

**Chapter 71A.28 RCW
OUT-OF-HOME SERVICES**

Sections

- 71A.28.010 Person-centered service plan—Intent.
71A.28.020 Person-centered service plan—Custody—Termination—Rules.
71A.28.030 Intent—Voluntary out-of-home services—Dependency
petition—Rules.

RCW 71A.28.010 Person-centered service plan—Intent. It is the intent of the legislature that parents are responsible for the care and support of children with developmental disabilities. The legislature recognizes that, because of the intense support required to care for a child with developmental disabilities, the help of out-of-home services may be needed. It is the intent of the legislature that, when the sole reason for out-of-home services is the child's developmental disability, such services be offered by the department to these children through a voluntary person-centered service planning process and in accordance with rules adopted by the department. [2020 c 41 s 1; 2019 c 470 s 17; 2011 c 309 s 34; 2004 c 183 s 4; 1998 c 229 s 1; 1997 c 386 s 16. Formerly RCW 74.13.350.]

Effective date—2004 c 183: See note following RCW 13.34.160.

RCW 71A.28.020 Person-centered service plan—Custody—Termination—Rules. (1) Under the person-centered service plan, the parent or legal guardian retains legal custody for the child's placement and care. The service plan must be signed by the child's parent or legal guardian and the department to be in effect.

(2) The parent or legal guardian may terminate services at any time. Upon termination of services, the child's parent or legal guardian retains legal custody for the child's placement and care unless the child has been taken into custody by the department of children, youth, and families, pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130.

(3) The department of social and health services must adopt rules for the person-centered service plan.

(4) For purposes of this section, "person-centered service plan" means a written plan between the department and a child's parent or legal guardian approving services for the child in a licensed or certified setting. [2020 c 41 s 2.]

RCW 71A.28.030 Intent—Voluntary out-of-home services—Dependency petition—Rules. (1) It is the intent of the legislature that the department offer voluntary out-of-home services in cases where the sole reason for the child's out-of-home services is due to the child's developmental disability and the parent, guardian, or legal custodian has determined that the child would benefit from services outside of the home. If the department does not offer out-of-home services, a petition may be filed and an action pursued under chapter 13.34 RCW.

(2) Nothing in this section prevents the department of children, youth, and families from filing a dependency petition if there is reason to believe that the child is a dependent child as defined in RCW 13.34.030.

(3) The department must adopt rules for out-of-home services.

(4) As used in this section, "out-of-home services" means the services provided to a child by a provider that is licensed to serve children under chapter 74.15 RCW and is contracted by the department or provided by a state-operated community program of the developmental disabilities administration. [2020 c 41 s 3.]