

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5885

Chapter 311, Laws of 1995

54th Legislature
1995 Regular Session

CHILD WELFARE SERVICES--REVISED PROVISIONS

EFFECTIVE DATE: 7/23/95

Passed by the Senate April 23, 1995
YEAS 34 NAYS 10

 JOEL PRITCHARD
President of the Senate

Passed by the House April 23, 1995
YEAS 94 NAYS 0

 CLYDE BALLARD
**Speaker of the
House of Representatives**

Approved May 10, 1995

 MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5885** as passed by the Senate and the House of Representatives on the dates hereon set forth.

 MARTY BROWN
Secretary

FILED

May 10, 1995 - 10:30 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5885

AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Owen, Kohl, Haugen, Rasmussen, Franklin, Bauer and Winsley)

Read first time 03/01/95.

1 AN ACT Relating to services to families; amending RCW 74.14C.005,
2 74.14C.010, 74.14C.020, 74.14C.030, 74.14C.040, 74.14C.050, 74.14C.060,
3 74.14C.070, 13.04.030, 13.50.100, 74.15.020, 13.34.130, 13.34.145,
4 74.13.280, 74.15.120, 13.34.030, 13.34.233, 28A.225.330, and 13.34.110;
5 reenacting and amending RCW 26.44.030; adding new sections to chapter
6 74.14C RCW; adding new sections to chapter 74.13 RCW; creating new
7 sections; repealing RCW 74.14C.035; and prescribing penalties.

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

9 **Sec. 1.** RCW 74.14C.005 and 1992 c 214 s 1 are each amended to read
10 as follows:

11 ~~((It is the intent of the legislature to make available, within~~
12 ~~available funds, intensive services to children and families that are~~
13 ~~designed to prevent the unnecessary imminent placement of children in~~
14 ~~foster care, and designed to facilitate the reunification of the~~
15 ~~children with their families.))~~ The legislature believes that
16 protecting the health and safety of children is paramount. The
17 legislature recognizes that the number of children entering out-of-home
18 care is increasing and that a number of children receive long-term
19 foster care protection. Reasonable efforts by the department to

1 shorten out-of-home placement or avoid it altogether should be a major
2 focus of the child welfare system. It is intended that providing up-
3 front services decrease the number of children entering out-of-home
4 care and have the effect of eventually lowering foster care
5 expenditures and strengthening the family unit.

6 Within available funds, the legislature directs the department to
7 focus child welfare services on protecting the child, strengthening
8 families and, to the extent possible, providing necessary services in
9 the family setting, while drawing upon the strengths of the family.
10 The legislature intends services be locally based and offered as early
11 as possible to avoid disruption to the family, out-of-home placement of
12 the child, and entry into the dependency system. The legislature also
13 intends that these services be used for those families whose children
14 are returning to the home from out-of-home care. These services are
15 known as family preservation services and intensive family preservation
16 services and are characterized by the following values, beliefs, and
17 goals:

18 (a) Safety of the child is always the first concern;

19 (b) Children need their families and should be raised by their own
20 families whenever possible;

21 (c) Interventions should focus on family strengths and be
22 responsive to the individual ((family)) family's cultural values and
23 needs; ((and))

24 (d) Participation should be voluntary; and

25 (e) Improvement of family functioning is essential in order to
26 promote the child's health, safety, and welfare and thereby allow the
27 family to remain intact and allow children to remain at home.

28 (2) Subject to the availability of funds for such purposes, the
29 legislature intends for ~~((family preservation))~~ these services to be
30 made available to all eligible families on a state-wide basis through
31 a phased-in process. Except as otherwise specified by statute, the
32 department of social and health services shall have the authority and
33 discretion to implement and expand ((family preservation)) these
34 services ((according to a plan and time frame determined by the
35 department)) as provided in this chapter. The department shall consult
36 with the community public health and safety networks when assessing a
37 community's resources and need for services.

38 (3) It is the legislature's intent that, within available funds,
39 the department develop services in accordance with this chapter.

1 (4) Nothing in this chapter shall be construed to create an
2 entitlement to services nor to create judicial authority to order the
3 provision of ((family)) preservation services to any person or family
4 ((where)) if the ((department has determined that such)) services are
5 unavailable or unsuitable or that the child or family are not eligible
6 for such services.

7 **Sec. 2.** RCW 74.14C.010 and 1992 c 214 s 2 are each amended to read
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Department" means the department of social and health
12 services.

13 (2) (~~("Family preservation services" means services that are~~
14 ~~delivered primarily in the home, that follow intensive service models~~
15 ~~with demonstrated effectiveness in reducing or avoiding the need for~~
16 ~~unnecessary imminent foster care placement, and that have all of the~~
17 ~~characteristics delineated in RCW 74.14C.020.~~

18 (3) ~~"Foster care" means placement of a child by the department or~~
19 ~~a licensed child placing agency in a home or facility licensed pursuant~~
20 ~~to chapter 74.15 RCW, or in a home or facility that is not required to~~
21 ~~be licensed pursuant to chapter 74.15 RCW.~~

22 (4)) "Family preservation services" means in-home or community-
23 based services drawing on the strengths of the family and its
24 individual members while addressing family needs to strengthen and keep
25 the family together where possible and may include:

26 (a) Respite care of children to provide temporary relief for
27 parents and other caregivers;

28 (b) Services designed to improve parenting skills with respect to
29 such matters as child development, family budgeting, coping with
30 stress, health, safety, and nutrition; and

31 (c) Services designed to promote the well-being of children and
32 families, increase the strength and stability of families, increase
33 parents' confidence and competence in their parenting abilities,
34 promote a safe, stable, and supportive family environment for children,
35 and otherwise enhance children's development.

36 Family preservation services shall have the characteristics
37 delineated in RCW 74.14C.020 (2) and (3).

1 (3) "Imminent" means a decision has been made by the department
2 that, without intensive family preservation services, a petition
3 requesting the removal of a child from the family home will be
4 immediately filed under chapter 13.32A or 13.34 RCW, or that a
5 voluntary placement agreement will be immediately initiated.

6 (4) "Intensive family preservation services" means community-based
7 services that are delivered primarily in the home, that follow
8 intensive service models with demonstrated effectiveness in reducing or
9 avoiding the need for unnecessary imminent out-of-home placement, and
10 that have all of the characteristics delineated in RCW 74.14C.020 (1)
11 and (3).

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

17 (6) "Preservation services" means family preservation services and
18 intensive family preservation services that consider the individual
19 family's cultural values and needs.

20 **Sec. 3.** RCW 74.14C.020 and 1992 c 214 s 3 are each amended to read
21 as follows:

22 (1) Intensive family preservation services shall have all of the
23 following characteristics:

24 ~~((1))~~ (a) Services are provided by specially trained
25 ~~((caseworkers))~~ service providers who have received at least forty
26 hours of training from recognized ~~((family preservation))~~ intensive in-
27 home services experts. ~~((Caseworkers provide))~~ Service providers
28 deliver the services in the family's home, and ~~((may provide some of~~
29 ~~the services in))~~ other ~~((natural))~~ environments of the family, such as
30 their neighborhood or schools;

31 ~~((2))~~ (b) Caseload size averages two families per ~~((caseworker))~~
32 service provider;

33 ~~((3))~~ (c) The services to the family are provided by a single
34 ~~((caseworker))~~ service provider, with backup ~~((caseworkers))~~ providers
35 identified to provide assistance as necessary;

36 ~~((4) Caseworkers have the authority and discretion to spend funds,~~
37 ~~up to a maximum amount specified by the department, to help families~~

1 obtain necessary food, shelter, or clothing, or to purchase other goods
2 or services that will enhance the effectiveness of intervention;

3 ~~(5))~~ (d) Services are available to the family within twenty-four
4 hours following receipt of a referral to the program;

5 ~~((6) Services are available to the family twenty-four hours a day~~
6 ~~and seven days a week;~~

7 ~~(7))~~ (e) Duration of service is limited to a maximum of forty
8 days, unless the department authorizes an additional provision of
9 service through an exception to policy;

10 ~~(8) Services assist the family to improve parental and household~~
11 ~~management competence and to solve practical problems that contribute~~
12 ~~to family stress so as to effect improved parental performance and~~
13 ~~enhanced functioning of the family unit; and~~

14 ~~(9) Services help families locate and utilize additional~~
15 ~~assistance, including, but not limited to, counseling and treatment~~
16 ~~services, housing, child care, education, job training, emergency cash~~
17 ~~grants, state and federally funded public assistance, and other basic~~
18 ~~support services)).~~

19 (2) Family preservation services shall have all of the following
20 characteristics:

21 (a) Services are delivered primarily in the family home or
22 community;

23 (b) Services are committed to reinforcing the strengths of the
24 family and its members and empowering the family to solve problems and
25 become self-sufficient;

26 (c) Services are committed to providing support to families through
27 community organizations including but not limited to school, church,
28 cultural, ethnic, neighborhood, and business;

29 (d) Services are available to the family within forty-eight hours
30 of referral unless an exception is noted in the file;

31 (e) Duration of service is limited to a maximum of ninety days,
32 unless the department authorizes an additional provision of service
33 through an exception to policy; and

34 (f) Caseload size no more than ten families per service provider,
35 which can be adjusted according to exceptions defined by the
36 department.

