

2 **ESSB 5885** - CONF REPT  
3 By Conference Committee

4 ADOPTED 4/23/95

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 74.14C.005 and 1992 c 214 s 1 are each amended to  
8 read as follows:

9 ~~(1) ((It is the intent of the legislature to make available, within~~  
10 ~~available funds, intensive services to children and families that are~~  
11 ~~designed to prevent the unnecessary imminent placement of children in~~  
12 ~~foster care, and designed to facilitate the reunification of the~~  
13 ~~children with their families.))~~ The legislature believes that  
14 protecting the health and safety of children is paramount. The  
15 legislature recognizes that the number of children entering out-of-home  
16 care is increasing and that a number of children receive long-term  
17 foster care protection. Reasonable efforts by the department to  
18 shorten out-of-home placement or avoid it altogether should be a major  
19 focus of the child welfare system. It is intended that providing up-  
20 front services decrease the number of children entering out-of-home  
21 care and have the effect of eventually lowering foster care  
22 expenditures and strengthening the family unit.

23 Within available funds, the legislature directs the department to  
24 focus child welfare services on protecting the child, strengthening  
25 families and, to the extent possible, providing necessary services in  
26 the family setting, while drawing upon the strengths of the family.  
27 The legislature intends services be locally based and offered as early  
28 as possible to avoid disruption to the family, out-of-home placement of  
29 the child, and entry into the dependency system. The legislature also  
30 intends that these services be used for those families whose children  
31 are returning to the home from out-of-home care. These services are  
32 known as family preservation services and intensive family preservation  
33 services and are characterized by the following values, beliefs, and  
34 goals:

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

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

3 (c) Interventions should focus on family strengths and be  
4 responsive to the individual ((family)) family's cultural values and  
5 needs; ((and))

6 (d) Participation should be voluntary; and

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

10 (2) Subject to the availability of funds for such purposes, the  
11 legislature intends for ~~((family preservation))~~ these services to be  
12 made available to all eligible families on a state-wide basis through  
13 a phased-in process. Except as otherwise specified by statute, the  
14 department of social and health services shall have the authority and  
15 discretion to implement and expand ((family preservation)) these  
16 services ((according to a plan and time frame determined by the  
17 department)) as provided in this chapter. The department shall consult  
18 with the community public health and safety networks when assessing a  
19 community's resources and need for services.

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

22 (4) Nothing in this chapter shall be construed to create an  
23 entitlement to services nor to create judicial authority to order the  
24 provision of ~~((family))~~ preservation services to any person or family  
25 ~~((where))~~ if the ((department has determined that such)) services are  
26 unavailable or unsuitable or that the child or family are not eligible  
27 for such services.

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

30 Unless the context clearly requires otherwise, the definitions in  
31 this section apply throughout this chapter.

32 (1) "Department" means the department of social and health  
33 services.

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

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

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

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

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

14       (c) Services designed to promote the well-being of children and  
15 families, increase the strength and stability of families, increase  
16 parents' confidence and competence in their parenting abilities,  
17 promote a safe, stable, and supportive family environment for children,  
18 and otherwise enhance children's development.

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

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

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

32       (5) "Out-of-home placement" means a placement in a foster family  
33 home or group care facility licensed pursuant to chapter 74.15 RCW or  
34 placement in a home, other than that of the child's parent, guardian,  
35 or legal custodian, not required to be licensed pursuant to chapter  
36 74.15 RCW.

37       (6) "Preservation services" means family preservation services and  
38 intensive family preservation services that consider the individual  
39 family's cultural values and needs.

