 whenever practical, the plan should ensure the child remains enrolled
38 in the school the child was attending at the time the child entered
39 foster care.

1 (vii) The (~~supervising agency or~~) department shall provide all
2 reasonable services that are available within the department (~~or~~
3 ~~supervising agency~~), or within the community, or those services
4 which the department has existing contracts to purchase. It shall
5 report to the court if it is unable to provide such services; and

6 (c) If the court has ordered, pursuant to RCW 13.34.130(8), that
7 a termination petition be filed, a specific plan as to where the
8 child will be placed, what steps will be taken to achieve permanency
9 for the child, services to be offered or provided to the child, and,
10 if visitation would be in the best interests of the child, a
11 recommendation to the court regarding visitation between parent and
12 child pending a fact-finding hearing on the termination petition. The
13 department (~~or supervising agency~~) shall not be required to develop
14 a plan of services for the parents or provide services to the parents
15 if the court orders a termination petition be filed. However,
16 reasonable efforts to ensure visitation and contact between siblings
17 shall be made unless there is reasonable cause to believe the best
18 interests of the child or siblings would be jeopardized.

19 (3) Permanency planning goals should be achieved at the earliest
20 possible date. If the child has been in out-of-home care for fifteen
21 of the most recent twenty-two months, and the court has not made a
22 good cause exception, the court shall require the department (~~or~~
23 ~~supervising agency~~) to file a petition seeking termination of
24 parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases
25 where parental rights have been terminated, the child is legally free
26 for adoption, and adoption has been identified as the primary
27 permanency planning goal, it shall be a goal to complete the adoption
28 within six months following entry of the termination order.

29 (4) If the court determines that the continuation of reasonable
30 efforts to prevent or eliminate the need to remove the child from his
31 or her home or to safely return the child home should not be part of
32 the permanency plan of care for the child, reasonable efforts shall
33 be made to place the child in a timely manner and to complete
34 whatever steps are necessary to finalize the permanent placement of
35 the child.

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

38 (6) The court shall consider the child's relationships with the
39 child's siblings in accordance with RCW 13.34.130(6). Whenever the
40 permanency plan for a child is adoption, the court shall encourage

1 the prospective adoptive parents, birth parents, foster parents,
2 kinship caregivers, and the department or other (~~supervising~~)
3 agency to seriously consider the long-term benefits to the child
4 adoptee and his or her siblings of providing for and facilitating
5 continuing postadoption contact between the siblings. To the extent
6 that it is feasible, and when it is in the best interests of the
7 child adoptee and his or her siblings, contact between the siblings
8 should be frequent and of a similar nature as that which existed
9 prior to the adoption. If the child adoptee or his or her siblings
10 are represented by an attorney or guardian ad litem in a proceeding
11 under this chapter or in any other child custody proceeding, the
12 court shall inquire of each attorney and guardian ad litem regarding
13 the potential benefits of continuing contact between the siblings and
14 the potential detriments of severing contact. This section does not
15 require the department of social and health services or other
16 (~~supervising~~) agency to agree to any specific provisions in an open
17 adoption agreement and does not create a new obligation for the
18 department to provide supervision or transportation for visits
19 between siblings separated by adoption from foster care.

20 (7) For purposes related to permanency planning:

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

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

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

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

31 (1) Whenever a child is ordered removed from the home, a
32 permanency plan shall be developed no later than sixty days from the
33 time the (~~supervising agency~~) department assumes responsibility for
34 providing services, including placing the child, or at the time of a
35 hearing under RCW 13.34.130, whichever occurs first. The permanency
36 planning process continues until a permanency planning goal is
37 achieved or dependency is dismissed. The planning process shall
38 include reasonable efforts to return the child to the parent's home.

1 (2) The ((~~agency supervising the dependency~~)) department shall
2 submit a written permanency plan to all parties and the court not
3 less than fourteen days prior to the scheduled hearing. Responsive
4 reports of parties not in agreement with the department's ((~~or~~
5 ~~supervising agency's~~)) proposed permanency plan must be provided to
6 the department ((~~or supervising agency~~)), all other parties, and the
7 court at least seven days prior to the hearing.

8 The permanency plan shall include:

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

26 (b) Unless the court has ordered, pursuant to RCW 13.34.130(8),
27 that a termination petition be filed, a specific plan as to where the
28 child will be placed, what steps will be taken to return the child
29 home, what steps ((~~the supervising agency or~~)) the department will
30 take to promote existing appropriate sibling relationships and/or
31 facilitate placement together or contact in accordance with the best
32 interests of each child, and what actions the department ((~~or~~
33 ~~supervising agency~~)) will take to maintain parent-child ties. All
34 aspects of the plan shall include the goal of achieving permanence
35 for the child.

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

1 (A) If the parent is incarcerated, the plan must address how the
2 parent will participate in the case conference and permanency
3 planning meetings and, where possible, must include treatment that
4 reflects the resources available at the facility where the parent is
5 confined. The plan must provide for visitation opportunities, unless
6 visitation is not in the best interests of the child.

7 (B) If a parent has a developmental disability according to the
8 definition provided in RCW 71A.10.020, and that individual is
9 eligible for services provided by the department of social and health
10 services developmental disabilities administration, the department
11 shall make reasonable efforts to consult with the department of
12 social and health services developmental disabilities administration
13 to create an appropriate plan for services. For individuals who meet
14 the definition of developmental disability provided in RCW 71A.10.020
15 and who are eligible for services through the developmental
16 disabilities administration, the plan for services must be tailored
17 to correct the parental deficiency taking into consideration the
18 parent's disability and the department shall also determine an
19 appropriate method to offer those services based on the parent's
20 disability.

21 (ii)(A) Visitation is the right of the family, including the
22 child and the parent, in cases in which visitation is in the best
23 interest of the child. Early, consistent, and frequent visitation is
24 crucial for maintaining parent-child relationships and making it
25 possible for parents and children to safely reunify. The
26 (~~supervising agency or~~) department shall encourage the maximum
27 parent and child and sibling contact possible, when it is in the best
28 interest of the child, including regular visitation and participation
29 by the parents in the care of the child while the child is in
30 placement.

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

35 (C) Visitation may be limited or denied only if the court
36 determines that such limitation or denial is necessary to protect the
37 child's health, safety, or welfare. When a parent or sibling has been
38 identified as a suspect in an active criminal investigation for a
39 violent crime that, if the allegations are true, would impact the
40 safety of the child, the department shall make a concerted effort to

1 consult with the assigned law enforcement officer in the criminal
2 case before recommending any changes in parent/child or child/sibling
3 contact. In the event that the law enforcement officer has
4 information pertaining to the criminal case that may have serious
5 implications for child safety or well-being, the law enforcement
6 officer shall provide this information to the department during the
7 consultation. The department may only use the information provided by
8 law enforcement during the consultation to inform family visitation
9 plans and may not share or otherwise distribute the information to
10 any person or entity. Any information provided to the department by
11 law enforcement during the consultation is considered investigative
12 information and is exempt from public inspection pursuant to RCW
13 42.56.240. The results of the consultation shall be communicated to
14 the court.

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

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

24 (B) Any exceptions, limitation, or denial of contacts or
25 visitation must be approved by the supervisor of the department
26 caseworker and documented. The child, parent, department, guardian ad
27 litem, or court-appointed special advocate may challenge the denial
28 of visits in court.

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

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

36 (vi) Unless it is not in the best interests of the child,
37 whenever practical, the plan should ensure the child remains enrolled
38 in the school the child was attending at the time the child entered
39 foster care.

1 (vii) The (~~supervising agency or~~) department shall provide all
2 reasonable services that are available within the department (~~or~~
3 ~~supervising agency~~), or within the community, or those services
4 which the department has existing contracts to purchase. It shall
5 report to the court if it is unable to provide such services; and

6 (c) If the court has ordered, pursuant to RCW 13.34.130(8), that
7 a termination petition be filed, a specific plan as to where the
8 child will be placed, what steps will be taken to achieve permanency
9 for the child, services to be offered or provided to the child, and,
10 if visitation would be in the best interests of the child, a
11 recommendation to the court regarding visitation between parent and
12 child pending a fact-finding hearing on the termination petition. The
13 department (~~or supervising agency~~) shall not be required to develop
14 a plan of services for the parents or provide services to the parents
15 if the court orders a termination petition be filed. However,
16 reasonable efforts to ensure visitation and contact between siblings
17 shall be made unless there is reasonable cause to believe the best
18 interests of the child or siblings would be jeopardized.

19 (3) Permanency planning goals should be achieved at the earliest
20 possible date. If the child has been in out-of-home care for fifteen
21 of the most recent twenty-two months, and the court has not made a
22 good cause exception, the court shall require the department (~~or~~
23 ~~supervising agency~~) to file a petition seeking termination of
24 parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases
25 where parental rights have been terminated, the child is legally free
26 for adoption, and adoption has been identified as the primary
27 permanency planning goal, it shall be a goal to complete the adoption
28 within six months following entry of the termination order.

29 (4) If the court determines that the continuation of reasonable
30 efforts to prevent or eliminate the need to remove the child from his
31 or her home or to safely return the child home should not be part of
32 the permanency plan of care for the child, reasonable efforts shall
33 be made to place the child in a timely manner and to complete
34 whatever steps are necessary to finalize the permanent placement of
35 the child.

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

38 (6) The court shall consider the child's relationships with the
39 child's siblings in accordance with RCW 13.34.130(6). Whenever the
40 permanency plan for a child is adoption, the court shall encourage

1 the prospective adoptive parents, birth parents, foster parents,
2 kinship caregivers, and the department or other ((supervising))
3 agency to seriously consider the long-term benefits to the child
4 adoptee and his or her siblings of providing for and facilitating
5 continuing postadoption contact between the siblings. To the extent
6 that it is feasible, and when it is in the best interests of the
7 child adoptee and his or her siblings, contact between the siblings
8 should be frequent and of a similar nature as that which existed
9 prior to the adoption. If the child adoptee or his or her siblings
10 are represented by an attorney or guardian ad litem in a proceeding
11 under this chapter or in any other child custody proceeding, the
12 court shall inquire of each attorney and guardian ad litem regarding
13 the potential benefits of continuing contact between the siblings and
14 the potential detriments of severing contact. This section does not
15 require the department or other ((supervising)) agency to agree to
16 any specific provisions in an open adoption agreement and does not
17 create a new obligation for the department to provide supervision or
18 transportation for visits between siblings separated by adoption from
19 foster care.

20 (7) For purposes related to permanency planning:

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

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

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

29 **Sec. 14.** RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009
30 c 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read
31 as follows:

32 (1) The status of all children found to be dependent shall be
33 reviewed by the court at least every six months from the beginning
34 date of the placement episode or the date dependency is established,
35 whichever is first. The purpose of the hearing shall be to review the
36 progress of the parties and determine whether court supervision
37 should continue.

38 (a) The initial review hearing shall be an in-court review and
39 shall be set six months from the beginning date of the placement

1 episode or no more than ninety days from the entry of the disposition
2 order, whichever comes first. The requirements for the initial review
3 hearing, including the in-court review requirement, shall be
4 accomplished within existing resources.

5 (b) The initial review hearing may be a permanency planning
6 hearing when necessary to meet the time frames set forth in RCW
7 13.34.145(1)(a) or 13.34.134.

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

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

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

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

33 (iii) Notify the parent with whom the child is being placed that
34 he or she has an ongoing duty to notify the department ~~((or~~
35 ~~supervising agency))~~ of all persons who reside in the home or who may
36 act as a caregiver for the child both prior to the placement of the
37 child in the home and subsequent to the placement of the child in the
38 home as long as the court retains jurisdiction of the dependency
39 proceeding or the department is providing or monitoring either

1 remedial services to the parent or services to ensure the safety of
2 the child to any caregivers.

3 Caregivers may be required to engage in services under this
4 subsection solely for the purpose of ensuring the present and future
5 safety of a child who is a ward of the court. This subsection does
6 not grant party status to any individual not already a party to the
7 dependency proceeding, create an entitlement to services or a duty on
8 the part of the department (~~(or supervising agency)~~) to provide
9 services, or create judicial authority to order the provision of
10 services to any person other than for the express purposes of this
11 section or RCW 13.34.025 or if the services are unavailable or
12 unsuitable or the person is not eligible for such services.

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

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

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

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

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

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

30 (vi) Whether a parent's homelessness or lack of suitable housing
31 is a significant factor delaying permanency for the child by
32 preventing the return of the child to the home of the child's parent
33 and whether housing assistance should be provided by the department
34 (~~(or supervising agency)~~);

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

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

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

1 (x) Whether the parents have visited the child and any reasons
2 why visitation has not occurred or has been infrequent;
3 (xi) Whether terms of visitation need to be modified;
4 (xii) Whether the court-approved long-term permanent plan for the
5 child remains the best plan for the child;
6 (xiii) Whether any additional court orders need to be made to
7 move the case toward permanency; and
8 (xiv) The projected date by which the child will be returned home
9 or other permanent plan of care will be implemented.

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

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

15 (i) The compliance of the parents with court orders related to
16 the care and supervision of the child, including compliance with the
17 (~~supervising agency's~~) department's case plan; and
18 (ii) The continued participation of the parents, if applicable,
19 in available substance abuse or mental health treatment if substance
20 abuse or mental illness was a contributing factor to the removal of
21 the child.

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

24 (i) Noncompliance by the parents with the department's (~~or~~
25 ~~supervising agency's~~) case plan or court order;
26 (ii) The parent's inability, unwillingness, or failure to
27 participate in available services or treatment for themselves or the
28 child, including substance abuse treatment if a parent's substance
29 abuse was a contributing factor to the abuse or neglect; or
30 (iii) The failure of the parents to successfully and
31 substantially complete available services or treatment for themselves
32 or the child, including substance abuse treatment if a parent's
33 substance abuse was a contributing factor to the abuse or neglect.

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

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

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

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

16 (1) The purpose of a permanency planning hearing is to review the
17 permanency plan for the child, inquire into the welfare of the child
18 and progress of the case, and reach decisions regarding the permanent
19 placement of the child.

20 (a) A permanency planning hearing shall be held in all cases
21 where the child has remained in out-of-home care for at least nine
22 months and an adoption decree, guardianship order, or permanent
23 custody order has not previously been entered. The hearing shall take
24 place no later than twelve months following commencement of the
25 current placement episode.

26 (b) Whenever a child is removed from the home of a dependency
27 guardian or long-term relative or foster care provider, and the child
28 is not returned to the home of the parent, guardian, or legal
29 custodian but is placed in out-of-home care, a permanency planning
30 hearing shall take place no later than twelve months, as provided in
31 this section, following the date of removal unless, prior to the
32 hearing, the child returns to the home of the dependency guardian or
33 long-term care provider, the child is placed in the home of the
34 parent, guardian, or legal custodian, an adoption decree,
35 guardianship order, or a permanent custody order is entered, or the
36 dependency is dismissed. Every effort shall be made to provide
37 stability in long-term placement, and to avoid disruption of
38 placement, unless the child is being returned home or it is in the
39 best interest of the child.

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

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

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

18 (4) At the permanency planning hearing, the court shall conduct
19 the following inquiry:

20 (a) If a goal of long-term foster or relative care has been
21 achieved prior to the permanency planning hearing, the court shall
22 review the child's status to determine whether the placement and the
23 plan for the child's care remain appropriate. The court shall find,
24 as of the date of the hearing, that the child's placement and plan of
25 care is the best permanency plan for the child and provide compelling
26 reasons why it continues to not be in the child's best interest to
27 (i) return home; (ii) be placed for adoption; (iii) be placed with a
28 legal guardian; or (iv) be placed with a fit and willing relative. If
29 the child is present at the hearing, the court should ask the child
30 about his or her desired permanency outcome.