37 (3) Preservation services shall include the following
38 characteristics:

39 (a) Services protect the child and strengthen the family;

1 (b) Service providers have the authority and discretion to spend
2 funds, up to a maximum amount specified by the department, to help
3 families obtain necessary food, shelter, or clothing, or to purchase
4 other goods or services that will enhance the effectiveness of
5 intervention;

6 (c) Services are available to the family twenty-four hours a day
7 and seven days a week;

8 (d) Services enhance parenting skills, family and personal self-
9 sufficiency, functioning of the family, and reduce stress on families;
10 and

11 (e) Services help families locate and use additional assistance
12 including, but not limited to, counseling and treatment services,
13 housing, child care, education, job training, emergency cash grants,
14 state and federally funded public assistance, and other basic support
15 services.

16 **Sec. 4.** RCW 74.14C.030 and 1992 c 214 s 4 are each amended to read
17 as follows:

18 (1) The department shall be the lead administrative agency for
19 ((family)) preservation services and may receive funding from any
20 source for the implementation or expansion of such services. The
21 department shall:

22 (a) Provide coordination and planning with the advice of the
23 community networks for the implementation and expansion of ((family))
24 preservation services; and

25 (b) Monitor and evaluate such services to determine whether the
26 programs meet measurable standards specified by this chapter and the
27 department.

28 (2) In carrying out the requirements ~~((of subsection (1)(a)))~~ of
29 this section, the department shall consult ~~((and coordinate with at~~
30 ~~least one))~~ with qualified ~~((private, nonprofit agency))~~ agencies that
31 ~~((has))~~ have demonstrated expertise and experience in ((family))
32 preservation services.

33 (3) The department may provide ((family)) preservation services
34 directly and shall, within available funds, enter into outcome-based,
35 competitive contracts with ~~((private, nonprofit))~~ social service
36 agencies to provide preservation services, provided that such agencies
37 meet measurable standards specified by this chapter and by the

1 department. The standards shall include, but not be limited to,
2 satisfactory performance in the following areas:

3 (a) The number of families appropriately connected to community
4 resources;

5 (b) Avoidance of new referrals accepted by the department for child
6 protective services or family reconciliation services within one year
7 of the most recent case closure by the department;

8 (c) Consumer satisfaction;

9 (d) For reunification cases, reduction in the length of stay in
10 out-of-home placement; and

11 (e) Reduction in the level of risk factors specified by the
12 department.

13 (4)(a) The department shall not ((continue direct provision of))
14 provide intensive family preservation services unless it is
15 demonstrated that provision of such services prevent((s foster care))
16 out-of-home placement in at least seventy percent of the cases served
17 for a period of at least six months following termination of services.
18 ((The department shall not renew a contract with a service provider
19 unless the provider can)) The department's caseworkers may only provide
20 preservation services if there is no other qualified entity willing or
21 able to do so.

22 (b) Contractors shall demonstrate that provision of intensive
23 family preservation services prevent((s foster care)) out-of-home
24 placement in at least seventy percent of the cases served for a period
25 of ((at least)) no less than six months following termination of
26 services. The department may increase the period of time based on
27 additional research and data. If the contractor fails to meet the
28 seventy percent requirement the department may: (i) Review the
29 conditions that may have contributed to the failure to meet the
30 standard and renew the contract if the department determines: (A) The
31 contractor is making progress to meet the standard; or (B) conditions
32 unrelated to the provision of services, including case mix and severity
33 of cases, contributed to the failure; or (ii) reopen the contract for
34 other bids.

35 (c) The department shall cooperate with any person who has a
36 contract under this section in providing data necessary to determine
37 the amount of reduction in foster care. For the purposes of this
38 subsection "prevent out-of-home placement" means that a child who has
39 been a recipient of intensive family preservation services has not been

1 placed outside of the home, other than for a single, temporary period
2 of time not exceeding fourteen days.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.14C RCW
4 to read as follows:

5 The department shall collect data regarding the rates at which
6 intensive family preservation services prevent out-of-home placements
7 over varying periods of time. The department shall make an initial
8 report to the appropriate committees of the legislature of the data,
9 and the proposed rules to implement this section, by December 1, 1995.
10 The department shall present a report to the appropriate committees of
11 the legislature on September 1st of each odd-numbered year, commencing
12 on September 1, 1997.

13 **Sec. 6.** RCW 74.14C.040 and 1992 c 214 s 5 are each amended to read
14 as follows:

15 (1) Intensive family preservation services may be provided to
16 children and their families only when the department has determined
17 that:

18 (a) The child has been placed (~~(in foster care)~~) out-of-home or is
19 at (~~(actual,~~) imminent risk of (~~(foster care)~~) an out-of-home
20 placement due to:

21 (i) Child abuse or neglect;

22 (ii) A serious threat of substantial harm to the child's health,
23 safety, or welfare; or

24 (iii) Family conflict; and

25 (b) There are no other reasonably available services including
26 family preservation services that will prevent (~~(foster care)~~) out-of-
27 home placement of the child or make it possible to immediately return
28 the child home.

29 (2) The department shall refer eligible families to intensive
30 family preservation services on a twenty-four hour intake basis. The
31 department need not refer otherwise eligible families, and intensive
32 family preservation services need not be provided, if:

33 (a) The services are not available in the community in which the
34 family resides;

35 (b) The services cannot be provided because the program is filled
36 to capacity and there are no current service openings;

37 (c) The family refuses the services;

1 (d) The department, or the agency that is supervising the foster
2 care placement, has developed a case plan that does not include
3 reunification of the child and family; or

4 (e) The department or the (~~contracted~~) service provider
5 determines that the safety of a child, a family member, or persons
6 providing the service would be unduly threatened.

7 (3) Nothing in this chapter shall prevent provision of intensive
8 family preservation services to nonfamily members when the department
9 or the service provider deems it necessary or appropriate to do so in
10 order to assist the family or child.

11 NEW SECTION. Sec. 7. A new section is added to chapter 74.14C RCW
12 to read as follows:

13 (1) Family preservation services may be provided to children and
14 their families only when the department has determined that without
15 intervention, the child faces a substantial likelihood of out-of-home
16 placement due to:

17 (a) Child abuse or neglect;

18 (b) A serious threat of substantial harm to the child's health,
19 safety, or welfare; or

20 (c) Family conflict.

21 (2) The department need not refer otherwise eligible families and
22 family preservation services need not be provided, if:

23 (a) The services are not available in the community in which the
24 family resides;

25 (b) The services cannot be provided because the program is filled
26 to capacity;

27 (c) The family refuses the services; or

28 (d) The department or the service provider determines that the
29 safety of a child, a family member, or persons providing the services
30 would be unduly threatened.

31 (3) Nothing in this chapter shall prevent provision of family
32 preservation services to nonfamily members when the department or the
33 service provider deems it necessary or appropriate to do so in order to
34 assist the family or the child.

35 NEW SECTION. Sec. 8. A new section is added to chapter 74.14C RCW
36 to read as follows:

1 Each department caseworker who refers a client for preservation
2 services shall file a report with his or her direct supervisor stating
3 the reasons for which the client was referred. The caseworker's
4 supervisor shall verify in writing his or her belief that the family
5 who is the subject of a referral for preservation services meets the
6 eligibility criteria for services as provided in this chapter. The
7 direct supervisor shall report monthly to the regional administrator on
8 the provision of these services. The regional administrator shall
9 report to the assistant secretary quarterly on the provision of these
10 services for the entire region. The assistant secretary shall make a
11 semiannual report to the secretary on the provision of these services
12 on a state-wide basis.

13 **Sec. 9.** RCW 74.14C.050 and 1992 c 214 s 6 are each amended to read
14 as follows:

15 ~~((1) The department shall, within available funds, conduct a~~
16 ~~family preservation services study in at least one region within the~~
17 ~~state. In developing and conducting the project, the department shall~~
18 ~~consult and coordinate with at least one qualified private, nonprofit~~
19 ~~agency that has demonstrated expertise and experience in family~~
20 ~~preservation services. The purpose of the study is to)) By December 1,
21 1995, the department, with the assistance of the family policy council,
22 two urban and two rural public health and safety networks to be chosen
23 by the family policy council, and two private, nonprofit agencies with
24 expertise and experience in preservation services shall submit to the
25 legislature an implementation and evaluation plan that identifies:~~

26 ~~((a) Develop)) (1) A valid and reliable process that can be used
27 by caseworkers for accurately identifying clients who are eligible for
28 intensive family preservation services and family preservation
29 services. The plan shall recognize the due process rights of families
30 that receive preservation services and recognize that family
31 preservation services are not intended to be investigative for purposes
32 of chapter 13.34 RCW;~~

33 ~~((b) Collect)) (2) Necessary data ((on)) by which ((to base))
34 program success will be measured, projections of service needs, budget
35 requests, and long-range planning;~~

36 ~~((c) Develop)) (3) Regional and state-wide projections of service
37 needs;~~

1 ~~((d) Develop)~~ (4) A cost estimate for state-wide implementation
2 and expansion of ~~((family))~~ preservation services on a ~~((state-wide))~~
3 phased-in basis beginning no later than July 1, 1996;

4 ~~((e) Develop a long range)~~ (5) A plan and time frame for
5 ~~((expanding the availability))~~ phased-in implementation of ~~((family))~~
6 preservation services ~~((and ultimately making such services available~~
7 ~~to all eligible families))~~ on a state-wide basis to be accomplished as
8 soon as possible but no later than July 1, 1997; ~~((and~~

9 ~~(f) Collect)~~ (6) Data regarding the number of children in foster
10 care, group care, ~~((and))~~ institutional placements, and other out-of-
11 home placements due to medical needs, mental health needs,
12 developmental disabilities, and juvenile offenses, and ~~((assess))~~ an
13 assessment of the feasibility of ~~((expanding family))~~ providing
14 preservation services ~~((eligibility))~~ to include all of these children;

15 (7) Standards and outcome measures for the department when the
16 department provides preservation services directly; and

17 (8) A process to assess outcome measures identified in RCW
18 74.14C.030 for contractors providing preservation services.

19 ~~((2) The department shall prepare a report to the legislature that~~
20 ~~addresses the objectives set forth in subsection (1) of this section.~~
21 ~~The report shall address the feasibility of expanding and implementing~~
22 ~~family preservation services on a state-wide basis. The report is due~~
23 ~~January 1, 1993.))~~

24 **Sec. 10.** RCW 74.14C.060 and 1992 c 214 s 7 are each amended to
25 read as follows:

26 For the purpose of providing ~~((family))~~ preservation services ~~((to~~
27 ~~children who would otherwise be removed from their homes,))~~ the
28 department may:

29 (1) Solicit and use any available federal or private resources,
30 which may include funds, in-kind resources, or volunteer services; and

31 (2) Use any available state resources, which may include in-kind
32 resources or volunteer services.

33 **Sec. 11.** RCW 74.14C.070 and 1994 c 288 s 3 are each amended to
34 read as follows:

35 ~~((After July 1, 1993,))~~ The secretary of social and health
36 services, or the secretary's regional designee, may transfer funds
37 appropriated for foster care services to purchase ~~((family))~~

1 preservation services and other preventive services for children at
2 imminent risk of (~~foster care~~) out-of-home placement or who face a
3 substantial likelihood of out-of-home placement. This transfer may be
4 made in those regions that lower foster care expenditures through
5 efficient use of preservation services and permanency planning efforts.
6 The transfer shall be equivalent to the amount of reduced foster care
7 expenditures and shall be made in accordance with the provisions of
8 this chapter and with the approval of the office of financial
9 management. The secretary shall (~~notify~~) present an annual report to
10 the (~~appropriate committees of the senate and house of representatives~~
11 of)) legislature regarding any transfers under this section. The
12 secretary shall include caseload, expenditure, cost avoidance,
13 identified improvements to the (~~foster~~) out-of-home care system, and
14 outcome data related to the transfer in the (~~notification~~) report.
15 The secretary shall also include in the report information regarding:
16 (1) The percent of cases where a child is placed in out-of-home care
17 after the provision of intensive family preservation services or family
18 preservation services; (2) the average length of time before such child
19 is placed out-of-home; (3) the average length of time such child is
20 placed out-of-home; and (4) the number of families that refused the
21 offer of either family preservation services or intensive family
22 preservation services.

23 NEW SECTION. Sec. 12. A new section is added to chapter 74.14C
24 RCW to read as follows:

25 (1) The department shall, within available funds, provide for
26 ongoing training and consultation to department personnel to carry out
27 their responsibilities effectively. Such training may:

28 (a) Include the family unit as the primary focus of service;
29 identifying family member strengths; empowering families; child, adult,
30 and family development; stress management; and may include parent
31 training and family therapy techniques;

32 (b) Address intake and referral, assessment of risk, case
33 assessment, matching clients to services, and service planning issues
34 in the context of the home-delivered service model, including
35 strategies for engaging family members, defusing violent situations,
36 and communication and conflict resolution skills;

1 (c) Cover methods of helping families acquire the skills they need,
2 including home management skills, life skills, parenting, child
3 development, and the use of community resources;

4 (d) Address crisis intervention and other strategies for the
5 management of depression, and suicidal, assaultive, and other high-risk
6 behavior; and

7 (e) Address skills in collaborating with other disciplines and
8 services in promoting the safety of children and other family members
9 and promoting the preservation of the family.

10 (2) The department and the office of the administrator for the
11 courts shall, within available funds, collaborate in providing training
12 to judges, and others involved in the provision of services pursuant to
13 this title, including service providers, on the function and use of
14 preservation services.

15 NEW SECTION. **Sec. 13.** The initial contracts under RCW
16 74.14C.030(3) shall be executed not later than July 1996 and shall
17 expire June 30, 1997. Subsequent contracts shall be for periods not to
18 exceed twenty-four months.

19 NEW SECTION. **Sec. 14.** A new section is added to chapter 74.13 RCW
20 to read as follows:

21 If the department is denied lawful access to records or
22 information, or requested records or information is not provided in a
23 timely manner, the department may petition the court for an order
24 compelling disclosure.

25 (1) The petition shall be filed in the juvenile court for the
26 county in which the record or information is located or the county in
27 which the person who is the subject of the record or information
28 resides. If the person who is the subject of the record or information
29 is a party to or the subject of a pending proceeding under chapter
30 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

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

1 information is necessary to determine whether the child is in imminent
2 danger and in need of immediate protection.

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

7 **Sec. 15.** RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended
8 to read as follows:

9 (1) Except as provided in subsection (2) of this section, the
10 juvenile courts in the several counties of this state, shall have
11 exclusive original jurisdiction over all proceedings:

12 (a) Under the interstate compact on placement of children as
13 provided in chapter 26.34 RCW;

14 (b) Relating to children alleged or found to be dependent as
15 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

16 (c) Relating to the termination of a parent and child relationship
17 as provided in RCW 13.34.180 through 13.34.210;

18 (d) To approve or disapprove alternative residential placement as
19 provided in RCW 13.32A.170;

20 (e) Relating to juveniles alleged or found to have committed
21 offenses, traffic infractions, or violations as provided in RCW
22 13.40.020 through 13.40.230, unless:

23 (i) The juvenile court transfers jurisdiction of a particular
24 juvenile to adult criminal court pursuant to RCW 13.40.110; or

25 (ii) The statute of limitations applicable to adult prosecution for
26 the offense, traffic infraction, or violation has expired; or

27 (iii) The alleged offense or infraction is a traffic, fish,
28 boating, or game offense or traffic infraction committed by a juvenile
29 sixteen years of age or older and would, if committed by an adult, be
30 tried or heard in a court of limited jurisdiction, in which instance
31 the appropriate court of limited jurisdiction shall have jurisdiction
32 over the alleged offense or infraction: PROVIDED, That if such an
33 alleged offense or infraction and an alleged offense or infraction
34 subject to juvenile court jurisdiction arise out of the same event or
35 incident, the juvenile court may have jurisdiction of both matters:
36 PROVIDED FURTHER, That the jurisdiction under this subsection does not
37 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
38 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited

1 jurisdiction which confine juveniles for an alleged offense or
2 infraction may place juveniles in juvenile detention facilities under
3 an agreement with the officials responsible for the administration of
4 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

5 (iv) The juvenile is sixteen or seventeen years old and the alleged
6 offense is: (A) A serious violent offense as defined in RCW 9.94A.030
7 committed on or after June 13, 1994; or (B) a violent offense as
8 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the
9 juvenile has a criminal history consisting of: (I) One or more prior
10 serious violent offenses; (II) two or more prior violent offenses; or
11 (III) three or more of any combination of the following offenses: Any
12 class A felony, any class B felony, vehicular assault, or manslaughter
13 in the second degree, all of which must have been committed after the
14 juvenile's thirteenth birthday and prosecuted separately. In such a
15 case the adult criminal court shall have exclusive original
16 jurisdiction.