31 (b) In cases where the primary permanency planning goal has not
32 been achieved, the court shall inquire regarding the reasons why the
33 primary goal has not been achieved and determine what needs to be
34 done to make it possible to achieve the primary goal. The court shall
35 review the permanency plan prepared by the agency and make explicit
36 findings regarding each of the following:

37 (i) The continuing necessity for, and the safety and
38 appropriateness of, the placement;

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

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

8 (iv) The progress toward eliminating the causes for the child's
9 placement outside of his or her home and toward returning the child
10 safely to his or her home or obtaining a permanent placement for the
11 child;

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

15 (vi) If the child has been placed outside of his or her home for
16 fifteen of the most recent twenty-two months, not including any
17 period during which the child was a runaway from the out-of-home
18 placement or the first six months of any period during which the
19 child was returned to his or her home for a trial home visit, the
20 appropriateness of the permanency plan, whether reasonable efforts
21 were made by the department ((~~or supervising agency~~)) to achieve the
22 goal of the permanency plan, and the circumstances which prevent the
23 child from any of the following:

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

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

27 (C) Being placed for adoption;

28 (D) Being placed with a guardian;

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

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

33 (5) Following this inquiry, at the permanency planning hearing,
34 the court shall order the department ((~~or supervising agency~~)) to
35 file a petition seeking termination of parental rights if the child
36 has been in out-of-home care for fifteen of the last twenty-two
37 months since the date the dependency petition was filed unless the
38 court makes a good cause exception as to why the filing of a
39 termination of parental rights petition is not appropriate. Any good

1 cause finding shall be reviewed at all subsequent hearings pertaining
2 to the child.

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

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

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

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

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

18 (v) Where a parent has been accepted into a dependency treatment
19 court program or long-term substance abuse or dual diagnoses
20 treatment program and is demonstrating compliance with treatment
21 goals; or

22 (vi) Where a parent who has been court ordered to complete
23 services necessary for the child's safe return home files a
24 declaration under penalty of perjury stating the parent's financial
25 inability to pay for the same court-ordered services, and also
26 declares the department was unwilling or unable to pay for the same
27 services necessary for the child's safe return home.

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

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

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

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

1 (iv) Information provided by individuals or agencies in a
2 reasonable position to assist the court in making this assessment,
3 including but not limited to the parent's attorney, correctional and
4 mental health personnel, or other individuals providing services to
5 the parent;

6 (v) Limitations in the parent's access to family support
7 programs, therapeutic services, and visiting opportunities,
8 restrictions to telephone and mail services, inability to participate
9 in foster care planning meetings, and difficulty accessing lawyers
10 and participating meaningfully in court proceedings; and

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

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

18 (6)(a) If the permanency plan identifies independent living as a
19 goal, the court at the permanency planning hearing shall make a
20 finding that the provision of services to assist the child in making
21 a transition from foster care to independent living will allow the
22 child to manage his or her financial, personal, social, educational,
23 and nonfinancial affairs prior to approving independent living as a
24 permanency plan of care. The court will inquire whether the child has
25 been provided information about extended foster care services.

26 (b) The permanency plan shall also specifically identify the
27 services, including extended foster care services, where appropriate,
28 that will be provided to assist the child to make a successful
29 transition from foster care to independent living.

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

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

37 (a) Enter a finding regarding whether the foster parent or
38 relative was informed of the hearing as required in RCW 74.13.280,
39 13.34.215(6), and 13.34.096; and

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

5 (8) In all cases, at the permanency planning hearing, the court
6 shall:

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

9 (ii) Modify the permanency plan, and order implementation of the
10 modified plan; and

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

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

17 (9) Following the first permanency planning hearing, the court
18 shall hold a further permanency planning hearing in accordance with
19 this section at least once every twelve months until a permanency
20 planning goal is achieved or the dependency is dismissed, whichever
21 occurs first.

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

25 (11) If the court orders the child returned home, casework
26 supervision by the department (~~(or supervising agency)~~) shall
27 continue for at least six months, at which time a review hearing
28 shall be held pursuant to RCW 13.34.138, and the court shall
29 determine the need for continued intervention.

30 (12) The juvenile court may hear a petition for permanent legal
31 custody when: (a) The court has ordered implementation of a
32 permanency plan that includes permanent legal custody; and (b) the
33 party pursuing the permanent legal custody is the party identified in
34 the permanency plan as the prospective legal custodian. During the
35 pendency of such proceeding, the court shall conduct review hearings
36 and further permanency planning hearings as provided in this chapter.
37 At the conclusion of the legal guardianship or permanent legal
38 custody proceeding, a juvenile court hearing shall be held for the
39 purpose of determining whether dependency should be dismissed. If a

1 guardianship or permanent custody order has been entered, the
2 dependency shall be dismissed.

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

7 (14) Nothing in this chapter may be construed to limit the
8 ability of the agency that has custody of the child to file a
9 petition for termination of parental rights or a guardianship
10 petition at any time following the establishment of dependency. Upon
11 the filing of such a petition, a fact-finding hearing shall be
12 scheduled and held in accordance with this chapter unless the
13 department (~~(or supervising agency)~~) requests dismissal of the
14 petition prior to the hearing or unless the parties enter an agreed
15 order terminating parental rights, establishing guardianship, or
16 otherwise resolving the matter.

17 (15) The approval of a permanency plan that does not contemplate
18 return of the child to the parent does not relieve the (~~(supervising~~
19 ~~agency)~~) department of its obligation to provide reasonable services,
20 under this chapter, intended to effectuate the return of the child to
21 the parent, including but not limited to, visitation rights. The
22 court shall consider the child's relationships with siblings in
23 accordance with RCW 13.34.130.

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

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

29 (1) The court hearing the dependency petition may hear and
30 determine issues related to chapter 26.10 RCW in a dependency
31 proceeding as necessary to facilitate a permanency plan for the child
32 or children as part of the dependency disposition order or a
33 dependency review order or as otherwise necessary to implement a
34 permanency plan of care for a child. The parents, guardians, or legal
35 custodian of the child must agree, subject to court approval, to
36 establish a permanent custody order. This agreed order may have the
37 concurrence of the other parties to the dependency (~~(including the~~
38 ~~supervising agency)~~), the guardian ad litem of the child, and the
39 child if age twelve or older, and must also be in the best interests

1 of the child. If the petitioner for a custody order under chapter
2 26.10 RCW is not a party to the dependency proceeding, he or she must
3 agree on the record or by the filing of a declaration to the entry of
4 a custody order. Once an order is entered under chapter 26.10 RCW,
5 and the dependency petition dismissed, the department (~~or~~
6 ~~supervising agency~~) shall not continue to supervise the placement.

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

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

16 (c) Unless the whereabouts of one of the parents is unknown to
17 either the department or the court, the parents must agree, subject
18 to court approval, to establish the parenting plan or modify an
19 existing parenting plan.

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

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

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

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

32 (f) The dependency court may interview the child in chambers to
33 ascertain the child's wishes as to the child's residential schedule
34 in a proceeding for the entry or modification of a parenting plan
35 under this section. The court may permit counsel to be present at the
36 interview. The court shall cause a record of the interview to be made
37 and to become part of the court record of the dependency case and the
38 case under chapters 26.09 or 26.26 RCW.

39 (g) In the absence of agreement by a parent, guardian, or legal
40 custodian of the child to allow the juvenile court to hear and

1 determine issues related to the establishment or modification of a
2 parenting plan under chapters 26.09 or 26.26 RCW, a party may move
3 the court to transfer such issues to the family law department of the
4 superior court for further resolution. The court may only grant the
5 motion upon entry of a written finding that it is in the best
6 interests of the child.

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

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

15 (4) Any order entered in the dependency court establishing or
16 modifying a permanent legal custody order or, parenting plan, or
17 residential schedule under chapters 26.09, 26.10, and 26.26 RCW shall
18 also be filed in the chapters 26.09, 26.10, and 26.26 RCW action by
19 the moving or prevailing party. If the petitioning or moving party
20 has been found indigent and appointed counsel at public expense in
21 the dependency proceeding, no filing fees shall be imposed by the
22 clerk. Once filed, any order, parenting plan, or residential schedule
23 establishing or modifying permanent legal custody of a child shall
24 survive dismissal of the dependency proceeding.

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

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

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

- 35 (a) Type of treatment;
- 36 (b) Nature of treatment;
- 37 (c) Length of treatment;
- 38 (d) A treatment time schedule; and
- 39 (e) Approximate cost of the treatment.

1 The affected person shall be included in developing the
2 appropriate treatment plan. The treatment plan must be signed by the
3 treatment provider and the affected person. The initial written
4 progress report based on the treatment plan shall be sent to the
5 appropriate persons six weeks after initiation of treatment.
6 Subsequent progress reports shall be provided after three months, six
7 months, twelve months, and thereafter every six months if treatment
8 exceeds twelve months. Reports are to be filed with the court in a
9 timely manner. Close-out of the treatment record must include summary
10 of pretreatment and posttreatment, with final outcome and
11 disposition. The report shall also include recommendations for
12 ongoing stability and decrease in destructive behavior.

13 Each report shall also be filed with the court and a copy given
14 to the person evaluated and the person's counsel. A copy of the
15 treatment plan shall also be given to the department's (~~or~~
16 ~~supervising agency's~~) caseworker and to the guardian ad litem. Any
17 program for chemical dependency shall meet the program requirements
18 contained in chapter 70.96A RCW.

19 (3) If the court has ordered treatment pursuant to a dependency
20 proceeding it shall also require the treatment program to provide, in
21 the reports required by subsection (2) of this section, status
22 reports to the court, the department, (~~the supervising agency,~~) and
23 the person or person's counsel regarding the person's cooperation
24 with the treatment plan proposed and the person's progress in
25 treatment.

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

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

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

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

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

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

18 (1) A petition seeking termination of a parent and child
19 relationship may be filed in juvenile court by any party(~~, including~~
20 ~~the supervising agency,~~) to the dependency proceedings concerning
21 that child. Such petition shall conform to the requirements of RCW
22 13.34.040, shall be served upon the parties as provided in RCW
23 13.34.070(8), and shall allege all of the following unless subsection
24 (3) or (4) of this section applies:

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

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

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

31 (d) That the services ordered under RCW 13.34.136 have been
32 expressly and understandably offered or provided and all necessary
33 services, reasonably available, capable of correcting the parental
34 deficiencies within the foreseeable future have been expressly and
35 understandably offered or provided;

36 (e) That there is little likelihood that conditions will be
37 remedied so that the child can be returned to the parent in the near
38 future. A parent's failure to substantially improve parental
39 deficiencies within twelve months following entry of the

1 dispositional order shall give rise to a rebuttable presumption that
2 there is little likelihood that conditions will be remedied so that
3 the child can be returned to the parent in the near future. The
4 presumption shall not arise unless the petitioner makes a showing
5 that all necessary services reasonably capable of correcting the
6 parental deficiencies within the foreseeable future have been clearly
7 offered or provided. In determining whether the conditions will be
8 remedied the court may consider, but is not limited to, the following
9 factors:

10 (i) Use of intoxicating or controlled substances so as to render
11 the parent incapable of providing proper care for the child for
12 extended periods of time or for periods of time that present a risk
13 of imminent harm to the child, and documented unwillingness of the
14 parent to receive and complete treatment or documented multiple
15 failed treatment attempts;

16 (ii) Psychological incapacity or mental deficiency of the parent
17 that is so severe and chronic as to render the parent incapable of
18 providing proper care for the child for extended periods of time or
19 for periods of time that present a risk of imminent harm to the
20 child, and documented unwillingness of the parent to receive and
21 complete treatment or documentation that there is no treatment that
22 can render the parent capable of providing proper care for the child
23 in the near future; or

24 (iii) Failure of the parent to have contact with the child for an
25 extended period of time after the filing of the dependency petition
26 if the parent was provided an opportunity to have a relationship with
27 the child by the department or the court and received documented
28 notice of the potential consequences of this failure, except that the
29 actual inability of a parent to have visitation with the child
30 including, but not limited to, mitigating circumstances such as a
31 parent's current or prior incarceration or service in the military
32 does not in and of itself constitute failure to have contact with the
33 child; and

34 (f) That continuation of the parent and child relationship
35 clearly diminishes the child's prospects for early integration into a
36 stable and permanent home. If the parent is incarcerated, the court
37 shall consider whether a parent maintains a meaningful role in his or
38 her child's life based on factors identified in RCW 13.34.145(5)(b);
39 whether the department (~~or supervising agency~~) made reasonable
40 efforts as defined in this chapter; and whether particular barriers

1 existed as described in RCW 13.34.145(5)(b) including, but not
2 limited to, delays or barriers experienced in keeping the agency
3 apprised of his or her location and in accessing visitation or other
4 meaningful contact with the child.

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

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

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

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

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

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

28 (d) Assault in the first or second degree, as defined in chapter
29 9A.36 RCW, against the surviving child or another child of the
30 parent.

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

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

"NOTICE

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

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

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

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

You should be present at this hearing.

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

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

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

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

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

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

1 (d) That the services ordered under RCW 13.34.136 have been
2 expressly and understandably offered or provided and all necessary
3 services, reasonably available, capable of correcting the parental
4 deficiencies within the foreseeable future have been expressly and
5 understandably offered or provided;

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

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

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

33 (iii) Failure of the parent to have contact with the child for an
34 extended period of time after the filing of the dependency petition
35 if the parent was provided an opportunity to have a relationship with
36 the child by the department or the court and received documented
37 notice of the potential consequences of this failure, except that the
38 actual inability of a parent to have visitation with the child
39 including, but not limited to, mitigating circumstances such as a
40 parent's current or prior incarceration or service in the military

1 does not in and of itself constitute failure to have contact with the
2 child; and

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

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

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

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

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

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

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

37 (d) Assault in the first or second degree, as defined in chapter
38 9A.36 RCW, against the surviving child or another child of the
39 parent.

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

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

11 "NOTICE

12 A petition for termination of parental rights has been filed
13 against you. You have important legal rights and you must
14 take steps to protect your interests. This petition could
15 result in permanent loss of your parental rights.

16 1. You have the right to a fact-finding hearing before a
17 judge.

18 2. You have the right to have a lawyer represent you at
19 the hearing. A lawyer can look at the files in your case,
20 talk to the department of children, youth, and families or
21 ~~((the supervising agency and))~~ other agencies, tell you about
22 the law, help you understand your rights, and help you at
23 hearings. If you cannot afford a lawyer, the court will
24 appoint one to represent you. To get a court-appointed lawyer
25 you must contact: (explain local procedure) .

26 3. At the hearing, you have the right to speak on your
27 own behalf, to introduce evidence, to examine witnesses, and
28 to receive a decision based solely on the evidence presented
29 to the judge.

30 You should be present at this hearing.

31 You may call (insert agency) for more information
32 about your child. The agency's name and telephone number are
33 (insert name and telephone number) ."

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

36 If, upon entering an order terminating the parental rights of a
37 parent, there remains no parent having parental rights, the court
38 shall commit the child to the custody of the department ~~((or a~~

1 ~~supervising agency~~) willing to accept custody for the purpose of
2 placing the child for adoption. If an adoptive home has not been
3 identified, the department (~~or supervising agency~~) shall place the
4 child in a licensed foster home, or take other suitable measures for
5 the care and welfare of the child. The custodian shall have authority
6 to consent to the adoption of the child consistent with chapter 26.33
7 RCW, the marriage of the child, the enlistment of the child in the
8 armed forces of the United States, necessary surgical and other
9 medical treatment for the child, and to consent to such other matters
10 as might normally be required of the parent of the child.

11 If a child has not been adopted within six months after the date
12 of the order and a guardianship of the child under chapter 13.36 RCW
13 or chapter 11.88 RCW, or a permanent custody order under chapter
14 26.10 RCW, has not been entered by the court, the court shall review
15 the case every six months until a decree of adoption is entered. The
16 (~~supervising agency~~) department shall take reasonable steps to
17 ensure that the child maintains relationships with siblings as
18 provided in RCW 13.34.130(~~(+3)~~) (6) and shall report to the court
19 the status and extent of such relationships.

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

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

25 (a) The child was previously found to be a dependent child under
26 this chapter;

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

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

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

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

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

38 (2) If the child is eligible to petition the juvenile court under
39 subsection (1) of this section and a parent whose rights have been

1 previously terminated contacts the department (~~or supervising~~
2 ~~agency~~) or the child's guardian ad litem regarding reinstatement,
3 the department (~~or supervising agency~~) or the guardian ad litem
4 must notify the eligible child about his or her right to petition for
5 reinstatement of parental rights.