17 If the juvenile challenges the state's determination of the
18 juvenile's criminal history, the state may establish the offender's
19 criminal history by a preponderance of the evidence. If the criminal
20 history consists of adjudications entered upon a plea of guilty, the
21 state shall not bear a burden of establishing the knowing and
22 voluntariness of the plea;

23 (f) Under the interstate compact on juveniles as provided in
24 chapter 13.24 RCW;

25 (g) Relating to termination of a diversion agreement under RCW
26 13.40.080, including a proceeding in which the divertee has attained
27 eighteen years of age; ((and))

28 (h) Relating to court validation of a voluntary consent to ((foster
29 care)) an out-of-home placement under chapter 13.34 RCW, by the parent
30 or Indian custodian of an Indian child, except if the parent or Indian
31 custodian and child are residents of or domiciled within the boundaries
32 of a federally recognized Indian reservation over which the tribe
33 exercises exclusive jurisdiction; and

34 (i) Relating to petitions to compel disclosure of information filed
35 by the department of social and health services pursuant to section 14
36 of this act.

37 (2) The family court shall have concurrent original jurisdiction
38 with the juvenile court over all proceedings under this section if the

1 superior court judges of a county authorize concurrent jurisdiction as
2 provided in RCW 26.12.010.

3 (3) A juvenile subject to adult superior court jurisdiction under
4 subsection (1)(e) (i) through (iv) of this section, who is detained
5 pending trial, may be detained in a county detention facility as
6 defined in RCW 13.40.020 pending sentencing or a dismissal.

7 **Sec. 16.** RCW 13.50.100 and 1990 c 246 s 9 are each amended to read
8 as follows:

9 (1) This section governs records not covered by RCW 13.50.050.

10 (2) Records covered by this section shall be confidential and shall
11 be released only pursuant to this section and RCW 13.50.010.

12 (3) Records retained or produced by any juvenile justice or care
13 agency may be released to other participants in the juvenile justice or
14 care system only when an investigation or case involving the juvenile
15 in question is being pursued by the other participant or when that
16 other participant is assigned the responsibility of supervising the
17 juvenile. Records covered under this section and maintained by the
18 juvenile courts which relate to the official actions of the agency may
19 be entered in the state-wide juvenile court information system.

20 (4) A juvenile, his or her parents, the juvenile's attorney and the
21 juvenile's parent's attorney, shall, upon request, be given access to
22 all records and information collected or retained by a juvenile justice
23 or care agency which pertain to the juvenile except:

24 (a) If it is determined by the agency that release of this
25 information is likely to cause severe psychological or physical harm to
26 the juvenile or his or her parents the agency may withhold the
27 information subject to other order of the court: PROVIDED, That if the
28 court determines that limited release of the information is
29 appropriate, the court may specify terms and conditions for the release
30 of the information; or

31 (b) If the information or record has been obtained by a juvenile
32 justice or care agency in connection with the provision of counseling,
33 psychological, psychiatric, or medical services to the juvenile, when
34 the services have been sought voluntarily by the juvenile, and the
35 juvenile has a legal right to receive those services without the
36 consent of any person or agency, then the information or record may not
37 be disclosed to the juvenile's parents without the informed consent of
38 the juvenile unless otherwise authorized by law; or

1 (c) That the department of social and health services may delete
2 the name and identifying information regarding persons or organizations
3 who have reported suspected child abuse or neglect.

4 (5) A juvenile or his or her parent denied access to any records
5 following an agency determination under subsection (4) of this section
6 may file a motion in juvenile court requesting access to the records.
7 The court shall grant the motion unless it finds access may not be
8 permitted according to the standards found in subsections (4) (a) and
9 (b) of this section.

10 (6) The person making a motion under subsection (5) of this section
11 shall give reasonable notice of the motion to all parties to the
12 original action and to any agency whose records will be affected by the
13 motion.

14 (7) Subject to the rules of discovery in civil cases, any party to
15 a proceeding seeking a declaration of dependency or a termination of
16 the parent-child relationship and any party's counsel and the guardian
17 ad litem of any party, shall have access to the records of any natural
18 or adoptive child of the parent, subject to the limitations in
19 subsection (4) of this section.

20 ~~((8) Information concerning a juvenile or a juvenile's family
21 contained in records covered by this section may be released to the
22 public only when that information could not reasonably be expected to
23 identify the juvenile or the juvenile's family.))~~

24 **Sec. 17.** RCW 26.44.030 and 1993 c 412 s 13 and 1993 c 237 s 1 are
25 each reenacted and amended to read as follows:

26 (1)(a) When any practitioner, county coroner or medical examiner,
27 law enforcement officer, professional school personnel, registered or
28 licensed nurse, social service counselor, psychologist, pharmacist,
29 licensed or certified child care providers or their employees, employee
30 of the department, or juvenile probation officer has reasonable cause
31 to believe that a child or adult dependent or developmentally disabled
32 person, has suffered abuse or neglect, he or she shall report such
33 incident, or cause a report to be made, to the proper law enforcement
34 agency or to the department as provided in RCW 26.44.040.

35 (b) The reporting requirement shall also apply to any adult who has
36 reasonable cause to believe that a child or adult dependent or
37 developmentally disabled person, who resides with them, has suffered
38 severe abuse, and is able or capable of making a report. For the

1 purposes of this subsection, "severe abuse" means any of the following:
2 Any single act of abuse that causes physical trauma of sufficient
3 severity that, if left untreated, could cause death; any single act of
4 sexual abuse that causes significant bleeding, deep bruising, or
5 significant external or internal swelling; or more than one act of
6 physical abuse, each of which causes bleeding, deep bruising,
7 significant external or internal swelling, bone fracture, or
8 unconsciousness.

9 (c) The report shall be made at the first opportunity, but ((~~+~~
10 and)) in no case longer than forty-eight hours after there is
11 reasonable cause to believe that the child or adult has suffered abuse
12 or neglect. The report shall include the identity of the accused if
13 known.

14 (2) The reporting requirement of subsection (1) of this section
15 does not apply to the discovery of abuse or neglect that occurred
16 during childhood if it is discovered after the child has become an
17 adult. However, if there is reasonable cause to believe other
18 children, dependent adults, or developmentally disabled persons are or
19 may be at risk of abuse or neglect by the accused, the reporting
20 requirement of subsection (1) of this section shall apply.

21 (3) Any other person who has reasonable cause to believe that a
22 child or adult dependent or developmentally disabled person has
23 suffered abuse or neglect may report such incident to the proper law
24 enforcement agency or to the department of social and health services
25 as provided in RCW 26.44.040.

26 (4) The department, upon receiving a report of an incident of abuse
27 or neglect pursuant to this chapter, involving a child or adult
28 dependent or developmentally disabled person who has died or has had
29 physical injury or injuries inflicted upon him or her other than by
30 accidental means or who has been subjected to sexual abuse, shall
31 report such incident to the proper law enforcement agency. In
32 emergency cases, where the child, adult dependent, or developmentally
33 disabled person's welfare is endangered, the department shall notify
34 the proper law enforcement agency within twenty-four hours after a
35 report is received by the department. In all other cases, the
36 department shall notify the law enforcement agency within seventy-two
37 hours after a report is received by the department. If the department
38 makes an oral report, a written report shall also be made to the proper
39 law enforcement agency within five days thereafter.

1 (5) Any law enforcement agency receiving a report of an incident of
2 abuse or neglect pursuant to this chapter, involving a child or adult
3 dependent or developmentally disabled person who has died or has had
4 physical injury or injuries inflicted upon him or her other than by
5 accidental means, or who has been subjected to sexual abuse, shall
6 report such incident in writing as provided in RCW 26.44.040 to the
7 proper county prosecutor or city attorney for appropriate action
8 whenever the law enforcement agency's investigation reveals that a
9 crime may have been committed. The law enforcement agency shall also
10 notify the department of all reports received and the law enforcement
11 agency's disposition of them. In emergency cases, where the child,
12 adult dependent, or developmentally disabled person's welfare is
13 endangered, the law enforcement agency shall notify the department
14 within twenty-four hours. In all other cases, the law enforcement
15 agency shall notify the department within seventy-two hours after a
16 report is received by the law enforcement agency.

17 (6) Any county prosecutor or city attorney receiving a report under
18 subsection (5) of this section shall notify the victim, any persons the
19 victim requests, and the local office of the department, of the
20 decision to charge or decline to charge a crime, within five days of
21 making the decision.

22 (7) The department may conduct ongoing case planning and
23 consultation with those persons or agencies required to report under
24 this section, with consultants designated by the department, and with
25 designated representatives of Washington Indian tribes if the client
26 information exchanged is pertinent to cases currently receiving child
27 protective services or department case services for the developmentally
28 disabled. Upon request, the department shall conduct such planning and
29 consultation with those persons required to report under this section
30 if the department determines it is in the best interests of the child
31 or developmentally disabled person. Information considered privileged
32 by statute and not directly related to reports required by this section
33 shall not be divulged without a valid written waiver of the privilege.

34 (8) Any case referred to the department by a physician licensed
35 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
36 opinion that child abuse, neglect, or sexual assault has occurred and
37 that the child's safety will be seriously endangered if returned home,
38 the department shall file a dependency petition unless a second
39 licensed physician of the parents' choice believes that such expert

1 medical opinion is incorrect. If the parents fail to designate a
2 second physician, the department may make the selection. If a
3 physician finds that a child has suffered abuse or neglect but that
4 such abuse or neglect does not constitute imminent danger to the
5 child's health or safety, and the department agrees with the
6 physician's assessment, the child may be left in the parents' home
7 while the department proceeds with reasonable efforts to remedy
8 parenting deficiencies.

9 (9) Persons or agencies exchanging information under subsection (7)
10 of this section shall not further disseminate or release the
11 information except as authorized by state or federal statute.
12 Violation of this subsection is a misdemeanor.

13 (10) Upon receiving reports of abuse or neglect, the department or
14 law enforcement agency may interview children. The interviews may be
15 conducted on school premises, at day-care facilities, at the child's
16 home, or at other suitable locations outside of the presence of
17 parents. Parental notification of the interview shall occur at the
18 earliest possible point in the investigation that will not jeopardize
19 the safety or protection of the child or the course of the
20 investigation. Prior to commencing the interview the department or law
21 enforcement agency shall determine whether the child wishes a third
22 party to be present for the interview and, if so, shall make reasonable
23 efforts to accommodate the child's wishes. Unless the child objects,
24 the department or law enforcement agency shall make reasonable efforts
25 to include a third party in any interview so long as the presence of
26 the third party will not jeopardize the course of the investigation.

27 (11) Upon receiving a report of child abuse and neglect, the
28 department or investigating law enforcement agency shall have access to
29 all relevant records of the child in the possession of mandated
30 reporters and their employees.

31 (12) The department shall maintain investigation records and
32 conduct timely and periodic reviews of all cases constituting abuse and
33 neglect. The department shall maintain a log of screened-out
34 nonabusive cases.

35 (13) The department shall use a risk assessment process when
36 investigating child abuse and neglect referrals. The department shall
37 present the risk factors at all hearings in which the placement of a
38 dependent child is an issue. The department shall, within funds
39 appropriated for this purpose, offer enhanced community-based services

1 to persons who are determined not to require further state
2 intervention.

3 The department shall provide annual reports to the ((appropriate
4 committees of the senate and house of representatives)) legislature on
5 the effectiveness of the risk assessment process.

6 (14) Upon receipt of a report of abuse or neglect the law
7 enforcement agency may arrange to interview the person making the
8 report and any collateral sources to determine if any malice is
9 involved in the reporting.

10 **Sec. 18.** RCW 74.15.020 and 1994 c 273 s 21 are each amended to
11 read as follows:

12 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
13 otherwise clearly indicated by the context thereof, the following terms
14 shall mean:

15 (1) "Department" means the state department of social and health
16 services;

17 (2) "Secretary" means the secretary of social and health services;

18 (3) "Agency" means any person, firm, partnership, association,
19 corporation, or facility which receives children, expectant mothers, or
20 persons with developmental disabilities for control, care, or
21 maintenance outside their own homes, or which places, arranges the
22 placement of, or assists in the placement of children, expectant
23 mothers, or persons with developmental disabilities for foster care or
24 placement of children for adoption, and shall include the following
25 irrespective of whether there is compensation to the agency or to the
26 children, expectant mothers or persons with developmental disabilities
27 for services rendered:

28 (a) "Group-care facility" means an agency, other than a foster-
29 family home, which is maintained and operated for the care of a group
30 of children on a twenty-four hour basis;

31 (b) "Child-placing agency" means an agency which places a child or
32 children for temporary care, continued care, or for adoption;

33 (c) "Maternity service" means an agency which provides or arranges
34 for care or services to expectant mothers, before or during
35 confinement, or which provides care as needed to mothers and their
36 infants after confinement;

37 (d) "Day-care center" means an agency which regularly provides care
38 for a group of children for periods of less than twenty-four hours;

1 (e) "Family day-care provider" means a licensed day-care provider
2 who regularly provides day care for not more than twelve children in
3 the provider's home in the family living quarters;

4 (f) "Foster-family home" means an agency which regularly provides
5 care on a twenty-four hour basis to one or more children, expectant
6 mothers, or persons with developmental disabilities in the family abode
7 of the person or persons under whose direct care and supervision the
8 child, expectant mother, or person with a developmental disability is
9 placed;

10 (g) "Crisis residential center" means an agency which is a
11 temporary protective residential facility operated to perform the
12 duties specified in chapter 13.32A RCW, in the manner provided in RCW
13 74.13.032 through 74.13.036.

14 (4) "Agency" shall not include the following:

15 (a) ~~((Persons related by blood or marriage to the child, expectant~~
16 ~~mother, or persons with developmental disabilities in the following~~
17 ~~degrees: Parent, grandparent, brother, sister, stepparent,~~
18 ~~stepbrother, stepsister, uncle, aunt, and/or first cousin)) Persons~~
19 related to the child, expectant mother, or person with developmental
20 disabilities in the following ways:

21 (i) Any blood relative, including those of half blood, and
22 including first cousins, nephews or nieces, and persons of preceding
23 generations as denoted by prefixes of grand, great, or great-great;

24 (ii) Stepfather, stepmother, stepbrother, and stepsister;

25 (iii) A person who legally adopts a child or the child's parent as
26 well as the natural and other legally adopted children of such persons,
27 and other relatives of the adoptive parents in accordance with state
28 law;

29 (iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this
30 subsection, even if a marriage is terminated; or

31 (v) Extended family members, as defined by the law or custom of the
32 Indian child's tribe or, in the absence of such law or custom, a person
33 who has reached the age of eighteen and who is the Indian child's
34 grandparent, aunt or uncle, brother or sister, brother-in-law or
35 sister-in-law, niece or nephew, first or second cousin, or stepparent
36 who provides care in the family abode on a twenty-four-hour basis to an
37 Indian child as defined in 25 U.S.C. Sec. 1903(4);

38 (b) Persons who are legal guardians of the child, expectant mother,
39 or persons with developmental disabilities;

1 (c) Persons who care for a neighbor's or friend's child or
2 children, with or without compensation, where the person does not
3 engage in such activity on a regular basis, or where parents on a
4 mutually cooperative basis exchange care of one another's children, or
5 persons who have the care of an exchange student in their own home;

6 (d) A person, partnership, corporation, or other entity that
7 provides placement or similar services to exchange students or
8 international student exchange visitors;

9 (e) Nursery schools or kindergartens which are engaged primarily in
10 educational work with preschool children and in which no child is
11 enrolled on a regular basis for more than four hours per day;