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

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

10 (5) If, after a threshold hearing to consider the parent's
11 apparent fitness and interest in reinstatement of parental rights,
12 the court finds by a preponderance of the evidence that the best
13 interests of the child may be served by reinstatement of parental
14 rights, the juvenile court shall order that a hearing on the merits
15 of the petition be held.

16 (6) The court shall give prior notice for any proceeding under
17 this section, or cause prior notice to be given, to the department
18 (~~or the supervising agency~~), the child's attorney, and the child.
19 The court shall also order the department (~~or supervising agency~~)
20 to give prior notice of any hearing to the child's former parent
21 whose parental rights are the subject of the petition, any parent
22 whose rights have not been terminated, the child's current foster
23 parent, relative caregiver, guardian or custodian, and the child's
24 tribe, if applicable.

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

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

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

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

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

1 (8) In determining whether the child has or has not achieved his
2 or her permanency plan or whether the child is likely to achieve his
3 or her permanency plan, the department (~~(or supervising agency)~~)
4 shall provide the court, and the court shall review, information
5 related to any efforts to achieve the permanency plan including
6 efforts to achieve adoption or a permanent guardianship.

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

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

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

22 (10) After the child has been placed with the parent for six
23 months, the court shall hold a hearing. If the placement with the
24 parent has been successful, the court shall enter a final order of
25 reinstatement of parental rights, which shall restore all rights,
26 powers, privileges, immunities, duties, and obligations of the parent
27 as to the child, including those relating to custody, control, and
28 support of the child. The court shall dismiss the dependency and
29 direct the clerk's office to provide a certified copy of the final
30 order of reinstatement of parental rights to the parent at no cost.

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

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

39 (13) A proceeding to reinstate parental rights is a separate
40 action from the termination of parental rights proceeding and does

1 not vacate the original termination of parental rights. An order
2 granted under this section reinstates the parental rights to the
3 child. This reinstatement is a recognition that the situation of the
4 parent and child have changed since the time of the termination of
5 parental rights and reunification is now appropriate.

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

9 (15) The state, the department, (~~(the supervising agency)~~) and
10 its employees are not liable for civil damages resulting from any act
11 or omission in the provision of services under this section, unless
12 the act or omission constitutes gross negligence. This section does
13 not create any duty and shall not be construed to create a duty where
14 none exists. This section does not create a cause of action against
15 the state, the department, (~~(the supervising agency)~~) or its
16 employees concerning the original termination.

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

19 (1) Any party may request the court under RCW 13.34.150 to modify
20 or terminate a dependency guardianship order. Notice of any motion to
21 modify or terminate the guardianship shall be served on all other
22 parties, including any agency that was responsible for supervising
23 the child's placement at the time the guardianship petition was
24 filed. Notice in all cases shall be served upon the department. If
25 the department (~~(or supervising agency)~~) was not previously a party
26 to the guardianship proceeding, the department (~~(or supervising
27 agency)~~) shall nevertheless have the right to: (a) Initiate a
28 proceeding to modify or terminate a guardianship; and (b) intervene
29 at any stage of such a proceeding.

30 (2) The guardianship may be modified or terminated upon the
31 motion of any party, or the department(~~(, or the supervising agency)~~)
32 if the court finds by a preponderance of the evidence that there has
33 been a substantial change of circumstances subsequent to the
34 establishment of the guardianship and that it is in the child's best
35 interest to modify or terminate the guardianship. The court shall
36 hold a hearing on the motion before modifying or terminating a
37 guardianship.

38 (3) Upon entry of an order terminating the guardianship, the
39 dependency guardian shall not have any rights or responsibilities

1 with respect to the child and shall not have legal standing to
2 participate as a party in further dependency proceedings pertaining
3 to the child. The court may allow the child's dependency guardian to
4 attend dependency review proceedings pertaining to the child for the
5 sole purpose of providing information about the child to the court.

6 (4) Upon entry of an order terminating the guardianship, the
7 child shall remain dependent and the court shall either return the
8 child to the child's parent or order the child into the custody,
9 control, and care of the department (~~(or a supervising agency)~~) for
10 placement in a foster home or group care facility licensed pursuant
11 to chapter 74.15 RCW or in a home not required to be licensed
12 pursuant to such chapter. The court shall not place a child in the
13 custody of the child's parent unless the court finds that reasons for
14 removal as set forth in RCW 13.34.130 no longer exist and that such
15 placement is in the child's best interest. The court shall thereafter
16 conduct reviews as provided in RCW 13.34.138 and, where applicable,
17 shall hold a permanency planning hearing in accordance with RCW
18 13.34.145.

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

21 (1) Where any parent or Indian custodian voluntarily consents to
22 foster care placement of an Indian child and a petition for
23 dependency has not been filed regarding the child, such consent shall
24 not be valid unless executed in writing before the court and filed
25 with the court. The consent shall be accompanied by the written
26 certification of the court that the terms and consequences of the
27 consent were fully explained in detail to the parent or Indian
28 custodian during the court proceeding and were fully understood by
29 the parent or Indian custodian. The court shall also certify in
30 writing either that the parent or Indian custodian fully understood
31 the explanation in English or that it was interpreted into a language
32 that the parent or Indian custodian understood. Any consent given
33 prior to, or within ten days after, the birth of the Indian child
34 shall not be valid.

35 (2) To obtain court validation of a voluntary consent to foster
36 care placement, any person may file a petition for validation
37 alleging that there is located or residing within the county an
38 Indian child whose parent or Indian custodian wishes to voluntarily
39 consent to foster care placement of the child and requesting that the

1 court validate the consent as provided in this section. The petition
2 shall contain the name, date of birth, and residence of the child,
3 the names and residences of the consenting parent or Indian
4 custodian, and the name and location of the Indian tribe in which the
5 child is a member or eligible for membership. The petition shall
6 state whether the placement preferences of 25 U.S.C. Sec. 1915 (b) or
7 (c) will be followed. Reasonable attempts shall be made by the
8 petitioner to ascertain and set forth in the petition the identity,
9 location, and custodial status of any parent or Indian custodian who
10 has not consented to foster care placement and why that parent or
11 Indian custodian cannot assume custody of the child.

12 (3) Upon filing of the petition for validation, the clerk of the
13 court shall schedule the petition for a hearing on the court
14 validation of the voluntary consent no later than forty-eight hours
15 after the petition has been filed, excluding Saturdays, Sundays, and
16 holidays. Notification of time, date, location, and purpose of the
17 validation hearing shall be provided as soon as possible to the
18 consenting parent or Indian custodian, the department (~~or~~
19 ~~supervising agency~~) which is to assume responsibility for the
20 child's placement and care pursuant to the consent to foster care
21 placement, and the Indian tribe in which the child is enrolled or
22 eligible for enrollment as a member. If the identity and location of
23 any nonconsenting parent or Indian custodian is known, reasonable
24 attempts shall be made to notify the parent or Indian custodian of
25 the consent to placement and the validation hearing. Notification
26 under this subsection may be given by the most expedient means,
27 including, but not limited to, mail, personal service, telephone, and
28 telegraph.

29 (4) Any parent or Indian custodian may withdraw consent to a
30 voluntary foster care placement, made under this section, at any
31 time. Unless the Indian child has been taken in custody pursuant to
32 RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW
33 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the
34 Indian child shall be returned to the parent or Indian custodian upon
35 withdrawal of consent to foster care placement of the child.

36 (5) Upon termination of the voluntary foster care placement and
37 return of the child to the parent or Indian custodian, the department
38 (~~or supervising agency~~) which had assumed responsibility for the
39 child's placement and care pursuant to the consent to foster care
40 placement shall file with the court written notification of the

1 child's return and shall also send such notification to the Indian
2 tribe in which the child is enrolled or eligible for enrollment as a
3 member and to any other party to the validation proceeding including
4 any noncustodial parent.

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

7 The department (~~((or supervising agency))~~) shall obtain the prior
8 consent of a child's parent, legal guardian, or legal custodian
9 before a dependent child is admitted into an inpatient mental health
10 treatment facility. If the child's parent, legal guardian, or legal
11 custodian is unavailable or does not agree with the proposed
12 admission, the department (~~((or supervising agency))~~) shall request a
13 hearing and provide notice to all interested parties to seek prior
14 approval of the juvenile court before such admission. In the event
15 that an emergent situation creating a risk of substantial harm to the
16 health and welfare of a child in the custody of the department (~~((or
17 supervising agency))~~) does not allow time for the department (~~((or
18 supervising agency))~~) to obtain prior approval or to request a court
19 hearing before consenting to the admission of the child into an
20 inpatient mental health hospital, the department (~~((or supervising
21 agency))~~) shall seek court approval by requesting that a hearing be
22 set on the first available court date.

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

25 A dependent child who is admitted to an inpatient mental health
26 facility shall be placed in a facility, with available treatment
27 space, that is closest to the family home, unless the department (~~((or
28 supervising agency))~~), in consultation with the admitting authority
29 finds that admission in the facility closest to the child's home
30 would jeopardize the health or safety of the child.

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

33 For minors who cannot consent to the release of their records
34 with the department (~~((or supervising agency))~~) because they are not
35 old enough to consent to treatment, or, if old enough, lack the
36 capacity to consent, or if the minor is receiving treatment
37 involuntarily with a provider the department (~~((or supervising~~

1 agency)) has authorized to provide mental health treatment under RCW
2 13.34.320, the department ((~~or supervising agency~~)) shall disclose,
3 upon the treating physician's request, all relevant records,
4 including the minor's passport as established under RCW 74.13.285, in
5 the department's ((~~or supervising agency's~~)) possession that the
6 treating physician determines contain information required for
7 treatment of the minor. The treating physician shall maintain all
8 records received from the department ((~~or supervising agency~~)) in a
9 manner that distinguishes the records from any other records in the
10 minor's file with the treating physician and the department ((~~or~~
11 ~~supervising agency~~)) records may not be disclosed by the treating
12 physician to any other person or entity absent a court order except
13 that, for medical purposes only, a treating physician may disclose
14 the department ((~~or supervising agency~~)) records to another treating
15 physician.

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

18 The court may order expert evaluations of parties to obtain
19 information regarding visitation issues or other issues in a case.
20 These evaluations shall be performed by appointed evaluators who are
21 mutually agreed upon by the court, ((~~the supervising agency,~~)) the
22 department, and the parents' counsel, and, if the child is to be
23 evaluated, by the representative for the child. If no agreement can
24 be reached, the court shall select the expert evaluator.

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

27 The department shall develop consistent policies and protocols,
28 based on current relevant research, concerning visitation for
29 dependent children to be implemented consistently throughout the
30 state. The department shall develop the policies and protocols in
31 consultation with researchers in the field, community-based agencies,
32 court-appointed special advocates, parents' representatives, and
33 court representatives. The policies and protocols shall include, but
34 not be limited to: The structure and quality of visitations;
35 consultation with the assigned law enforcement officer in the event
36 the parent or sibling of the child is identified as a suspect in an
37 active criminal investigation for a violent crime that, if the
38 allegations are true, would impact the safety of the child; and

1 training for department ((and supervising agency)) caseworkers,
2 visitation supervisors, and foster parents related to visitation.

3 The policies and protocols shall be consistent with the
4 provisions of this chapter and implementation of the policies and
5 protocols shall be consistent with relevant orders of the court.

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

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

10 (a) The child has been found to be a dependent child under this
11 chapter;

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

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

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

19 (2) The court shall give prior notice for any proceeding under
20 this section, or cause prior notice to be given, to the department,
21 other public agency, or ((supervising)) agency having custody of the
22 child, the child's attorney or guardian ad litem if applicable, and
23 the child. The court shall also order the custodial agency to give
24 prior notice of any hearing to the child's current foster parent,
25 relative caregiver, guardian or custodian, and the child's tribe, if
26 applicable.

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

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

36 (b) The length and quality of the prior relationship between the
37 child and the relative;

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

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

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

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

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

12 (5) The granting of the petition under this section does not
13 grant the relative the right to participate in the dependency action
14 and does not grant any rights to the relative not otherwise specified
15 in the visitation order.

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

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

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

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

27 In any proceeding under this chapter, if the department ((~~or~~
28 ~~supervising agency~~)) submits a report to the court in which the
29 department is recommending a new placement or a change in placement,
30 the department ((~~or supervising agency~~)) shall include the documents
31 relevant to persons in the home in which a child will be placed and
32 listed in subsections (1) through (5) of this section to the report.
33 The department ((~~or supervising agency~~)) shall include only these
34 relevant documents and shall not attach the entire history of the
35 subject of the report.

36 (1) If the report contains a recommendation, opinion, or
37 assertion by the department ((~~or supervising agency~~)) relating to
38 substance abuse treatment, mental health treatment, anger management
39 classes, or domestic violence classes, the department ((~~or~~

1 ~~supervising agency~~) shall attach the document upon which the
2 recommendation, opinion, or assertion was based. The documentation
3 may include the progress report or evaluation submitted by the
4 provider, but may not include the entire history with the provider.

5 (2) If the report contains a recommendation, opinion, or
6 assertion by the department or (~~supervising~~) agency relating to
7 visitation with a child, the department (~~or supervising agency~~)
8 shall attach the document upon which the recommendation, opinion, or
9 assertion was based. The documentation may include the most recent
10 visitation report, a visitation report referencing a specific
11 incident alleged in the report, or summary of the visitation prepared
12 by the person who supervised the visitation. The documentation
13 attached to the report shall not include the entire visitation
14 history.

15 (3) If the report contains a recommendation, opinion, or
16 assertion by the department (~~or supervising agency~~) relating to the
17 psychological status of a person, the department (~~or supervising~~
18 ~~agency~~) shall attach the document upon which the recommendation,
19 opinion, or assertion was based. The documentation may include the
20 progress report, evaluation, or summary submitted by the provider,
21 but shall not include the entire history of the person.

22 (4) If the report contains a recommendation, opinion, or
23 assertion by the department (~~or supervising agency~~) relating to
24 injuries to a child, the department (~~or supervising agency~~) shall
25 attach a summary of the physician's report, prepared by the physician
26 or the physician's designee, relating to the recommendation, opinion,
27 or assertion by the department.

28 (5) If the report contains a recommendation, opinion, or
29 assertion by the department (~~or supervising agency~~) relating to a
30 home study, licensing action, or background check information, the
31 department (~~or supervising agency~~) shall attach the document or
32 documents upon which that recommendation, opinion, or assertion is
33 based.

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

36 The definitions in this section apply throughout this chapter
37 unless the context clearly requires otherwise.

38 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
39 or injury of a child by any person under circumstances which cause

1 harm to the child's health, welfare, or safety, excluding conduct
2 permitted under RCW 9A.16.100; or the negligent treatment or
3 maltreatment of a child by a person responsible for or providing care
4 to the child. An abused child is a child who has been subjected to
5 child abuse or neglect as defined in this section.

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

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

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

25 (5) "Children's advocacy center" means a child-focused facility
26 in good standing with the state chapter for children's advocacy
27 centers and that coordinates a multidisciplinary process for the
28 investigation, prosecution, and treatment of sexual and other types
29 of child abuse. Children's advocacy centers provide a location for
30 forensic interviews and coordinate access to services such as, but
31 not limited to, medical evaluations, advocacy, therapy, and case
32 review by multidisciplinary teams within the context of county
33 protocols as defined in RCW 26.44.180 and 26.44.185.

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

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

1 (8) "Department" means the state department of social and health
2 services.

3 (9) "Family assessment" means a comprehensive assessment of child
4 safety, risk of subsequent child abuse or neglect, and family
5 strengths and needs that is applied to a child abuse or neglect
6 report. Family assessment does not include a determination as to
7 whether child abuse or neglect occurred, but does determine the need
8 for services to address the safety of the child and the risk of
9 subsequent maltreatment.

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

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

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

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

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

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

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

15 (17) "Pharmacist" means any registered pharmacist under chapter
16 18.64 RCW, whether acting in an individual capacity or as an employee
17 or agent of any public or private organization or institution.