12 (f) Schools, including boarding schools, which are engaged
13 primarily in education, operate on a definite school year schedule,
14 follow a stated academic curriculum, accept only school-age children
15 and do not accept custody of children;

16 (g) Seasonal camps of three months' or less duration engaged
17 primarily in recreational or educational activities;

18 (h) Hospitals licensed pursuant to chapter 70.41 RCW when
19 performing functions defined in chapter 70.41 RCW, nursing homes
20 licensed under chapter 18.51 RCW and boarding homes licensed under
21 chapter 18.20 RCW;

22 (i) Licensed physicians or lawyers;

23 (j) Facilities providing care to children for periods of less than
24 twenty-four hours whose parents remain on the premises to participate
25 in activities other than employment;

26 (k) Facilities approved and certified under chapter 71A.22 RCW;

27 (l) Any agency having been in operation in this state ten years
28 prior to June 8, 1967, and not seeking or accepting moneys or
29 assistance from any state or federal agency, and is supported in part
30 by an endowment or trust fund;

31 (m) Persons who have a child in their home for purposes of
32 adoption, if the child was placed in such home by a licensed child-
33 placing agency, an authorized public or tribal agency or court or if a
34 replacement report has been filed under chapter 26.33 RCW and the
35 placement has been approved by the court;

36 (n) An agency operated by any unit of local, state, or federal
37 government or an agency, located within the boundaries of a federally
38 recognized Indian reservation, licensed by the Indian tribe;

1 (o) An agency located on a federal military reservation, except
2 where the military authorities request that such agency be subject to
3 the licensing requirements of this chapter.

4 (5) "Requirement" means any rule, regulation or standard of care to
5 be maintained by an agency.

6 **Sec. 19.** RCW 13.34.130 and 1994 c 288 s 4 are each amended to read
7 as follows:

8 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
9 been proven by a preponderance of the evidence that the child is
10 dependent within the meaning of RCW 13.34.030; after consideration of
11 the predisposition report prepared pursuant to RCW 13.34.110 and after
12 a disposition hearing has been held pursuant to RCW 13.34.110, the
13 court shall enter an order of disposition pursuant to this section.

14 (1) The court shall order one of the following dispositions of the
15 case:

16 (a) Order a disposition other than removal of the child from his or
17 her home, which shall provide a program designed to alleviate the
18 immediate danger to the child, to mitigate or cure any damage the child
19 has already suffered, and to aid the parents so that the child will not
20 be endangered in the future. In selecting a program, the court should
21 choose those services that least interfere with family autonomy,
22 provided that the services are adequate to protect the child.

23 (b) Order that the child be removed from his or her home and
24 ordered into the custody, control, and care of a relative or the
25 department of social and health services or a licensed child placing
26 agency for placement in a foster family home or group care facility
27 licensed pursuant to chapter 74.15 RCW or in a home not required to be
28 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable
29 cause to believe that the safety or welfare of the child would be
30 jeopardized or that efforts to reunite the parent and child will be
31 hindered, such child shall be placed with ~~((a grandparent, brother,~~
32 ~~sister, stepbrother, stepsister, uncle, aunt, or first cousin))~~ a
33 person who is related to the child as defined in RCW 74.15.020(4)(a)
34 and with whom the child has a relationship and is comfortable, and who
35 is willing and available to care for the child. An order for out-of-
36 home placement may be made only if the court finds that reasonable
37 efforts have been made to prevent or eliminate the need for removal of
38 the child from the child's home and to make it possible for the child

1 to return home, specifying the services that have been provided to the
2 child and the child's parent, guardian, or legal custodian, and that
3 preventive services have been offered or provided and have failed to
4 prevent the need for out-of-home placement, unless the health, safety,
5 and welfare of the child cannot be protected adequately in the home,
6 and that:

7 (i) There is no parent or guardian available to care for such
8 child;

9 (ii) The parent, guardian, or legal custodian is not willing to
10 take custody of the child;

11 (iii) A manifest danger exists that the child will suffer serious
12 abuse or neglect if the child is not removed from the home and an order
13 under RCW 26.44.063 would not protect the child from danger; or

14 (iv) The extent of the child's disability is such that the parent,
15 guardian, or legal custodian is unable to provide the necessary care
16 for the child and the parent, guardian, or legal custodian has
17 determined that the child would benefit from placement outside of the
18 home.

19 (2) If the court has ordered a child removed from his or her home
20 pursuant to subsection (1)(b) of this section, the court may order that
21 a petition seeking termination of the parent and child relationship be
22 filed if the court finds it is recommended by the supervising agency,
23 that it is in the best interests of the child and that it is not
24 reasonable to provide further services to reunify the family because
25 the existence of aggravated circumstances make it unlikely that
26 services will effectuate the return of the child to the child's parents
27 in the near future. In determining whether aggravated circumstances
28 exist, the court shall consider one or more of the following:

29 (a) Conviction of the parent of rape of the child in the first,
30 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
31 9A.44.079;

32 (b) Conviction of the parent of criminal mistreatment of the child
33 in the first or second degree as defined in RCW 9A.42.020 and
34 9A.42.030;

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

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

3 (e) A finding by a court that a parent is a sexually violent
4 predator as defined in RCW 71.09.020;

5 (f) Failure of the parent to complete available treatment ordered
6 under this chapter or the equivalent laws of another state, where such
7 failure has resulted in a prior termination of parental rights to
8 another child and the parent has failed to effect significant change in
9 the interim.

10 (3) Whenever a child is ordered removed from the child's home, the
11 agency charged with his or her care shall provide the court with:

12 (a) A permanency plan of care that shall identify one of the
13 following outcomes as a primary goal and may identify additional
14 outcomes as alternative goals: Return of the child to the home of the
15 child's parent, guardian, or legal custodian; adoption; guardianship;
16 or long-term relative or foster care, until the child is age eighteen,
17 with a written agreement between the parties and the care provider.

18 (b) Unless the court has ordered, pursuant to subsection (2) of
19 this section, that a termination petition be filed, a specific plan as
20 to where the child will be placed, what steps will be taken to return
21 the child home, and what actions the agency will take to maintain
22 parent-child ties. All aspects of the plan shall include the goal of
23 achieving permanence for the child.

24 (i) The agency plan shall specify what services the parents will be
25 offered in order to enable them to resume custody, what requirements
26 the parents must meet in order to resume custody, and a time limit for
27 each service plan and parental requirement.

28 (ii) The agency shall be required to encourage the maximum parent-
29 child contact possible, including regular visitation and participation
30 by the parents in the care of the child while the child is in
31 placement. Visitation may be limited or denied only if the court
32 determines that such limitation or denial is necessary to protect the
33 child's health, safety, or welfare.

34 (iii) A child shall be placed as close to the child's home as
35 possible, preferably in the child's own neighborhood, unless the court
36 finds that placement at a greater distance is necessary to promote the
37 child's or parents' well-being.

38 (iv) The agency charged with supervising a child in placement shall
39 provide all reasonable services that are available within the agency,

1 or within the community, or those services which the department of
2 social and health services has existing contracts to purchase. It
3 shall report to the court if it is unable to provide such services.

4 (c) If the court has ordered, pursuant to subsection (2) of this
5 section, that a termination petition be filed, a specific plan as to
6 where the child will be placed, what steps will be taken to achieve
7 permanency for the child, services to be offered or provided to the
8 child, and, if visitation would be in the best interests of the child,
9 a recommendation to the court regarding visitation between parent and
10 child pending a fact-finding hearing on the termination petition. The
11 agency shall not be required to develop a plan of services for the
12 parents or provide services to the parents.

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

30 (5) Except for children whose cases are reviewed by a citizen
31 review board under chapter 13.70 RCW, the status of all children found
32 to be dependent shall be reviewed by the court at least every six
33 months from the beginning date of the placement episode or the date
34 dependency is established, whichever is first, at a hearing in which it
35 shall be determined whether court supervision should continue. The
36 review shall include findings regarding the agency and parental
37 completion of disposition plan requirements, and if necessary, revised
38 permanency time limits.

1 (a) A child shall not be returned home at the review hearing unless
2 the court finds that a reason for removal as set forth in this section
3 no longer exists. The parents, guardian, or legal custodian shall
4 report to the court the efforts they have made to correct the
5 conditions which led to removal. If a child is returned, casework
6 supervision shall continue for a period of six months, at which time
7 there shall be a hearing on the need for continued intervention.

8 (b) If the child is not returned home, the court shall establish in
9 writing:

10 (i) Whether reasonable services have been provided to or offered to
11 the parties to facilitate reunion, specifying the services provided or
12 offered;

13 (ii) Whether the child has been placed in the least-restrictive
14 setting appropriate to the child's needs, including whether
15 consideration has been given to placement with the child's relatives;

16 (iii) Whether there is a continuing need for placement and whether
17 the placement is appropriate;

18 (iv) Whether there has been compliance with the case plan by the
19 child, the child's parents, and the agency supervising the placement;

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

22 (vi) Whether the parents have visited the child and any reasons why
23 visitation has not occurred or has been infrequent;

24 (vii) Whether additional services are needed to facilitate the
25 return of the child to the child's parents; if so, the court shall
26 order that reasonable services be offered specifying such services; and

27 (viii) The projected date by which the child will be returned home
28 or other permanent plan of care will be implemented.

29 (c) The court at the review hearing may order that a petition
30 seeking termination of the parent and child relationship be filed.

31 **Sec. 20.** RCW 13.34.145 and 1994 c 288 s 5 are each amended to read
32 as follows:

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

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

3 (a) Whenever a child is placed in out-of-home care pursuant to RCW
4 13.34.130, the agency that has custody of the child shall provide the
5 court with a written permanency plan of care directed towards securing
6 a safe, stable, and permanent home for the child as soon as possible.
7 The plan shall identify one of the following outcomes as the primary
8 goal and may also identify additional outcomes as alternative goals:
9 Return of the child to the home of the child's parent, guardian, or
10 legal custodian; adoption; guardianship; or long-term relative or
11 foster care, until the child is age eighteen, with a written agreement
12 between the parties and the care provider.

13 (b) The identified outcomes and goals of the permanency plan may
14 change over time based upon the circumstances of the particular case.

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

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

28 (b) For children over ten, a permanency planning hearing shall be
29 held in all cases where the child has remained in out-of-home care for
30 at least fifteen months and an adoption decree or guardianship order
31 has not previously been entered. The hearing shall take place no later
32 than eighteen months following commencement of the current placement
33 episode.

34 (3) Whenever a child is removed from the home of a dependency
35 guardian or long-term relative or foster care provider, and the child
36 is not returned to the home of the parent, guardian, or legal custodian
37 but is placed in out-of-home care, a permanency planning hearing shall
38 take place no later than twelve or eighteen months, as provided in
39 subsection (2) of this section, following the date of removal unless,

1 prior to the hearing, the child returns to the home of the dependency
2 guardian or long-term care provider, the child is placed in the home of
3 the parent, guardian, or legal custodian, an adoption decree or
4 guardianship order is entered, or the dependency is dismissed.

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

9 (5) At the permanency planning hearing, the court shall enter
10 findings as required by RCW 13.34.130(5) and shall review the
11 permanency plan prepared by the agency. If the child has resided in
12 the home of a foster parent or relative for more than six months prior
13 to the permanency planning hearing, the court shall also enter a
14 finding regarding whether the foster parent or relative was informed of
15 the hearing as required in RCW 74.13.280. If a goal of long-term
16 foster or relative care has been achieved prior to the permanency
17 planning hearing, the court shall review the child's status to
18 determine whether the placement and the plan for the child's care
19 remain appropriate. In cases where the primary permanency planning
20 goal has not yet been achieved, the court shall inquire regarding the
21 reasons why the primary goal has not been achieved and determine what
22 needs to be done to make it possible to achieve the primary goal. In
23 all cases, the court shall:

24 (a)(i) Order the permanency plan prepared by the agency to be
25 implemented; or

26 (ii) Modify the permanency plan, and order implementation of the
27 modified plan; and

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

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

33 (6) If the court orders the child returned home, casework
34 supervision shall continue for at least six months, at which time a
35 review hearing shall be held pursuant to RCW 13.34.130(5), and the
36 court shall determine the need for continued intervention.

37 (7) Following the first permanency planning hearing, the court
38 shall hold a further permanency planning hearing in accordance with
39 this section at least once every twelve months until a permanency

1 planning goal is achieved or the dependency is dismissed, whichever
2 occurs first.

3 (8) Except as otherwise provided in RCW 13.34.235, the status of
4 all dependent children shall continue to be reviewed by the court at
5 least once every six months, in accordance with RCW 13.34.130(5), until
6 the dependency is dismissed. Prior to the second permanency planning
7 hearing, the agency that has custody of the child shall consider
8 whether to file a petition for termination of parental rights.

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

18 (10) The approval of a permanency plan that does not contemplate
19 return of the child to the parent does not relieve the supervising
20 agency of its obligation to provide reasonable services, under this
21 chapter, intended to effectuate the return of the child to the parent,
22 including but not limited to, visitation rights.

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

26 **Sec. 21.** RCW 74.13.280 and 1991 c 340 s 4 are each amended to read
27 as follows:

28 (1) Except as provided in RCW 70.24.105, whenever a child is placed
29 in out-of-home care by the department or a child-placing agency, the
30 department or agency may share information about the child and the
31 child's family with the care provider and may consult with the care
32 provider regarding the child's case plan. If the child is dependent
33 pursuant to a proceeding under chapter 13.34 RCW, the department or
34 agency shall keep the care provider informed regarding the dates and
35 location of dependency review and permanency planning hearings
36 pertaining to the child.

37 (2) Any person who receives information about a child or a child's
38 family pursuant to this section shall keep the information confidential

1 and shall not further disclose or disseminate the information except as
2 authorized by law.

3 (3) Nothing in this section shall be construed to limit the
4 authority of the department or child-placing agencies to disclose
5 client information or to maintain client confidentiality as provided by
6 law.

7 **Sec. 22.** RCW 74.15.120 and 1979 c 141 s 361 are each amended to
8 read as follows:

9 The secretary of social and health services may, at his or her
10 discretion, issue (~~(a provisional)~~) an initial license instead of a
11 full license, to an agency or facility for a period not to exceed six
12 months, renewable for a period not to exceed two years, to allow such
13 agency or facility reasonable time to become eligible for full
14 license(~~(, except that a provisional)~~). An initial license shall not
15 be granted to any foster-family home except as specified in this
16 section. An initial license may be granted to a foster-family home
17 only if the following three conditions are met: (1) The license is
18 limited so that the licensee is authorized to provide care only to a
19 specific child or specific children; (2) the department has determined
20 that the licensee has a relationship with the child, and the child is
21 comfortable with the licensee, or that it would otherwise be in the
22 child's best interest to remain or be placed in the licensee's home;
23 and (3) the initial license is issued for a period not to exceed ninety
24 days.

25 **Sec. 23.** RCW 13.34.030 and 1994 c 288 s 1 are each amended to read
26 as follows:

27 For purposes of this chapter:

28 (1) "Child" and "juvenile" means any individual under the age of
29 eighteen years.

30 (2) "Current placement episode" means the period of time that
31 begins with the most recent date that the child was removed from the
32 home of the parent, guardian, or legal custodian for purposes of
33 placement in out-of-home care and continues until the child returns
34 home, an adoption decree or guardianship order is entered, or the
35 dependency is dismissed, whichever occurs soonest. If the most recent
36 date of removal occurred prior to the filing of a dependency petition
37 under this chapter or after filing but prior to entry of a disposition

1 order, such time periods shall be included when calculating the length
2 of a child's current placement episode.

3 (3) "Dependency guardian" means the person, nonprofit corporation,
4 or Indian tribe appointed by the court pursuant to RCW 13.34.232 for
5 the limited purpose of assisting the court in the supervision of the
6 dependency.

7 (4) "Dependent child" means any child:

8 (a) Who has been abandoned; that is, where the child's parent,
9 guardian, or other custodian has (~~evidenced~~) expressed either by
10 statement or conduct, (~~a settled~~) an intent to forego, for an
11 extended period, (~~all~~) parental rights or (~~all~~) parental
12 responsibilities despite an ability to do so. If the court finds that
13 the petitioner has exercised due diligence in attempting to locate the
14 parent, no contact between the child and the child's parent, guardian,
15 or other custodian for a period of three months creates a rebuttable
16 presumption of abandonment, even if there is no expressed intent to
17 abandon;

18 (b) Who is abused or neglected as defined in chapter 26.44 RCW by
19 a person legally responsible for the care of the child;

20 (c) Who has no parent, guardian, or custodian capable of adequately
21 caring for the child, such that the child is in circumstances which
22 constitute a danger of substantial damage to the child's psychological
23 or physical development; or

24 (d) Who has a developmental disability, as defined in RCW
25 71A.10.020 and whose parent, guardian, or legal custodian together with
26 the department determines that services appropriate to the child's
27 needs can not be provided in the home. However, (a), (b), and (c) of
28 this subsection may still be applied if other reasons for removal of
29 the child from the home exist.