18 (18) "Practitioner of the healing arts" or "practitioner" means a
19 person licensed by this state to practice podiatric medicine and
20 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
21 medicine and surgery, or medicine and surgery or to provide other
22 health services. The term "practitioner" includes a duly accredited
23 Christian Science practitioner. A person who is being furnished
24 Christian Science treatment by a duly accredited Christian Science
25 practitioner will not be considered, for that reason alone, a
26 neglected person for the purposes of this chapter.

27 (19) "Professional school personnel" include, but are not limited
28 to, teachers, counselors, administrators, child care facility
29 personnel, and school nurses.

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

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

38 (22) "Sexual exploitation" includes: (a) Allowing, permitting, or
39 encouraging a child to engage in prostitution by any person; or (b)
40 allowing, permitting, encouraging, or engaging in the obscene or

1 pornographic photographing, filming, or depicting of a child by any
2 person.

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

5 (24) "Social service counselor" means anyone engaged in a
6 professional capacity during the regular course of employment in
7 encouraging or promoting the health, welfare, support, or education
8 of children, or providing social services to adults or families,
9 including mental health, drug and alcohol treatment, and domestic
10 violence programs, whether in an individual capacity, or as an
11 employee or agent of any public or private organization or
12 institution.

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

17 ~~(+26+))~~ "Unfounded" means the determination following an
18 investigation by the department that available information indicates
19 that, more likely than not, child abuse or neglect did not occur, or
20 that there is insufficient evidence for the department to determine
21 whether the alleged child abuse did or did not occur.

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

24 The definitions in this section apply throughout this chapter
25 unless the context clearly requires otherwise.

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

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

35 (3) "Child protective services" means those services provided by
36 the department designed to protect children from child abuse and
37 neglect and safeguard such children from future abuse and neglect,
38 and conduct investigations of child abuse and neglect reports.
39 Investigations may be conducted regardless of the location of the

1 alleged abuse or neglect. Child protective services includes referral
2 to services to ameliorate conditions that endanger the welfare of
3 children, the coordination of necessary programs and services
4 relevant to the prevention, intervention, and treatment of child
5 abuse and neglect, and services to children to ensure that each child
6 has a permanent home. In determining whether protective services
7 should be provided, the department shall not decline to provide such
8 services solely because of the child's unwillingness or developmental
9 inability to describe the nature and severity of the abuse or
10 neglect.

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

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

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

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

28 (8) "Department" means the department of children, youth, and
29 families.

30 (9) "Family assessment" means a comprehensive assessment of child
31 safety, risk of subsequent child abuse or neglect, and family
32 strengths and needs that is applied to a child abuse or neglect
33 report. Family assessment does not include a determination as to
34 whether child abuse or neglect occurred, but does determine the need
35 for services to address the safety of the child and the risk of
36 subsequent maltreatment.

37 (10) "Family assessment response" means a way of responding to
38 certain reports of child abuse or neglect made under this chapter
39 using a differential response approach to child protective services.
40 The family assessment response shall focus on the safety of the

1 child, the integrity and preservation of the family, and shall assess
2 the status of the child and the family in terms of risk of abuse and
3 neglect including the parent's or guardian's or other caretaker's
4 capacity and willingness to protect the child and, if necessary, plan
5 and arrange the provision of services to reduce the risk and
6 otherwise support the family. No one is named as a perpetrator, and
7 no investigative finding is entered in the record as a result of a
8 family assessment.

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

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

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

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

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

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

1 than the child does not constitute negligent treatment or
2 maltreatment in and of itself.

3 (17) "Pharmacist" means any registered pharmacist under chapter
4 18.64 RCW, whether acting in an individual capacity or as an employee
5 or agent of any public or private organization or institution.

6 (18) "Practitioner of the healing arts" or "practitioner" means a
7 person licensed by this state to practice podiatric medicine and
8 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
9 medicine and surgery, or medicine and surgery or to provide other
10 health services. The term "practitioner" includes a duly accredited
11 Christian Science practitioner. A person who is being furnished
12 Christian Science treatment by a duly accredited Christian Science
13 practitioner will not be considered, for that reason alone, a
14 neglected person for the purposes of this chapter.

15 (19) "Professional school personnel" include, but are not limited
16 to, teachers, counselors, administrators, child care facility
17 personnel, and school nurses.

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

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

26 (22) "Sexual exploitation" includes: (a) Allowing, permitting, or
27 encouraging a child to engage in prostitution by any person; or (b)
28 allowing, permitting, encouraging, or engaging in the obscene or
29 pornographic photographing, filming, or depicting of a child by any
30 person.

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

33 (24) "Social service counselor" means anyone engaged in a
34 professional capacity during the regular course of employment in
35 encouraging or promoting the health, welfare, support, or education
36 of children, or providing social services to adults or families,
37 including mental health, drug and alcohol treatment, and domestic
38 violence programs, whether in an individual capacity, or as an
39 employee or agent of any public or private organization or
40 institution.

1 (~~25~~) (~~("Supervising agency" means an agency licensed by the state~~
2 ~~under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has~~
3 ~~entered into a performance based contract with the department to~~
4 ~~provide child welfare services.~~

5 (26)) "Unfounded" means the determination following an
6 investigation by the department that available information indicates
7 that, more likely than not, child abuse or neglect did not occur, or
8 that there is insufficient evidence for the department to determine
9 whether the alleged child abuse did or did not occur.

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

12 The purpose of this chapter is to safeguard, protect, and
13 contribute to the welfare of the children of the state, through a
14 comprehensive and coordinated program of child welfare services
15 provided by both the department and (~~(supervising)~~) agencies
16 providing for: Social services and facilities for children who
17 require guidance, care, control, protection, treatment, or
18 rehabilitation; setting of standards for social services and
19 facilities for children; cooperation with public and voluntary
20 agencies, organizations, and citizen groups in the development and
21 coordination of programs and activities in behalf of children; and
22 promotion of community conditions and resources that help parents to
23 discharge their responsibilities for the care, development, and well-
24 being of their children.

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

27 For purposes of this chapter:

28 (1) "Case management" means convening family meetings,
29 developing, revising, and monitoring implementation of any case plan
30 or individual service and safety plan, coordinating and monitoring
31 services needed by the child and family, caseworker-child visits,
32 family visits, and the assumption of court-related duties, excluding
33 legal representation, including preparing court reports, attending
34 judicial hearings and permanency hearings, and ensuring that the
35 child is progressing toward permanency within state and federal
36 mandates, including the Indian child welfare act.

37 (2) "Child" means:

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

1 (b) A person age eighteen to twenty-one years who is eligible to
2 receive the extended foster care services authorized under RCW
3 74.13.031.

4 (3) "Child protective services" has the same meaning as in RCW
5 26.44.020.

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

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

13 (b) Protecting and caring for dependent, abused, or neglected
14 children;

15 (c) Assisting children who are in conflict with their parents,
16 and assisting parents who are in conflict with their children, with
17 services designed to resolve such conflicts;

18 (d) Protecting and promoting the welfare of children, including
19 the strengthening of their own homes where possible, or, where
20 needed;

21 (e) Providing adequate care of children away from their homes in
22 foster family homes or day care or other child care agencies or
23 facilities.

24 "Child welfare services" does not include child protection
25 services.

26 (5) (~~"Committee" means the child welfare transformation design~~
27 ~~committee.~~

28 ~~(6)~~) "Department" means the department of social and health
29 services.

30 ~~((7))~~ (6) "Extended foster care services" means residential and
31 other support services the department is authorized to provide to
32 foster children. These services include, but are not limited to,
33 placement in licensed, relative, or otherwise approved care, or
34 supervised independent living settings; assistance in meeting basic
35 needs; independent living services; medical assistance; and
36 counseling or treatment.

37 ~~((8))~~ (7) "Family assessment" means a comprehensive assessment
38 of child safety, risk of subsequent child abuse or neglect, and
39 family strengths and needs that is applied to a child abuse or
40 neglect report. Family assessment does not include a determination as

1 to whether child abuse or neglect occurred, but does determine the
2 need for services to address the safety of the child and the risk of
3 subsequent maltreatment.

4 ~~((9)) "Measurable effects" means a statistically significant~~
5 ~~change which occurs as a result of the service or services a~~
6 ~~supervising agency is assigned in a performance-based contract, in~~
7 ~~time periods established in the contract.~~

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

12 ~~((+11))~~ (9) "Nonminor dependent" means any individual age
13 eighteen to twenty-one years who is participating in extended foster
14 care services authorized under RCW 74.13.031.

15 ~~((+12))~~ (10) "Out-of-home care services" means services provided
16 after the shelter care hearing to or for children in out-of-home
17 care, as that term is defined in RCW 13.34.030, and their families,
18 including the recruitment, training, and management of foster
19 parents, the recruitment of adoptive families, and the facilitation
20 of the adoption process, family reunification, independent living,
21 emergency shelter, residential group care, and foster care, including
22 relative placement.

23 ~~((+13))~~ (11) "Performance-based contracting" means the
24 structuring of all aspects of the procurement of services around the
25 purpose of the work to be performed and the desired results with the
26 contract requirements set forth in clear, specific, and objective
27 terms with measurable outcomes. Contracts shall also include
28 provisions that link the performance of the contractor to the level
29 and timing of reimbursement.

30 ~~((+14))~~ (12) "Permanency services" means long-term services
31 provided to secure a child's safety, permanency, and well-being,
32 including foster care services, family reunification services,
33 adoption services, and preparation for independent living services.

34 ~~((+15))~~ (13) "Primary prevention services" means services which
35 are designed and delivered for the primary purpose of enhancing child
36 and family well-being and are shown, by analysis of outcomes, to
37 reduce the risk to the likelihood of the initial need for child
38 welfare services.

39 ~~((+16))~~ (14) "Supervised independent living" includes, but is
40 not limited to, apartment living, room and board arrangements,

1 college or university dormitories, and shared roommate settings.
2 Supervised independent living settings must be approved by the
3 children's administration or the court.

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

11 ~~(18))~~ (15) "Unsupervised" has the same meaning as in RCW
12 43.43.830.

13 ~~((19))~~ (16) "Voluntary placement agreement" means, for the
14 purposes of extended foster care services, a written voluntary
15 agreement between a nonminor dependent who agrees to submit to the
16 care and authority of the department for the purposes of
17 participating in the extended foster care program.

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

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) "Case management" means convening family meetings,
23 developing, revising, and monitoring implementation of any case plan
24 or individual service and safety plan, coordinating and monitoring
25 services needed by the child and family, caseworker-child visits,
26 family visits, and the assumption of court-related duties, excluding
27 legal representation, including preparing court reports, attending
28 judicial hearings and permanency hearings, and ensuring that the
29 child is progressing toward permanency within state and federal
30 mandates, including the Indian child welfare act.

31 (2) "Child" means:

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

33 (b) A person age eighteen to twenty-one years who is eligible to
34 receive the extended foster care services authorized under RCW
35 74.13.031.

36 (3) "Child protective services" has the same meaning as in RCW
37 26.44.020.

38 (4) "Child welfare services" means social services including
39 voluntary and in-home services, out-of-home care, case management,

1 and adoption services which strengthen, supplement, or substitute
2 for, parental care and supervision for the purpose of:

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

6 (b) Protecting and caring for dependent, abused, or neglected
7 children;

8 (c) Assisting children who are in conflict with their parents,
9 and assisting parents who are in conflict with their children, with
10 services designed to resolve such conflicts;

11 (d) Protecting and promoting the welfare of children, including
12 the strengthening of their own homes where possible, or, where
13 needed;

14 (e) Providing adequate care of children away from their homes in
15 foster family homes or day care or other child care agencies or
16 facilities.

17 "Child welfare services" does not include child protection
18 services.

19 ~~(5) ("Committee" means the child welfare transformation design
20 committee.~~

21 ~~(6))~~ "Department" means the department of children, youth, and
22 families.

23 ~~((7))~~ (6) "Extended foster care services" means residential and
24 other support services the department is authorized to provide to
25 foster children. These services include, but are not limited to,
26 placement in licensed, relative, or otherwise approved care, or
27 supervised independent living settings; assistance in meeting basic
28 needs; independent living services; medical assistance; and
29 counseling or treatment.

30 ~~((8))~~ (7) "Family assessment" means a comprehensive assessment
31 of child safety, risk of subsequent child abuse or neglect, and
32 family strengths and needs that is applied to a child abuse or
33 neglect report. Family assessment does not include a determination as
34 to whether child abuse or neglect occurred, but does determine the
35 need for services to address the safety of the child and the risk of
36 subsequent maltreatment.

37 ~~((9) "Measurable effects" means a statistically significant
38 change which occurs as a result of the service or services a
39 supervising agency is assigned in a performance-based contract, in
40 time periods established in the contract.~~

1 ~~(10))~~ (8) "Medical condition" means, for the purposes of
2 qualifying for extended foster care services, a physical or mental
3 health condition as documented by any licensed health care provider
4 regulated by a disciplining authority under RCW 18.130.040.

5 ~~((11))~~ (9) "Nonminor dependent" means any individual age
6 eighteen to twenty-one years who is participating in extended foster
7 care services authorized under RCW 74.13.031.

8 ~~((12))~~ (10) "Out-of-home care services" means services provided
9 after the shelter care hearing to or for children in out-of-home
10 care, as that term is defined in RCW 13.34.030, and their families,
11 including the recruitment, training, and management of foster
12 parents, the recruitment of adoptive families, and the facilitation
13 of the adoption process, family reunification, independent living,
14 emergency shelter, residential group care, and foster care, including
15 relative placement.

16 ~~((13))~~ (11) "Performance-based contracting" means the
17 structuring of all aspects of the procurement of services around the
18 purpose of the work to be performed and the desired results with the
19 contract requirements set forth in clear, specific, and objective
20 terms with measurable outcomes. Contracts shall also include
21 provisions that link the performance of the contractor to the level
22 and timing of reimbursement.

23 ~~((14))~~ (12) "Permanency services" means long-term services
24 provided to secure a child's safety, permanency, and well-being,
25 including foster care services, family reunification services,
26 adoption services, and preparation for independent living services.

27 ~~((15))~~ (13) "Primary prevention services" means services which
28 are designed and delivered for the primary purpose of enhancing child
29 and family well-being and are shown, by analysis of outcomes, to
30 reduce the risk to the likelihood of the initial need for child
31 welfare services.

32 ~~((16))~~ (14) "Secretary" means the secretary of the department.

33 ~~((17))~~ (15) "Supervised independent living" includes, but is
34 not limited to, apartment living, room and board arrangements,
35 college or university dormitories, and shared roommate settings.
36 Supervised independent living settings must be approved by the
37 children's administration or the court.

38 ~~((18))~~ ~~"Supervising agency" means an agency licensed by the state~~
39 ~~under RCW 74.15.090, or licensed by a federally recognized Indian~~
40 ~~tribe located in this state under RCW 74.15.190, that has entered~~

1 into a performance based contract with the department to provide case
2 management for the delivery and documentation of child welfare
3 services, as defined in this section. This definition is applicable
4 on or after December 30, 2015.

5 ~~(19))~~ (16) "Unsupervised" has the same meaning as in RCW
6 43.43.830.

7 ~~((20))~~ (17) "Voluntary placement agreement" means, for the
8 purposes of extended foster care services, a written voluntary
9 agreement between a nonminor dependent who agrees to submit to the
10 care and authority of the department for the purposes of
11 participating in the extended foster care program.

12 **Sec. 37.** RCW 74.13.031 and 2017 3rd sp.s. c 20 s 7 and 2017 c
13 265 s 2 are each reenacted and amended to read as follows:

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

18 (2) Within available resources, the department ~~((and supervising
19 agencies))~~ shall recruit an adequate number of prospective adoptive
20 and foster homes, both regular and specialized, i.e. homes for
21 children of ethnic minority, including Indian homes for Indian
22 children, sibling groups, handicapped and emotionally disturbed,
23 teens, pregnant and parenting teens, and the department shall
24 annually report to the governor and the legislature concerning the
25 department's ~~((and supervising agency's))~~ success in: (a) Meeting the
26 need for adoptive and foster home placements; (b) reducing the foster
27 parent turnover rate; (c) completing home studies for legally free
28 children; and (d) implementing and operating the passport program
29 required by RCW 74.13.285. The report shall include a section
30 entitled "Foster Home Turn-Over, Causes and Recommendations."