30 (5) "Guardian" means the person or agency that: (a) Has been
31 appointed as the guardian of a child in a legal proceeding other than
32 a proceeding under this chapter; and (b) has the legal right to custody
33 of the child pursuant to such appointment. The term "guardian" shall
34 not include a "dependency guardian" appointed pursuant to a proceeding
35 under this chapter.

36 (6) "Guardian ad litem" means a person, appointed by the court to
37 represent the best interest of a child in a proceeding under this
38 chapter, or in any matter which may be consolidated with a proceeding
39 under this chapter. A "court-appointed special advocate" appointed by

1 the court to be the guardian ad litem for the child, or to perform
2 substantially the same duties and functions as a guardian ad litem,
3 shall be deemed to be guardian ad litem for all purposes and uses of
4 this chapter.

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

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

16 (9) "Preventive services" means ((family)) preservation services,
17 as defined in ((RCW 74.14C.010)) chapter 74.14C RCW, and other
18 reasonably available services capable of preventing the need for out-
19 of-home placement while protecting the child.

20 **Sec. 24.** RCW 13.34.233 and 1994 c 288 s 8 are each amended to read
21 as follows:

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

33 (2) The guardianship may be modified or terminated upon the motion
34 of any party or the department if the court finds by a preponderance of
35 the evidence that there has been a substantial change of circumstances
36 subsequent to the establishment of the guardianship and that it is in
37 the child's best interest to modify or terminate the guardianship.
38 ((Unless all parties agree to entry of an order modifying or

1 ~~terminating the guardianship,~~) The court shall hold a hearing on the
2 motion before modifying or terminating a guardianship.

3 (3) Upon entry of an order terminating the guardianship, the
4 dependency guardian shall not have any rights or responsibilities with
5 respect to the child and shall not have legal standing to participate
6 as a party in further dependency proceedings pertaining to the child.
7 The court may allow the child's dependency guardian to attend
8 dependency review proceedings pertaining to the child for the sole
9 purpose of providing information about the child to the court.

10 (4) Upon entry of an order terminating the guardianship, the child
11 shall remain dependent and the court shall either return the child to
12 the child's parent or order the child into the custody, control, and
13 care of the department of social and health services or a licensed
14 child-placing agency for placement in a foster home or group care
15 facility licensed pursuant to chapter 74.15 RCW or in a home not
16 required to be licensed pursuant to such chapter. The court shall not
17 place a child in the custody of the child's parent unless the court
18 finds that a reason for removal as set forth in RCW 13.34.130 no longer
19 exists and that such placement is in the child's best interest. The
20 court shall thereafter conduct reviews as provided in RCW 13.34.130(5)
21 and, where applicable, shall hold a permanency planning hearing in
22 accordance with RCW 13.34.145.

23 **Sec. 25.** RCW 28A.225.330 and 1994 c 304 s 2 are each amended to
24 read as follows:

25 (1) When enrolling a student who has attended school in another
26 school district, the school enrolling the student may request the
27 parent and the student to briefly indicate in writing whether or not
28 the student has:

- 29 (a) Any history of placement in special educational programs;
- 30 (b) Any past, current, or pending disciplinary action;
- 31 (c) Any history of violent behavior;
- 32 (d) Any unpaid fines or fees imposed by other schools; and
- 33 (e) Any health conditions affecting the student's educational
34 needs.

35 (2) The school enrolling the student shall request the school the
36 student previously attended to send the student's permanent record
37 including records of disciplinary action. If the student has not paid
38 a fine or fee under RCW 28A.635.060, the school may withhold the

1 student's official transcript, but shall transmit information about the
2 student's academic performance, special placement, and records of
3 disciplinary action. If the official transcript is not sent due to
4 unpaid fees or fines, the enrolling school shall notify both the
5 student and parent or guardian that the official transcript will not be
6 sent until the obligation is met, and failure to have an official
7 transcript may result in exclusion from extracurricular activities or
8 failure to graduate.

9 (3) If information is requested under subsection (2) of this
10 section, the information shall be transmitted within two school days
11 after receiving the request and the records shall be sent as soon as
12 possible. Any school district or district employee who releases the
13 information in compliance with this section is immune from civil
14 liability for damages unless it is shown that the school district
15 employee acted with gross negligence or in bad faith. The state board
16 of education shall provide by rule for the discipline under chapter
17 28A.410 RCW of a school principal or other chief administrator of a
18 public school building who fails to make a good faith effort to assure
19 compliance with this subsection.

20 NEW SECTION. Sec. 26. A new section is added to chapter 74.13 RCW
21 to read as follows:

22 (1) The department, or agency responsible for supervising a child
23 in out-of-home care, shall conduct a social study whenever a child is
24 placed in out-of-home care under the supervision of the department or
25 other agency. The study shall be conducted prior to placement, or, if
26 it is not feasible to conduct the study prior to placement due to the
27 circumstances of the case, the study shall be conducted as soon as
28 possible following placement.

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

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

32 (b) The proximity of the child's placement to the child's family to
33 aid reunification;

34 (c) The possibility of placement with the child's relatives or
35 extended family;

36 (d) The racial, ethnic, cultural, and religious background of the
37 child;

1 (e) The least-restrictive, most family-like placement reasonably
2 available and capable of meeting the child's needs; and
3 (f) Compliance with RCW 13.34.260 regarding parental preferences
4 for placement of their children.

5 **Sec. 27.** RCW 13.34.110 and 1993 c 412 s 7 are each amended to read
6 as follows:

7 The court shall hold a fact-finding hearing on the petition and,
8 unless the court dismisses the petition, shall make written findings of
9 fact, stating the reasons therefor, and after it has announced its
10 findings of fact shall hold a hearing to consider disposition of the
11 case immediately following the fact-finding hearing or at a continued
12 hearing within fourteen days or longer for good cause shown. Unless
13 there is reasonable cause to believe the safety or welfare of the child
14 would be jeopardized or efforts to reunite the parent and child would
15 be hindered, the court shall direct the department to notify those
16 adult persons who: (1) Are related by blood or marriage to the child
17 in the following degrees: Parent, grandparent, brother, sister,
18 stepparent, stepbrother, stepsister, uncle, or aunt; (2) are known to
19 the department as having been in contact with the family or child
20 within the past twelve months; and (3) would be an appropriate
21 placement for the child. The parties need not appear at the fact-
22 finding or dispositional hearing if the parties, their attorneys, the
23 guardian ad litem, and court-appointed special advocates, if any, are
24 all in agreement. The court shall receive and review a social study
25 before entering an order based on agreement. No social file or social
26 study may be considered by the court in connection with the fact-
27 finding hearing or prior to factual determination, except as otherwise
28 admissible under the rules of evidence. Notice of the time and place
29 of the continued hearing may be given in open court. If notice in open
30 court is not given to a party, that party shall be notified by mail of
31 the time and place of any continued hearing.

32 All hearings may be conducted at any time or place within the
33 limits of the county, and such cases may not be heard in conjunction
34 with other business of any other division of the superior court. The
35 general public shall be excluded, and only such persons may be admitted
36 who are found by the judge to have a direct interest in the case or in
37 the work of the court. If a child resides in foster care or in the
38 home of a relative pursuant to a disposition order entered under RCW

1 13.34.130, the court may allow the child's foster parent or relative
2 care provider to attend dependency review proceedings pertaining to the
3 child for the sole purpose of providing information about the child to
4 the court.

5 Stenographic notes or any device which accurately records the
6 proceedings may be required as provided in other civil cases pursuant
7 to RCW 2.32.200.

8 NEW SECTION. **Sec. 28.** RCW 74.14C.035 and 1992 c 214 s 8 are each
9 repealed.

10 NEW SECTION. **Sec. 29.** If specific funding for the purposes of
11 this act, referencing this act by bill number, is not provided by June
12 30, 1995, in the omnibus appropriations act, this act is null and void.

Passed the Senate April 23, 1995.

Passed the House April 23, 1995.

Approved by the Governor May 10, 1995.

Filed in Office of Secretary of State May 10, 1995.