31 (3) The department shall investigate complaints of any recent act
32 or failure to act on the part of a parent or caretaker that results
33 in death, serious physical or emotional harm, or sexual abuse or
34 exploitation, or that presents an imminent risk of serious harm, and
35 on the basis of the findings of such investigation, offer child
36 welfare services in relation to the problem to such parents, legal
37 custodians, or persons serving in loco parentis, and/or bring the
38 situation to the attention of an appropriate court, or another
39 community agency. An investigation is not required of nonaccidental

1 injuries which are clearly not the result of a lack of care or
2 supervision by the child's parents, legal custodians, or persons
3 serving in loco parentis. If the investigation reveals that a crime
4 against a child may have been committed, the department shall notify
5 the appropriate law enforcement agency.

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

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

12 (6) The department (~~(or supervising agencies)~~) shall monitor
13 placements of children in out-of-home care and in-home dependencies
14 to assure the safety, well-being, and quality of care being provided
15 is within the scope of the intent of the legislature as defined in
16 RCW 74.13.010 and 74.15.010. Under this section children in out-of-
17 home care and in-home dependencies and their caregivers shall receive
18 a private and individual face-to-face visit each month. The
19 department (~~(and the supervising agencies)~~) shall randomly select no
20 less than ten percent of the caregivers currently providing care to
21 receive one unannounced face-to-face visit in the caregiver's home
22 per year. No caregiver will receive an unannounced visit through the
23 random selection process for two consecutive years. If the caseworker
24 makes a good faith effort to conduct the unannounced visit to a
25 caregiver and is unable to do so, that month's visit to that
26 caregiver need not be unannounced. The department (~~(and supervising
27 agencies are)~~) is encouraged to group monthly visits to caregivers by
28 geographic area so that in the event an unannounced visit cannot be
29 completed, the caseworker may complete other required monthly visits.
30 The department shall use a method of random selection that does not
31 cause a fiscal impact to the department.

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

35 (7) The department (~~(and supervising agencies)~~) shall have
36 authority to accept custody of children from parents and to accept
37 custody of children from juvenile courts, where authorized to do so
38 under law, to provide child welfare services including placement for
39 adoption, to provide for the routine and necessary medical, dental,
40 and mental health care, or necessary emergency care of the children,

1 and to provide for the physical care of such children and make
2 payment of maintenance costs if needed. Except where required by
3 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency
4 which receives children for adoption from the department shall
5 discriminate on the basis of race, creed, or color when considering
6 applications in their placement for adoption.

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

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

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

19 (11)(a) The department (~~(and supervising agencies)~~) shall provide
20 continued extended foster care services to nonminor dependents who
21 are:

22 (i) Enrolled in a secondary education program or a secondary
23 education equivalency program;

24 (ii) Enrolled and participating in a postsecondary academic or
25 postsecondary vocational education program;

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

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

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

32 (b) To be eligible for extended foster care services, the
33 nonminor dependent must have been dependent and in foster care at the
34 time that he or she reached age eighteen years. If the dependency
35 case of the nonminor dependent was dismissed pursuant to RCW
36 13.34.267, he or she may receive extended foster care services
37 pursuant to a voluntary placement agreement under RCW 74.13.336 or
38 pursuant to an order of dependency issued by the court under RCW
39 13.34.268. A nonminor dependent whose dependency case was dismissed
40 by the court must have requested extended foster care services before

1 reaching age nineteen years. Eligible nonminor dependents may
2 unenroll and reenroll in extended foster care through a voluntary
3 placement agreement once between ages eighteen and twenty-one.

4 (c) The department shall develop and implement rules regarding
5 youth eligibility requirements.

6 (d) The department shall make efforts to ensure that extended
7 foster care services maximize medicaid reimbursements. This must
8 include the department ensuring that health and mental health
9 extended foster care providers participate in medicaid, unless the
10 condition of the extended foster care youth requires specialty care
11 that is not available among participating medicaid providers or there
12 are no participating medicaid providers in the area. The department
13 shall coordinate other services to maximize federal resources and the
14 most cost-efficient delivery of services to extended foster care
15 youth.

16 (e) The department shall allow a youth who has received extended
17 foster care services, but lost his or her eligibility, to reenter the
18 extended foster care program once through a voluntary placement
19 agreement when he or she meets the eligibility criteria again.

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

26 (13) The department shall refer cases to the division of child
27 support whenever state or federal funds are expended for the care and
28 maintenance of a child, including a child with a developmental
29 disability who is placed as a result of an action under chapter 13.34
30 RCW, unless the department finds that there is good cause not to
31 pursue collection of child support against the parent or parents of
32 the child. Cases involving individuals age eighteen through twenty
33 shall not be referred to the division of child support unless
34 required by federal law.

35 (14) The department (~~(and supervising agencies)~~) shall have
36 authority within funds appropriated for foster care services to
37 purchase care for Indian children who are in the custody of a
38 federally recognized Indian tribe or tribally licensed child-placing
39 agency pursuant to parental consent, tribal court order, or state
40 juvenile court order. The purchase of such care is exempt from the

1 requirements of chapter 74.13B RCW and may be purchased from the
2 federally recognized Indian tribe or tribally licensed child-placing
3 agency, and shall be subject to the same eligibility standards and
4 rates of support applicable to other children for whom the department
5 purchases care.

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

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

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

21 (17) The department (~~and supervising agencies~~) shall consult at
22 least quarterly with foster parents, including members of the foster
23 parent association of Washington state, for the purpose of receiving
24 information and comment regarding how the department (~~and
25 supervising agencies are~~) is performing the duties and meeting the
26 obligations specified in this section and RCW 74.13.250 (~~and
27 74.13.320~~) regarding the recruitment of foster homes, reducing
28 foster parent turnover rates, providing effective training for foster
29 parents, and administering a coordinated and comprehensive plan that
30 strengthens services for the protection of children. Consultation
31 shall occur at the regional and statewide levels.

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

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

38 (ii) Sibling visits subject to the restrictions in RCW
39 13.34.136(2)(b)(ii);

40 (iii) Parent-child visits;

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

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

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

8 (19) The department shall have the authority to purchase legal
9 representation for parents of children who are at risk of being
10 dependent, or who are dependent, to establish or modify a parenting
11 plan under chapter 26.09 or 26.26 RCW, when it is necessary for the
12 child's safety, permanence, or well-being. This subsection does not
13 create an entitlement to legal representation purchased by the
14 department and does not create judicial authority to order the
15 department to purchase legal representation for a parent. Such
16 determinations are solely within the department's discretion.

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

19 The department (~~(or supervising agencies)~~) may provide child
20 welfare services pursuant to a deferred prosecution plan ordered
21 under chapter 10.05 RCW. Child welfare services provided under this
22 chapter pursuant to a deferred prosecution order may not be construed
23 to prohibit the department (~~(or supervising agencies)~~) from providing
24 services or undertaking proceedings pursuant to chapter 13.34 or
25 26.44 RCW.

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

28 (1) The department shall oversee implementation of chapter 13.34
29 RCW and chapter 13.32A RCW. The oversight shall be comprised of
30 working with affected parts of the criminal justice and child care
31 systems as well as with local government, legislative, and executive
32 authorities to effectively carry out these chapters. The department
33 shall work with all such entities to ensure that chapters 13.32A and
34 13.34 RCW are implemented in a uniform manner throughout the state.

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

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

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

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

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

12 There shall be uniform application of the procedures developed by
13 the department and juvenile court personnel, to the extent
14 practicable. Local and regional differences shall be taken into
15 consideration in the development of procedures required under this
16 subsection.

17 (3) In addition to its other oversight duties, the department
18 shall:

19 (a) Identify and evaluate resource needs in each region of the
20 state;

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

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

26 (d) Review complaints concerning the services, policies, and
27 procedures of those entities charged with implementing chapters
28 13.32A and 13.34 RCW; and

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

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

33 If the department (~~or supervising~~
34 ~~agency~~) is denied lawful
35 access to records or information, or requested records or information
36 is not provided in a timely manner, the department (~~or supervising~~
37 ~~agency~~) may petition the court for an order compelling disclosure.

38 (1) The petition shall be filed in the juvenile court for the
39 county in which the record or information is located or the county in
which the person who is the subject of the record or information

1 resides. If the person who is the subject of the record or
2 information is a party to or the subject of a pending proceeding
3 under chapter 13.32A or 13.34 RCW, the petition shall be filed in
4 such proceeding.

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

14 (3) The court shall grant the petition upon a showing that there
15 is reason to believe that the record or information sought is
16 necessary for the health, safety, or welfare of the child who is
17 currently receiving child welfare services.

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

20 The department shall develop and implement an informal,
21 nonadversarial complaint resolution process to be used by clients of
22 the department (~~or supervising agency~~), foster parents, and other
23 affected individuals who have complaints regarding a department
24 policy or procedure, the application of such a policy or procedure,
25 or the performance of an entity that has entered into a performance-
26 based contract with the department, related to programs administered
27 under this chapter. The process shall not apply in circumstances
28 where the complainant has the right under Title 13, 26, or 74 RCW to
29 seek resolution of the complaint through judicial review or through
30 an adjudicative proceeding.

31 Nothing in this section shall be construed to create substantive
32 or procedural rights in any person. Participation in the complaint
33 resolution process shall not entitle any person to an adjudicative
34 proceeding under chapter 34.05 RCW or to superior court review.
35 Participation in the process shall not affect the right of any person
36 to seek other statutorily or constitutionally permitted remedies.

37 The department shall develop procedures to assure that clients
38 and foster parents are informed of the availability of the complaint
39 resolution process and how to access it. The department shall

1 incorporate information regarding the complaint resolution process
2 into the training for foster parents and department ((and supervising
3 agency)) caseworkers.

4 The department shall compile complaint resolution data including
5 the nature of the complaint and the outcome of the process.

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

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

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

17 (1) The department ((or supervising agency)) shall conduct a
18 social study whenever a child is placed in out-of-home care under the
19 supervision of the department ((or supervising agency)). The study
20 shall be conducted prior to placement, or, if it is not feasible to
21 conduct the study prior to placement due to the circumstances of the
22 case, the study shall be conducted as soon as possible following
23 placement.

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

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

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

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

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

33 (e) The racial, ethnic, cultural, and religious background of the
34 child;

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

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

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

3 The department may, through performance-based contracts with
4 (~~supervising~~) agencies, implement a therapeutic family home program
5 for up to fifteen youth in the custody of the department under
6 chapter 13.34 RCW. The program shall strive to develop and maintain a
7 mutually reinforcing relationship between the youth and the
8 therapeutic staff associated with the program.

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

11 (1) Except as provided in RCW 70.02.220, whenever a child is
12 placed in out-of-home care by the department or (~~a supervising~~)
13 with an agency, the department or agency shall share information
14 known to the department or agency about the child and the child's
15 family with the care provider and shall consult with the care
16 provider regarding the child's case plan. If the child is dependent
17 pursuant to a proceeding under chapter 13.34 RCW, the department or
18 (~~supervising~~) agency shall keep the care provider informed
19 regarding the dates and location of dependency review and permanency
20 planning hearings pertaining to the child.

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

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

28 (a) Has received a medical diagnosis of fetal alcohol syndrome or
29 fetal alcohol effect;

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

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

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

36 (4) Any person who receives information about a child or a
37 child's family pursuant to this section shall keep the information
38 confidential and shall not further disclose or disseminate the
39 information except as authorized by law. Care providers shall agree

1 in writing to keep the information that they receive confidential and
2 shall affirm that the information will not be further disclosed or
3 disseminated, except as authorized by law.

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

8 (6) As used in this section:

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

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

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

16 (ii) Self-mutilation or similar self-destructive behavior;

17 (iii) Fire-setting or a developmentally inappropriate fascination
18 with fire;

19 (iv) Animal torture;

20 (v) Property destruction; or

21 (vi) Substance or alcohol abuse.

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

25 (i) Observed assaultive behavior;

26 (ii) Reported and documented history of the child willfully
27 assaulting or inflicting bodily harm; or

28 (iii) Attempting to assault or inflict bodily harm on other
29 children or adults under circumstances where the child has the
30 apparent ability or capability to carry out the attempted assaults
31 including threats to use a weapon.

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

34 (1) For the purpose of assisting foster youth in obtaining a
35 Washington state identicard, submission of the information and
36 materials listed in this subsection from the department (~~or~~
37 ~~supervising agency~~) to the department of licensing is sufficient
38 proof of identity and residency and shall serve as the necessary

1 authorization for the youth to apply for and obtain a Washington
2 state identicard:

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

5 (i) The youth is a minor who resides in Washington;

6 (ii) Pursuant to a court order, the youth is dependent and the
7 department (~~or supervising agency~~) is the legal custodian of the
8 youth under chapter 13.34 RCW or under the interstate compact on the
9 placement of children;

10 (iii) The youth's full name and date of birth;

11 (iv) The youth's social security number, if available;

12 (v) A brief physical description of the youth;

13 (vi) The appropriate address to be listed on the youth's
14 identicard; and

15 (vii) Contact information for the appropriate person with the
16 department (~~or supervising agency~~).

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

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

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

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

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

29 (4) To the extent other identifying information is readily
30 available, the department (~~or supervising agency~~) shall include the
31 additional information with the submission of information required
32 under subsection (1) of this section.

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

35 (1) Within available resources, the department (~~or supervising~~
36 ~~agency~~) shall prepare a passport containing all known and available
37 information concerning the mental, physical, health, and educational
38 status of the child for any child who has been in a foster home for
39 ninety consecutive days or more. The passport shall contain education

1 records obtained pursuant to RCW 28A.150.510. The passport shall be
2 provided to a foster parent at any placement of a child covered by
3 this section. The department (~~((or supervising agency))~~) shall update
4 the passport during the regularly scheduled court reviews required
5 under chapter 13.34 RCW.

6 New placements shall have first priority in the preparation of
7 passports.

8 (2) In addition to the requirements of subsection (1) of this
9 section, the department (~~((or supervising agency))~~) shall, within
10 available resources, notify a foster parent before placement of a
11 child of any known health conditions that pose a serious threat to
12 the child and any known behavioral history that presents a serious
13 risk of harm to the child or others.

14 (3) The department shall hold harmless the provider (~~((including
15 supervising agencies))~~) for any unauthorized disclosures caused by the
16 department.

17 (4) Any foster parent who receives information about a child or a
18 child's family pursuant to this section shall keep the information
19 confidential and shall not further disclose or disseminate the
20 information, except as authorized by law. Such individuals shall
21 agree in writing to keep the information that they receive
22 confidential and shall affirm that the information will not be
23 further disclosed or disseminated, except as authorized by law.

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

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

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

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

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

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

3 (1) Whenever a child has been placed in a foster family home by
4 the department (~~(or supervising agency)~~) and the child has thereafter
5 resided in the home for at least ninety consecutive days, the
6 department (~~(or supervising agency)~~) shall notify the foster family
7 at least five days prior to moving the child to another placement,
8 unless:

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

11 (b) The child is being returned home;

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

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

14 (2) If the child has resided in a foster family home for less
15 than ninety days or if, due to one or more of the circumstances in
16 subsection (1) of this section, it is not possible to give five days'
17 notification, the department (~~(or supervising agency)~~) shall notify
18 the foster family of proposed placement changes as soon as reasonably
19 possible.

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

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

27 Adequate foster parent training has been identified as directly
28 associated with increasing the length of time foster parents are
29 willing to provide foster care and reducing the number of placement
30 disruptions for children. Placement disruptions can be harmful to
31 children by denying them consistent and nurturing support. Foster
32 parents have expressed the desire to receive training in addition to
33 the foster parent training currently offered. Foster parents who care
34 for more demanding children, such as children with severe emotional,
35 mental, or physical handicaps, would especially benefit from
36 additional training. The department (~~(and supervising agency)~~) shall
37 develop additional training for foster parents that focuses on skills
38 to assist foster parents in caring for emotionally, mentally, or
39 physically handicapped children.

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

3 The department (~~(or supervising agency)~~) may provide child care
4 for all foster parents who are required to attend department-
5 sponsored (~~(or supervising agency sponsored)~~) meetings or training
6 sessions. If the department (~~(or supervising agency)~~) does not
7 provide such child care, the department (~~(or supervising agency)~~),
8 where feasible, shall conduct the activities covered by this section
9 in the foster parent's home or other location acceptable to the
10 foster parent.

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

13 Within available resources, the department (~~(and supervising~~
14 ~~agencies)~~) shall increase the number of adoptive and foster families
15 available to accept children through an intensive recruitment and
16 retention program. (~~(The department shall enter into performance-~~
17 ~~based contracts with supervising agencies, under which the agencies~~
18 ~~will coordinate all foster care and adoptive home recruitment~~
19 ~~activities.)~~)

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

22 (1) A foster parent who believes that a department (~~(or~~
23 ~~supervising agency)~~) employee has retaliated against the foster
24 parent or in any other manner discriminated against the foster parent
25 because:

26 (a) The foster parent made a complaint with the office of the
27 family and children's ombuds, the attorney general, law enforcement
28 agencies, or the department(~~(, or the supervising agency,)~~) provided
29 information, or otherwise cooperated with the investigation of such a
30 complaint;

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

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

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

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

1 (f) The foster parent has discussed or consulted with anyone
2 concerning the foster parent's rights under this chapter or chapter
3 74.15 or 13.34 RCW, may file a complaint with the office of the
4 family and children's ombuds.

5 (2) The ombuds may investigate the allegations of retaliation.
6 The ombuds shall have access to all relevant information and
7 resources held by or within the department by which to conduct the
8 investigation. Upon the conclusion of its investigation, the ombuds
9 shall provide its findings in written form to the department.

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

14 (4) The office of the family and children's ombuds shall also
15 include its recommendations regarding complaints filed under this
16 section in its annual report pursuant to RCW 43.06A.030. The office
17 of the family and children's ombuds shall identify trends which may
18 indicate a need to improve relations between the department (~~or~~
19 ~~supervising agency~~) and foster parents.

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

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

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

28 (1) Consistent with the provisions of chapter 42.56 RCW and
29 applicable federal law, the secretary, or the secretary's designee,
30 shall disclose information regarding the abuse or neglect of a child,
31 the investigation of the abuse, neglect, or near fatality of a child,
32 and any services related to the abuse or neglect of a child if any
33 one of the following factors is present:

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

37 (b) The investigation of the abuse or neglect of the child by the
38 department or the provision of services by the department (~~or a~~

1 ~~supervising agency~~) has been publicly disclosed in a report required
2 to be disclosed in the course of their official duties, by a law
3 enforcement agency or official, a prosecuting attorney, any other
4 state or local investigative agency or official, or by a judge of the
5 superior court;

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

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

13 (2) The secretary is not required to disclose information if the
14 factors in subsection (1) of this section are present if he or she
15 specifically determines the disclosure is contrary to the best
16 interests of the child, the child's siblings, or other children in
17 the household.

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

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

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

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

35 If the secretary specifically determines that disclosure of the
36 name of the deceased child is contrary to the best interests of the
37 child's siblings or other children in the household, the secretary
38 may remove personally identifying information.

1 For the purposes of this section, "personally identifying
2 information" means the name, street address, social security number,
3 and day of birth of the child who died and of private persons who are
4 relatives of the child named in child welfare records. "Personally
5 identifying information" shall not include the month or year of birth
6 of the child who has died. Once this personally identifying
7 information is removed, the remainder of the records pertaining to a
8 child who has died must be released regardless of whether the
9 remaining facts in the records are embarrassing to the unidentifiable
10 other private parties or to identifiable public workers who handled
11 the case.

12 **Sec. 57.** RCW 74.13.525 and 2009 c 520 s 86 are each amended to
13 read as follows:

14 The department (~~or supervising agency~~), when acting in good
15 faith, is immune from any criminal or civil liability, except as
16 provided under RCW 42.56.550, for any action taken under RCW
17 74.13.500 through 74.13.520.

18 **Sec. 58.** RCW 74.13.530 and 2009 c 520 s 87 are each amended to
19 read as follows:

20 (1) No child may be placed or remain in a specific out-of-home
21 placement under this chapter or chapter 13.34 RCW when there is a
22 conflict of interest on the part of any adult residing in the home in
23 which the child is to be or has been placed. A conflict of interest
24 exists when:

25 (a) There is an adult in the home who, as a result of: (i) His or
26 her employment; and (ii) an allegation of abuse or neglect of the
27 child, conducts or has conducted an investigation of the allegation;
28 or

29 (b) The child has been, is, or is likely to be a witness in any
30 pending cause of action against any adult in the home when the cause
31 includes: (i) An allegation of abuse or neglect against the child or
32 any sibling of the child; or (ii) a claim of damages resulting from
33 wrongful interference with the parent-child relationship of the child
34 and his or her biological or adoptive parent.

35 (2) For purposes of this section, "investigation" means the
36 exercise of professional judgment in the review of allegations of
37 abuse or neglect by: (a) Law enforcement personnel; (b) persons
38 employed by, or under contract with, the state; (c) persons licensed

1 to practice law and their employees; and (d) mental health
2 professionals as defined in chapter 71.05 RCW.

3 (3) The prohibition set forth in subsection (1) of this section
4 may not be waived or deferred by the department (~~or a supervising~~
5 ~~agency~~) under any circumstance or at the request of any person,
6 regardless of who has made the request or the length of time of the
7 requested placement.

8 **Sec. 59.** RCW 74.13.560 and 2009 c 520 s 88 are each amended to
9 read as follows:

10 The administrative regions of the department (~~and the~~
11 ~~supervising agencies~~) shall develop protocols with the respective
12 school districts in their regions specifying specific strategies for
13 communication, coordination, and collaboration regarding the status
14 and progress of foster children placed in the region, in order to
15 maximize the educational continuity and achievement for foster
16 children. The protocols shall include methods to assure effective
17 sharing of information consistent with RCW 28A.225.330.

18 **Sec. 60.** RCW 74.13.590 and 2009 c 520 s 89 are each amended to
19 read as follows:

20 The department (~~and supervising agencies~~) shall perform the
21 tasks provided in RCW 74.13.550 through 74.13.580 based on available
22 resources.

23 **Sec. 61.** RCW 74.13.600 and 2009 c 520 s 90 are each amended to
24 read as follows:

25 (1) For the purposes of this section, "kin" means persons
26 eighteen years of age or older to whom the child is related by blood,
27 adoption, or marriage, including marriages that have been dissolved,
28 and means: (a) Any person denoted by the prefix "grand" or "great";
29 (b) sibling, whether full, half, or step; (c) uncle or aunt; (d)
30 nephew or niece; or (e) first cousin.

31 (2) The department (~~and supervising agencies~~) shall plan,
32 design, and implement strategies to prioritize the placement of
33 children with willing and able kin when out-of-home placement is
34 required.

35 These strategies must include at least the following:

36 (a) Development of standardized, statewide procedures to be used
37 (~~by supervising agencies~~) when searching for kin of children prior

1 to out-of-home placement. The procedures must include a requirement
2 that documentation be maintained in the child's case record that
3 identifies kin, and documentation that identifies the assessment
4 criteria and procedures that were followed during all kin searches.
5 The procedures must be used when a child is placed in out-of-home
6 care under authority of chapter 13.34 RCW, when a petition is filed
7 under RCW 13.32A.140, or when a child is placed under a voluntary
8 placement agreement. To assist with implementation of the procedures,
9 the department (~~((or supervising agencies))~~) shall request that the
10 juvenile court require parents to disclose to the (~~((agencies))~~)
11 department all contact information for available and appropriate kin
12 within two weeks of an entered order. For placements under signed
13 voluntary agreements, the department (~~((and supervising agencies))~~)
14 shall encourage the parents to disclose to the department (~~((and~~
15 ~~agencies))~~) all contact information for available and appropriate kin
16 within two weeks of the date the parent signs the voluntary placement
17 agreement.

18 (b) Development of procedures for conducting active outreach
19 efforts to identify and locate kin during all searches. The
20 procedures must include at least the following elements:

21 (i) Reasonable efforts to interview known kin, friends, teachers,
22 and other identified community members who may have knowledge of the
23 child's kin, within sixty days of the child entering out-of-home
24 care;

25 (ii) Increased use of those procedures determined by research to
26 be the most effective methods of promoting reunification efforts,
27 permanency planning, and placement decisions;

28 (iii) Contacts with kin identified through outreach efforts and
29 interviews under this subsection as part of permanency planning
30 activities and change of placement discussions;

31 (iv) Establishment of a process for ongoing contact with kin who
32 express interest in being considered as a placement resource for the
33 child; and

34 (v) A requirement that when the decision is made to not place the
35 child with any kin, the department (~~((or supervising agency))~~) provides
36 documentation as part of the child's individual service and safety
37 plan that clearly identifies the rationale for the decision and
38 corrective action or actions the kin must take to be considered as a
39 viable placement option.

1 (3) Nothing in this section shall be construed to create an
2 entitlement to services or to create judicial authority to order the
3 provision of services to any person or family if the services are
4 unavailable or unsuitable or the child or family is not eligible for
5 such services.

6 **Sec. 62.** RCW 74.13.640 and 2015 c 298 s 1 are each amended to
7 read as follows:

8 (1)(a) The department shall conduct a child fatality review in
9 the event of a fatality suspected to be caused by child abuse or
10 neglect of any minor who is in the care of the department (~~or a~~
11 ~~supervising agency~~) or receiving services described in this chapter
12 or who has been in the care of the department (~~or a supervising~~
13 ~~agency~~) or received services described in this chapter within one
14 year preceding the minor's death.

15 (b) The department shall consult with the office of the family
16 and children's ombuds to determine if a child fatality review should
17 be conducted in any case in which it cannot be determined whether the
18 child's death is the result of suspected child abuse or neglect.

19 (c) The department shall ensure that the fatality review team is
20 made up of individuals who had no previous involvement in the case,
21 including individuals whose professional expertise is pertinent to
22 the dynamics of the case.

23 (d) Upon conclusion of a child fatality review required pursuant
24 to this section, the department shall within one hundred eighty days
25 following the fatality issue a report on the results of the review,
26 unless an extension has been granted by the governor. Reports must be
27 distributed to the appropriate committees of the legislature, and the
28 department shall create a public web site where all child fatality
29 review reports required under this section must be posted and
30 maintained. A child fatality review report completed pursuant to this
31 section is subject to public disclosure and must be posted on the
32 public web site, except that confidential information may be redacted
33 by the department consistent with the requirements of RCW 13.50.100,
34 68.50.105, 74.13.500 through 74.13.525, chapter 42.56 RCW, and other
35 applicable state and federal laws.

36 (e) The department shall develop and implement procedures to
37 carry out the requirements of this section.

38 (2)(a) In the event of a near fatality of a child who is in the
39 care of or receiving services described in this chapter from the

1 department (~~(or a supervising agency)~~) or who has been in the care of
2 or received services described in this chapter from the department
3 (~~(or a supervising agency)~~) within one year preceding the near
4 fatality, the department shall promptly notify the office of the
5 family and children's ombuds. The department may conduct a review of
6 the near fatality at its discretion or at the request of the office
7 of the family and children's ombuds.

8 (b) In the event of a near fatality of a child who is in the care
9 of or receiving services described in this chapter from the
10 department (~~(or a supervising agency)~~) or who has been in the care of
11 or received services described in this chapter from the department
12 (~~(or a supervising agency)~~) within three months preceding the near
13 fatality, or was the subject of an investigation by the department
14 for possible abuse or neglect, the department shall promptly notify
15 the office of the family and children's ombuds and the department
16 shall conduct a review of the near fatality.

17 (c) "Near fatality" means an act that, as certified by a
18 physician, places the child in serious or critical condition.

19 (3) In any review of a child fatality or near fatality in which
20 the child was placed with or received services from (~~(a supervising)~~)
21 an agency pursuant to a contract with the department, the department
22 and the fatality review team shall have access to all records and
23 files regarding the child or otherwise relevant to the review that
24 have been produced or retained by the (~~(supervising)~~) agency.

25 (4)(a) A child fatality or near fatality review completed
26 pursuant to this section is subject to discovery in a civil or
27 administrative proceeding, but may not be admitted into evidence or
28 otherwise used in a civil or administrative proceeding except
29 pursuant to this section.

30 (b) A department employee responsible for conducting a child
31 fatality or near fatality review, or member of a child fatality or
32 near fatality review team, may not be examined in a civil or
33 administrative proceeding regarding (i) the work of the child
34 fatality or near fatality review team, (ii) the incident under
35 review, (iii) his or her statements, deliberations, thoughts,
36 analyses, or impressions relating to the work of the child fatality
37 or near fatality review team or the incident under review, or (iv)
38 the statements, deliberations, thoughts, analyses, or impressions of
39 any other member of the child fatality or near fatality review team,
40 or any person who provided information to the child fatality or near

1 fatality review team, relating to the work of the child fatality or
2 near fatality review team or the incident under review.

3 (c) Documents prepared by or for a child fatality or near
4 fatality review team are inadmissible and may not be used in a civil
5 or administrative proceeding, except that any document that exists
6 before its use or consideration in a child fatality or near fatality
7 review, or that is created independently of such review, does not
8 become inadmissible merely because it is reviewed or used by a child
9 fatality or near fatality review team. A person is not unavailable as
10 a witness merely because the person has been interviewed by or has
11 provided a statement for a child fatality or near fatality review,
12 but if called as a witness, a person may not be examined regarding
13 the person's interactions with the child fatality or near fatality
14 review including, without limitation, whether the person was
15 interviewed during such review, the questions that were asked during
16 such review, and the answers that the person provided during such
17 review. This section may not be construed as restricting the person
18 from testifying fully in any proceeding regarding his or her
19 knowledge of the incident under review.

20 (d) The restrictions set forth in this section do not apply in a
21 licensing or disciplinary proceeding arising from an agency's effort
22 to revoke or suspend the license of any licensed professional based
23 in whole or in part upon allegations of wrongdoing in connection with
24 a minor's death or near fatality reviewed by a child fatality or near
25 fatality review team.

26 **Sec. 63.** RCW 74.13.650 and 2009 c 520 s 92 are each amended to
27 read as follows:

28 A foster parent critical support and retention program is
29 established to retain foster parents who care for sexually reactive
30 children, physically assaultive children, or children with other
31 high-risk behaviors, as defined in RCW 74.13.280. Services shall
32 consist of short-term therapeutic and educational interventions to
33 support the stability of the placement. The department shall enter
34 into performance-based contracts with ~~((supervising))~~ agencies to
35 provide this program.

36 **Sec. 64.** RCW 74.13B.020 and 2013 c 205 s 3 are each amended to
37 read as follows:

1 (1) (~~No later than July 1, 2014,~~) The department shall enter
2 into performance-based contracts for the provision of family support
3 and related services. The department may enter into performance-based
4 contracts for additional services, other than case management.

5 (2) It is the goal of the legislature to expand the coverage area
6 of network administrators to encompass the entire state. Recognizing
7 that phased implementation may be necessary, the department shall
8 conduct ((a)) one or more procurement (~~process~~) processes to
9 (~~enter into performance-based contracts with one or more~~) expand
10 the geographic coverage of network administrators for family support
11 and related services. (~~As part of the procurement process, the~~
12 ~~department shall consult with department caseworkers, the exclusive~~
13 ~~bargaining representative for employees of the department, tribal~~
14 ~~representatives, parents who were formerly involved in the child~~
15 ~~welfare system, youth currently or previously in foster care, child~~
16 ~~welfare services researchers, and the Washington state institute for~~
17 ~~public policy to assist in identifying the categories of family~~
18 ~~support and related services that will be included in the~~
19 ~~procurement. The categories of family support and related services~~
20 ~~shall be defined no later than July 15, 2012. In identifying~~
21 ~~services, the department must review current data and research~~
22 ~~related to the effectiveness of family support and related services~~
23 ~~that mitigate child safety concerns and promote permanency, including~~
24 ~~reunification, and child well-being.)) Expenditures for family
25 support and related services purchased under this section must remain
26 within the levels appropriated in the operating budget.~~

27 (3)(a) Network administrators shall, directly or through
28 subcontracts with service providers:

29 (i) Assist caseworkers in meeting their responsibility for
30 implementation of case plans and individual service and safety plans;
31 ((and))

32 (ii) Provide the family support and related services within the
33 categories of contracted services that are included in a child or
34 family's case plan or individual service and safety plan within funds
35 available under contract;

36 (iii) Manage the entire family support and related service array
37 within the geographic boundaries of a given network; and

38 (iv) Have the authority to redistribute funding within the
39 network based on provider performance and the need to address service
40 gaps if approval is provided by the department.

1 (b) While the department caseworker retains responsibility for
2 case management, nothing in chapter 205, Laws of 2012 limits the
3 ability of the department to continue to contract for the provision
4 of case management services by child-placing agencies, behavioral
5 rehabilitation services agencies, or other entities that provided
6 case management under contract with the department prior to July 1,
7 2005.

8 ~~((In conducting the procurement, the department shall~~
9 ~~actively consult with other state agencies with relevant expertise,~~
10 ~~such as the health care authority, and with philanthropic entities~~
11 ~~with expertise in performance based contracting for child welfare~~
12 ~~services. The director of the office of financial management must~~
13 ~~approve the request for proposal prior to its issuance.~~

14 ~~(+5))~~ The procurement process must be developed and implemented
15 in a manner that complies with applicable provisions of
16 intergovernmental agreements between the state of Washington and
17 tribal governments and must provide an opportunity for tribal
18 governments to contract for service delivery through network
19 administrators.

20 ~~((+6))~~ (5) The procurement and resulting contracts must include,
21 but are not limited to, the following standards and requirements:

22 (a) The use of family engagement approaches to successfully
23 motivate families to engage in services and training of the network's
24 contracted providers to apply such approaches;

25 (b) The use of parents and youth who are successful veterans of
26 the child welfare system to act as mentors through activities that
27 include, but are not limited to, helping families navigate the
28 system, facilitating parent engagement, and minimizing distrust of
29 the child welfare system;

30 (c) The establishment of qualifications for service providers
31 participating in provider networks, such as appropriate licensure or
32 certification, education, and accreditation by professional
33 accrediting entities;

34 (d) Adequate provider capacity to meet the anticipated service
35 needs in the network administrator's contracted service area. The
36 network administrator must be able to demonstrate that its provider
37 network is culturally competent and has adequate capacity to address
38 disproportionality, including utilization of tribal and other ethnic
39 providers capable of serving children and families of color or who
40 need language-appropriate services;

1 (e) Fiscal solvency of network administrators and providers
2 participating in the network;

3 (f) The use of evidence-based, research-based, and promising
4 practices, where appropriate, including fidelity and quality
5 assurance provisions;

6 (g) Network administrator quality assurance activities, including
7 monitoring of the performance of providers in their provider network,
8 with respect to meeting measurable service outcomes;

9 (h) Network administrator data reporting, including data on
10 contracted provider performance and service outcomes; and

11 (i) Network administrator compliance with applicable provisions
12 of intergovernmental agreements between the state of Washington and
13 tribal governments and the federal and Washington state Indian child
14 welfare act.

15 ~~((+7))~~ (6) As part of the procurement process under this section
16 to expand the coverage of network administrators, the department
17 shall issue the request for proposals or request for information no
18 later than ~~((December 31, 2013, shall begin))~~ September 30, 2018, to
19 expand the coverage area of the existing network administrator or
20 expand the number of network administrators so that there is expanded
21 network administrator coverage on the east side of the crest of the
22 Cascade mountain range. Expanded implementation of performance-based
23 contracting must begin no later than ~~((July 1, 2014, and shall fully~~
24 ~~implement performance-based contracting no later than July 1, 2015))~~
25 January 30, 2019, if a qualified organization responds to the
26 procurement process. Based on the costs and benefits of the network
27 administrator expansion in this subsection, the department shall
28 submit a recommendation to the oversight board for children, youth,
29 and families established pursuant to RCW 43.216.015 and the
30 appropriate committees of the legislature by September 1, 2020,
31 regarding the time frame for expansion of network administrator
32 coverage to additional regions of the state.

33 ~~((+8))~~ (7) Performance-based payment methodologies must be used
34 in network administrator contracting. Performance measures should
35 relate to successful engagement by a child or parent in services
36 included in their case plan, and resulting improvement in identified
37 problem behaviors and interactions. For the initial three-year period
38 of implementation of performance-based contracting, the department
39 may transfer financial risk for the provision of services to network
40 administrators only to the limited extent necessary to implement a

1 performance-based payment methodology, such as phased payment for
2 services. However, the department may develop a shared savings
3 methodology through which the network administrator will receive a
4 defined share of any savings that result from improved performance.
5 If the department receives a Title IV-E waiver, the shared savings
6 methodology must be consistent with the terms of the waiver. If a
7 shared savings methodology is adopted, the network administrator
8 shall reinvest the savings in enhanced services to better meet the
9 needs of the families and children they serve.

10 ~~((9))~~ (8) The department must actively monitor network
11 administrator compliance with the terms of contracts executed under
12 this section.

13 ~~((10))~~ (9) The use of performance-based contracts under this
14 section must be done in a manner that does not adversely affect the
15 state's ability to continue to obtain federal funding for child
16 welfare-related functions currently performed by the state and with
17 consideration of options to further maximize federal funding
18 opportunities and increase flexibility in the use of such funds,
19 including use for preventive and in-home child welfare services.

20 (10) The department shall, consistent with state and federal
21 confidentiality requirements:

22 (a) Share all relevant data with the network administrators in
23 order for the network administrators to track the performance and
24 effectiveness of the services in the network; and

25 (b) Make all performance data available to the public.

26 (11) The department must not require existing network
27 administrators to reapply to provide network administrator services
28 in the coverage area of the existing network administrator on the
29 effective date of this section.

30 (12) Beginning January 1, 2019, and in compliance with RCW
31 43.01.036, the department shall annually submit to the oversight
32 board for children, youth, and families established pursuant to RCW
33 43.216.015 and the appropriate committees of the legislature a report
34 detailing the status of the network administrator procurement and
35 implementation process.

36 (13) In determining the cost estimate for expanded network
37 administrator implementation, the department shall consider the value
38 of the existing data platform for child welfare services.

1 **Sec. 65.** RCW 74.15.010 and 2009 c 520 s 12 are each amended to
2 read as follows:

3 The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

4 (1) To safeguard the health, safety, and well-being of children,
5 expectant mothers and developmentally disabled persons receiving care
6 away from their own homes, which is paramount over the right of any
7 person to provide care;

8 (2) To strengthen and encourage family unity and to sustain
9 parental rights and responsibilities to the end that foster care is
10 provided only when a child's family, through the use of all available
11 resources, is unable to provide necessary care;

12 (3) To promote the development of a sufficient number and variety
13 of adequate foster family homes and maternity-care facilities, both
14 public and private, through the cooperative efforts of public ((and
15 ~~supervising~~)) agencies and related groups;

16 (4) To provide consultation to agencies caring for children,
17 expectant mothers or developmentally disabled persons in order to
18 help them to improve their methods of and facilities for care;

19 (5) To license agencies as defined in RCW 74.15.020 and to assure
20 the users of such agencies, their parents, the community at large and
21 the agencies themselves that adequate minimum standards are
22 maintained by all agencies caring for children, expectant mothers and
23 developmentally disabled persons.

24 **Sec. 66.** RCW 74.15.020 and 2017 c 39 s 11 are each amended to
25 read as follows:

26 The definitions in this section apply throughout this chapter and
27 RCW 74.13.031 unless the context clearly requires otherwise.

28 (1) "Agency" means any person, firm, partnership, association,
29 corporation, or facility which receives children, expectant mothers,
30 or persons with developmental disabilities for control, care, or
31 maintenance outside their own homes, or which places, arranges the
32 placement of, or assists in the placement of children, expectant
33 mothers, or persons with developmental disabilities for foster care
34 or placement of children for adoption, and shall include the
35 following irrespective of whether there is compensation to the agency
36 or to the children, expectant mothers, or persons with developmental
37 disabilities for services rendered:

38 (a) "Child-placing agency" means an agency which places a child
39 or children for temporary care, continued care, or for adoption;

1 (b) "Community facility" means a group care facility operated for
2 the care of juveniles committed to the department under RCW
3 13.40.185. A county detention facility that houses juveniles
4 committed to the department under RCW 13.40.185 pursuant to a
5 contract with the department is not a community facility;

6 (c) "Crisis residential center" means an agency which is a
7 temporary protective residential facility operated to perform the
8 duties specified in chapter 13.32A RCW, in the manner provided in RCW
9 43.185C.295 through 43.185C.310;

10 (d) "Emergency respite center" is an agency that may be commonly
11 known as a crisis nursery, that provides emergency and crisis care
12 for up to seventy-two hours to children who have been admitted by
13 their parents or guardians to prevent abuse or neglect. Emergency
14 respite centers may operate for up to twenty-four hours a day, and
15 for up to seven days a week. Emergency respite centers may provide
16 care for children ages birth through seventeen, and for persons
17 eighteen through twenty with developmental disabilities who are
18 admitted with a sibling or siblings through age seventeen. Emergency
19 respite centers may not substitute for crisis residential centers or
20 HOPE centers, or any other services defined under this section, and
21 may not substitute for services which are required under chapter
22 13.32A or 13.34 RCW;

23 (e) "Foster-family home" means an agency which regularly provides
24 care on a twenty-four hour basis to one or more children, expectant
25 mothers, or persons with developmental disabilities in the family
26 abode of the person or persons under whose direct care and
27 supervision the child, expectant mother, or person with a
28 developmental disability is placed;

29 (f) "Group-care facility" means an agency, other than a foster-
30 family home, which is maintained and operated for the care of a group
31 of children on a twenty-four hour basis;

32 (g) "HOPE center" means an agency licensed by the secretary to
33 provide temporary residential placement and other services to street
34 youth. A street youth may remain in a HOPE center for thirty days
35 while services are arranged and permanent placement is coordinated.
36 No street youth may stay longer than thirty days unless approved by
37 the department and any additional days approved by the department
38 must be based on the unavailability of a long-term placement option.
39 A street youth whose parent wants him or her returned to home may
40 remain in a HOPE center until his or her parent arranges return of

1 the youth, not longer. All other street youth must have court
2 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
3 up to thirty days;

4 (h) "Maternity service" means an agency which provides or
5 arranges for care or services to expectant mothers, before or during
6 confinement, or which provides care as needed to mothers and their
7 infants after confinement;

8 (i) "Resource and assessment center" means an agency that
9 provides short-term emergency and crisis care for a period up to
10 seventy-two hours, excluding Saturdays, Sundays, and holidays to
11 children who have been removed from their parent's or guardian's care
12 by child protective services or law enforcement;

13 (j) "Responsible living skills program" means an agency licensed
14 by the secretary that provides residential and transitional living
15 services to persons ages sixteen to eighteen who are dependent under
16 chapter 13.34 RCW and who have been unable to live in his or her
17 legally authorized residence and, as a result, the minor lived
18 outdoors or in another unsafe location not intended for occupancy by
19 the minor. Dependent minors ages fourteen and fifteen may be eligible
20 if no other placement alternative is available and the department
21 approves the placement;

22 (k) "Service provider" means the entity that operates a community
23 facility.

24 (2) "Agency" shall not include the following:

25 (a) Persons related to the child, expectant mother, or person
26 with developmental disability in the following ways:

27 (i) Any blood relative, including those of half-blood, and
28 including first cousins, second cousins, nephews or nieces, and
29 persons of preceding generations as denoted by prefixes of grand,
30 great, or great-great;

31 (ii) Stepfather, stepmother, stepbrother, and stepsister;

32 (iii) A person who legally adopts a child or the child's parent
33 as well as the natural and other legally adopted children of such
34 persons, and other relatives of the adoptive parents in accordance
35 with state law;

36 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
37 this subsection (2), even after the marriage is terminated;

38 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
39 subsection (2), of any half sibling of the child; or

1 (vi) Extended family members, as defined by the law or custom of
2 the Indian child's tribe or, in the absence of such law or custom, a
3 person who has reached the age of eighteen and who is the Indian
4 child's grandparent, aunt or uncle, brother or sister, brother-in-law
5 or sister-in-law, niece or nephew, first or second cousin, or
6 stepparent who provides care in the family abode on a twenty-four-
7 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

8 (b) Persons who are legal guardians of the child, expectant
9 mother, or persons with developmental disabilities;

10 (c) Persons who care for a neighbor's or friend's child or
11 children, with or without compensation, where the parent and person
12 providing care on a twenty-four-hour basis have agreed to the
13 placement in writing and the state is not providing any payment for
14 the care;

15 (d) A person, partnership, corporation, or other entity that
16 provides placement or similar services to exchange students or
17 international student exchange visitors or persons who have the care
18 of an exchange student in their home;

19 (e) A person, partnership, corporation, or other entity that
20 provides placement or similar services to international children who
21 have entered the country by obtaining visas that meet the criteria
22 for medical care as established by the United States citizenship and
23 immigration services, or persons who have the care of such an
24 international child in their home;

25 (f) Schools, including boarding schools, which are engaged
26 primarily in education, operate on a definite school year schedule,
27 follow a stated academic curriculum, accept only school-age children
28 and do not accept custody of children;

29 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
30 performing functions defined in chapter 70.41 RCW, nursing homes
31 licensed under chapter 18.51 RCW and assisted living facilities
32 licensed under chapter 18.20 RCW;

33 (h) Licensed physicians or lawyers;

34 (i) Facilities approved and certified under chapter 71A.22 RCW;

35 (j) Any agency having been in operation in this state ten years
36 prior to June 8, 1967, and not seeking or accepting moneys or
37 assistance from any state or federal agency, and is supported in part
38 by an endowment or trust fund;

39 (k) Persons who have a child in their home for purposes of
40 adoption, if the child was placed in such home by a licensed child-

1 placing agency, an authorized public or tribal agency or court or if
2 a replacement report has been filed under chapter 26.33 RCW and the
3 placement has been approved by the court;

4 (l) An agency operated by any unit of local, state, or federal
5 government or an agency licensed by an Indian tribe pursuant to RCW
6 74.15.190;

7 (m) A maximum or medium security program for juvenile offenders
8 operated by or under contract with the department;

9 (n) An agency located on a federal military reservation, except
10 where the military authorities request that such agency be subject to
11 the licensing requirements of this chapter;

12 (o) A host home program, and host home, operated by a tax exempt
13 organization for youth not in the care of or receiving services from
14 the department, if that program: (i) Recruits and screens potential
15 homes in the program, including performing background checks on
16 individuals over the age of eighteen residing in the home through the
17 Washington state patrol or equivalent law enforcement agency and
18 performing physical inspections of the home; (ii) screens and
19 provides case management services to youth in the program; (iii)
20 obtains a notarized permission slip or limited power of attorney from
21 the parent or legal guardian of the youth authorizing the youth to
22 participate in the program and the authorization is updated every six
23 months when a youth remains in a host home longer than six months;
24 (iv) obtains insurance for the program through an insurance provider
25 authorized under Title 48 RCW; (v) provides mandatory reporter and
26 confidentiality training; and (vi) registers with the secretary of
27 state as provided in RCW 24.03.550. A host home is a private home
28 that volunteers to host youth in need of temporary placement that is
29 associated with a host home program. Any host home program that
30 receives local, state, or government funding shall report the
31 following information to the office of homeless youth prevention and
32 protection programs annually by December 1st of each year: The number
33 of children the program served, why the child was placed with a host
34 home, and where the child went after leaving the host home, including
35 but not limited to returning to the parents, running away, reaching
36 the age of majority, or becoming a dependent of the state. A host
37 home program shall not receive more than one hundred thousand dollars
38 per year of public funding, including local, state, and federal
39 funding. A host home shall not receive any local, state, or
40 government funding.

1 (3) "Department" means the state department of social and health
2 services.

3 (4) "Juvenile" means a person under the age of twenty-one who has
4 been sentenced to a term of confinement under the supervision of the
5 department under RCW 13.40.185.

6 (5) "Performance-based contracts" or "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 may also include provisions
11 that link the performance of the contractor to the level and timing
12 of the reimbursement.

13 (6) "Probationary license" means a license issued as a
14 disciplinary measure to an agency that has previously been issued a
15 full license but is out of compliance with licensing standards.

16 (7) "Requirement" means any rule, regulation, or standard of care
17 to be maintained by an agency.

18 (8) "Secretary" means the secretary of social and health
19 services.

20 (9) "Street youth" means a person under the age of eighteen who
21 lives outdoors or in another unsafe location not intended for
22 occupancy by the minor and who is not residing with his or her parent
23 or at his or her legally authorized residence.

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

28 ~~(11))~~ "Transitional living services" means at a minimum, to the
29 extent funds are available, the following:

30 (a) Educational services, including basic literacy and
31 computational skills training, either in local alternative or public
32 high schools or in a high school equivalency program that leads to
33 obtaining a high school equivalency degree;

34 (b) Assistance and counseling related to obtaining vocational
35 training or higher education, job readiness, job search assistance,
36 and placement programs;

37 (c) Counseling and instruction in life skills such as money
38 management, home management, consumer skills, parenting, health care,
39 access to community resources, and transportation and housing
40 options;

- 1 (d) Individual and group counseling; and
2 (e) Establishing networks with federal agencies and state and
3 local organizations such as the United States department of labor,
4 employment and training administration programs including the
5 workforce innovation and opportunity act which administers private
6 industry councils and the job corps; vocational rehabilitation; and
7 volunteer programs.

8 **Sec. 67.** RCW 74.15.020 and 2017 3rd sp.s. c 6 s 408 are each
9 amended to read as follows:

10 The definitions in this section apply throughout this chapter and
11 RCW 74.13.031 unless the context clearly requires otherwise.

12 (1) "Agency" means any person, firm, partnership, association,
13 corporation, or facility which receives children, expectant mothers,
14 or persons with developmental disabilities for control, care, or
15 maintenance outside their own homes, or which places, arranges the
16 placement of, or assists in the placement of children, expectant
17 mothers, or persons with developmental disabilities for foster care
18 or placement of children for adoption, and shall include the
19 following irrespective of whether there is compensation to the agency
20 or to the children, expectant mothers, or persons with developmental
21 disabilities for services rendered:

22 (a) "Child-placing agency" means an agency which places a child
23 or children for temporary care, continued care, or for adoption;

24 (b) "Community facility" means a group care facility operated for
25 the care of juveniles committed to the department under RCW
26 13.40.185. A county detention facility that houses juveniles
27 committed to the department under RCW 13.40.185 pursuant to a
28 contract with the department is not a community facility;

29 (c) "Crisis residential center" means an agency which is a
30 temporary protective residential facility operated to perform the
31 duties specified in chapter 13.32A RCW, in the manner provided in RCW
32 43.185C.295 through 43.185C.310;

33 (d) "Emergency respite center" is an agency that may be commonly
34 known as a crisis nursery, that provides emergency and crisis care
35 for up to seventy-two hours to children who have been admitted by
36 their parents or guardians to prevent abuse or neglect. Emergency
37 respite centers may operate for up to twenty-four hours a day, and
38 for up to seven days a week. Emergency respite centers may provide
39 care for children ages birth through seventeen, and for persons

1 eighteenth through twenty with developmental disabilities who are
2 admitted with a sibling or siblings through age seventeen. Emergency
3 respite centers may not substitute for crisis residential centers or
4 HOPE centers, or any other services defined under this section, and
5 may not substitute for services which are required under chapter
6 13.32A or 13.34 RCW;

7 (e) "Foster-family home" means an agency which regularly provides
8 care on a twenty-four hour basis to one or more children, expectant
9 mothers, or persons with developmental disabilities in the family
10 abode of the person or persons under whose direct care and
11 supervision the child, expectant mother, or person with a
12 developmental disability is placed;

13 (f) "Group-care facility" means an agency, other than a foster-
14 family home, which is maintained and operated for the care of a group
15 of children on a twenty-four hour basis;

16 (g) "HOPE center" means an agency licensed by the secretary to
17 provide temporary residential placement and other services to street
18 youth. A street youth may remain in a HOPE center for thirty days
19 while services are arranged and permanent placement is coordinated.
20 No street youth may stay longer than thirty days unless approved by
21 the department and any additional days approved by the department
22 must be based on the unavailability of a long-term placement option.
23 A street youth whose parent wants him or her returned to home may
24 remain in a HOPE center until his or her parent arranges return of
25 the youth, not longer. All other street youth must have court
26 approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center
27 up to thirty days;

28 (h) "Maternity service" means an agency which provides or
29 arranges for care or services to expectant mothers, before or during
30 confinement, or which provides care as needed to mothers and their
31 infants after confinement;

32 (i) "Resource and assessment center" means an agency that
33 provides short-term emergency and crisis care for a period up to
34 seventy-two hours, excluding Saturdays, Sundays, and holidays to
35 children who have been removed from their parent's or guardian's care
36 by child protective services or law enforcement;

37 (j) "Responsible living skills program" means an agency licensed
38 by the secretary that provides residential and transitional living
39 services to persons ages sixteen to eighteen who are dependent under
40 chapter 13.34 RCW and who have been unable to live in his or her

1 legally authorized residence and, as a result, the minor lived
2 outdoors or in another unsafe location not intended for occupancy by
3 the minor. Dependent minors ages fourteen and fifteen may be eligible
4 if no other placement alternative is available and the department
5 approves the placement;

6 (k) "Service provider" means the entity that operates a community
7 facility.

8 (2) "Agency" shall not include the following:

9 (a) Persons related to the child, expectant mother, or person
10 with developmental disability in the following ways:

11 (i) Any blood relative, including those of half-blood, and
12 including first cousins, second cousins, nephews or nieces, and
13 persons of preceding generations as denoted by prefixes of grand,
14 great, or great-great;

15 (ii) Stepfather, stepmother, stepbrother, and stepsister;

16 (iii) A person who legally adopts a child or the child's parent
17 as well as the natural and other legally adopted children of such
18 persons, and other relatives of the adoptive parents in accordance
19 with state law;

20 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of
21 this subsection (2), even after the marriage is terminated;

22 (v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this
23 subsection (2), of any half sibling of the child; or

24 (vi) Extended family members, as defined by the law or custom of
25 the Indian child's tribe or, in the absence of such law or custom, a
26 person who has reached the age of eighteen and who is the Indian
27 child's grandparent, aunt or uncle, brother or sister, brother-in-law
28 or sister-in-law, niece or nephew, first or second cousin, or
29 stepparent who provides care in the family abode on a twenty-four-
30 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

31 (b) Persons who are legal guardians of the child, expectant
32 mother, or persons with developmental disabilities;

33 (c) Persons who care for a neighbor's or friend's child or
34 children, with or without compensation, where the parent and person
35 providing care on a twenty-four-hour basis have agreed to the
36 placement in writing and the state is not providing any payment for
37 the care;

38 (d) A person, partnership, corporation, or other entity that
39 provides placement or similar services to exchange students or

1 international student exchange visitors or persons who have the care
2 of an exchange student in their home;

3 (e) A person, partnership, corporation, or other entity that
4 provides placement or similar services to international children who
5 have entered the country by obtaining visas that meet the criteria
6 for medical care as established by the United States citizenship and
7 immigration services, or persons who have the care of such an
8 international child in their home;

9 (f) Schools, including boarding schools, which are engaged
10 primarily in education, operate on a definite school year schedule,
11 follow a stated academic curriculum, accept only school-age children
12 and do not accept custody of children;

13 (g) Hospitals licensed pursuant to chapter 70.41 RCW when
14 performing functions defined in chapter 70.41 RCW, nursing homes
15 licensed under chapter 18.51 RCW and assisted living facilities
16 licensed under chapter 18.20 RCW;

17 (h) Licensed physicians or lawyers;

18 (i) Facilities approved and certified under chapter 71A.22 RCW;

19 (j) Any agency having been in operation in this state ten years
20 prior to June 8, 1967, and not seeking or accepting moneys or
21 assistance from any state or federal agency, and is supported in part
22 by an endowment or trust fund;

23 (k) Persons who have a child in their home for purposes of
24 adoption, if the child was placed in such home by a licensed child-
25 placing agency, an authorized public or tribal agency or court or if
26 a replacement report has been filed under chapter 26.33 RCW and the
27 placement has been approved by the court;

28 (l) An agency operated by any unit of local, state, or federal
29 government or an agency licensed by an Indian tribe pursuant to RCW
30 74.15.190;

31 (m) A maximum or medium security program for juvenile offenders
32 operated by or under contract with the department;

33 (n) An agency located on a federal military reservation, except
34 where the military authorities request that such agency be subject to
35 the licensing requirements of this chapter;

36 (o) A host home program, and host home, operated by a tax exempt
37 organization for youth not in the care of or receiving services from
38 the department, if that program: (i) Recruits and screens potential
39 homes in the program, including performing background checks on
40 individuals over the age of eighteen residing in the home through the

1 Washington state patrol or equivalent law enforcement agency and
2 performing physical inspections of the home; (ii) screens and
3 provides case management services to youth in the program; (iii)
4 obtains a notarized permission slip or limited power of attorney from
5 the parent or legal guardian of the youth authorizing the youth to
6 participate in the program and the authorization is updated every six
7 months when a youth remains in a host home longer than six months;
8 (iv) obtains insurance for the program through an insurance provider
9 authorized under Title 48 RCW; (v) provides mandatory reporter and
10 confidentiality training; and (vi) registers with the secretary of
11 state as provided in RCW 24.03.550. A host home is a private home
12 that volunteers to host youth in need of temporary placement that is
13 associated with a host home program. Any host home program that
14 receives local, state, or government funding shall report the
15 following information to the office of homeless youth prevention and
16 protection programs annually by December 1st of each year: The number
17 of children the program served, why the child was placed with a host
18 home, and where the child went after leaving the host home, including
19 but not limited to returning to the parents, running away, reaching
20 the age of majority, or becoming a dependent of the state. A host
21 home program shall not receive more than one hundred thousand dollars
22 per year of public funding, including local, state, and federal
23 funding. A host home shall not receive any local, state, or
24 government funding.

25 (3) "Department" means the department of children, youth, and
26 families.

27 (4) "Juvenile" means a person under the age of twenty-one who has
28 been sentenced to a term of confinement under the supervision of the
29 department under RCW 13.40.185.

30 (5) "Performance-based contracts" or "contracting" means the
31 structuring of all aspects of the procurement of services around the
32 purpose of the work to be performed and the desired results with the
33 contract requirements set forth in clear, specific, and objective
34 terms with measurable outcomes. Contracts may also include provisions
35 that link the performance of the contractor to the level and timing
36 of the reimbursement.

37 (6) "Probationary license" means a license issued as a
38 disciplinary measure to an agency that has previously been issued a
39 full license but is out of compliance with licensing standards.

1 (7) "Requirement" means any rule, regulation, or standard of care
2 to be maintained by an agency.

3 (8) "Secretary" means the secretary of the department.

4 (9) "Street youth" means a person under the age of eighteen who
5 lives outdoors or in another unsafe location not intended for
6 occupancy by the minor and who is not residing with his or her parent
7 or at his or her legally authorized residence.

8 ~~(10) ("Supervising agency" means an agency licensed by the state
9 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has
10 entered into a performance-based contract with the department to
11 provide child welfare services.~~

12 ~~(11))~~ "Transitional living services" means at a minimum, to the
13 extent funds are available, the following:

14 (a) Educational services, including basic literacy and
15 computational skills training, either in local alternative or public
16 high schools or in a high school equivalency program that leads to
17 obtaining a high school equivalency degree;

18 (b) Assistance and counseling related to obtaining vocational
19 training or higher education, job readiness, job search assistance,
20 and placement programs;

21 (c) Counseling and instruction in life skills such as money
22 management, home management, consumer skills, parenting, health care,
23 access to community resources, and transportation and housing
24 options;

25 (d) Individual and group counseling; and

26 (e) Establishing networks with federal agencies and state and
27 local organizations such as the United States department of labor,
28 employment and training administration programs including the
29 workforce innovation and opportunity act which administers private
30 industry councils and the job corps; vocational rehabilitation; and
31 volunteer programs.

32 **Sec. 68.** RCW 74.15.100 and 2009 c 520 s 16 and 2009 c 206 s 1
33 are each reenacted and amended to read as follows:

34 Each agency (~~or supervising agency~~) shall make application for
35 a license or renewal of license to the department on forms prescribed
36 by the department. A licensed agency having foster-family homes under
37 its supervision may make application for a license on behalf of any
38 such foster-family home. Such a foster home license shall cease to be
39 valid when the home is no longer under the supervision of that

1 agency. Upon receipt of such application, the department shall either
2 grant or deny a license within ninety days unless the application is
3 for licensure as a foster-family home, in which case RCW 74.15.040
4 shall govern. A license shall be granted if the agency meets the
5 minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031
6 and the departmental requirements consistent herewith, except that an
7 initial license may be issued as provided in RCW 74.15.120. Licenses
8 provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued
9 for a period of three years. The licensee, however, shall advise the
10 secretary of any material change in circumstances which might
11 constitute grounds for reclassification of license as to category.
12 The license issued under this chapter is not transferable and applies
13 only to the licensee. The license shall be limited to a particular
14 location which shall be stated on the license. For licensed foster-
15 family homes having an acceptable history of child care, the license
16 may remain in effect for thirty days after a move, except that this
17 will apply only if the family remains intact. Licensees must notify
18 their licensor before moving to a new location and may request a
19 continuation of the license at the new location. At the request of
20 the licensee, the department shall, within thirty days following a
21 foster-family home licensee's move to a new location, amend the
22 license to reflect the new location, provided the new location and
23 the licensee meet minimum licensing standards.

24 NEW SECTION. **Sec. 69.** The following acts or parts of acts are
25 each repealed:

26 (1) RCW 74.13.320 (Printing informational materials—Department's
27 duty) and 2009 c 520 s 80 & 1990 c 284 s 15;

28 (2) RCW 74.13.360 (Performance-based contracts—Child welfare
29 demonstration sites—Department duties—Contracts with tribes) and
30 2016 c 184 s 1, 2013 c 205 s 4, 2012 c 205 s 8, 2010 c 291 s 4, &
31 2009 c 520 s 3;

32 (3) RCW 74.13.362 (Performance-based contracts—Legislative
33 mandate) and 2009 c 520 s 4;

34 (4) RCW 74.13.364 (Performance-based contracts—State authority—
35 Selection of demonstration sites) and 2010 c 291 s 5 & 2009 c 520 s
36 5;

1 (5) RCW 74.13.366 (Performance-based contracts—Preference for
2 qualifying private nonprofit entities) and 2010 c 291 s 6 & 2009 c
3 520 s 6;

4 (6) RCW 74.13.370 (Performance-based contracts—Washington state
5 institute for public policy report) and 2016 c 184 s 2, 2012 c 205 s
6 9, & 2009 c 520 s 9;

7 (7) RCW 74.13.372 (Performance-based contracts—Determination of
8 expansion of delivery of child welfare services by contractors—
9 Governor's duty) and 2016 c 184 s 3, 2012 c 205 s 11, & 2009 c 520 s
10 10; and

11 (8) RCW 43.10.280 (Dependency and termination of parental rights—
12 Legal services to supervising agencies under state contract) and 2009
13 c 520 s 7.

14 NEW SECTION. **Sec. 70.** Sections 3, 8, 13, 20, 33, 36, and 66 of
15 this act take effect July 1, 2018.

16 NEW SECTION. **Sec. 71.** Sections 2, 7, 12, 19, 32, 35, and 65 of
17 this act expire July 1, 2018.

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