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

3       (1) Intensive family preservation services shall have all of the  
4 following characteristics:

5       ~~((1))~~ (a) Services are provided by specially trained  
6 ~~((caseworkers))~~ service providers who have received at least forty  
7 hours of training from recognized ~~((family preservation))~~ intensive in-  
8 home services experts. ~~((Caseworkers provide))~~ Service providers  
9 deliver the services in the family's home, and ~~((may provide some of~~  
10 ~~the services in))~~ other ~~((natural))~~ environments of the family, such as  
11 their neighborhood or schools;

12       ~~((2))~~ (b) Caseload size averages two families per ~~((caseworker))~~  
13 service provider;

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

17       ~~((4) Caseworkers have the authority and discretion to spend funds,~~  
18 ~~up to a maximum amount specified by the department, to help families~~  
19 ~~obtain necessary food, shelter, or clothing, or to purchase other goods~~  
20 ~~or services that will enhance the effectiveness of intervention;~~

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

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

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

28       ~~(8) Services assist the family to improve parental and household~~  
29 ~~management competence and to solve practical problems that contribute~~  
30 ~~to family stress so as to effect improved parental performance and~~  
31 ~~enhanced functioning of the family unit; and~~

32       ~~(9) Services help families locate and utilize additional~~  
33 ~~assistance, including, but not limited to, counseling and treatment~~  
34 ~~services, housing, child care, education, job training, emergency cash~~  
35 ~~grants, state and federally funded public assistance, and other basic~~  
36 ~~support services)).~~

37       (2) Family preservation services shall have all of the following  
38 characteristics:

1 (a) Services are delivered primarily in the family home or  
2 community;

3 (b) Services are committed to reinforcing the strengths of the  
4 family and its members and empowering the family to solve problems and  
5 become self-sufficient;

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

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

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

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

17 (3) Preservation services shall include the following  
18 characteristics:

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

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

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

27 (d) Services enhance parenting skills, family and personal self-  
28 sufficiency, functioning of the family, and reduce stress on families;  
29 and

30 (e) Services help families locate and use additional assistance  
31 including, but not limited to, counseling and treatment services,  
32 housing, child care, education, job training, emergency cash grants,  
33 state and federally funded public assistance, and other basic support  
34 services.

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

37 (1) The department shall be the lead administrative agency for  
38 ((family)) preservation services and may receive funding from any

1 source for the implementation or expansion of such services. The  
2 department shall:

3 (a) Provide coordination and planning with the advice of the  
4 community networks for the implementation and expansion of ~~((family))~~  
5 preservation services; and

6 (b) Monitor and evaluate such services to determine whether the  
7 programs meet measurable standards specified by this chapter and the  
8 department.

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

14 (3) The department may provide ~~((family))~~ preservation services  
15 directly and shall, within available funds, enter into outcome-based,  
16 competitive contracts with ~~((private, nonprofit))~~ social service  
17 agencies to provide preservation services, provided that such agencies  
18 meet measurable standards specified by this chapter and by the  
19 department. The standards shall include, but not be limited to,  
20 satisfactory performance in the following areas:

21 (a) The number of families appropriately connected to community  
22 resources;

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

26 (c) Consumer satisfaction;

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

29 (e) Reduction in the level of risk factors specified by the  
30 department.

31 (4)(a) The department shall not ~~((continue direct provision of))~~  
32 provide intensive family preservation services unless it is  
33 demonstrated that provision of such services prevent~~((s foster care))~~  
34 out-of-home placement in at least seventy percent of the cases served  
35 for a period of at least six months following termination of services.  
36 ~~((The department shall not renew a contract with a service provider~~  
37 ~~unless the provider can))~~ The department's caseworkers may only provide  
38 preservation services if there is no other qualified entity willing or  
39 able to do so.

1       **(b)** Contractors shall demonstrate that provision of intensive  
2 family preservation services prevent(~~s foster care~~) out-of-home  
3 placement in at least seventy percent of the cases served for a period  
4 of (~~at least~~) no less than six months following termination of  
5 services. The department may increase the period of time based on  
6 additional research and data. If the contractor fails to meet the  
7 seventy percent requirement the department may: (i) Review the  
8 conditions that may have contributed to the failure to meet the  
9 standard and renew the contract if the department determines: (A) The  
10 contractor is making progress to meet the standard; or (B) conditions  
11 unrelated to the provision of services, including case mix and severity  
12 of cases, contributed to the failure; or (ii) reopen the contract for  
13 other bids.

14       **(c)** The department shall cooperate with any person who has a  
15 contract under this section in providing data necessary to determine  
16 the amount of reduction in foster care. For the purposes of this  
17 subsection "prevent out-of-home placement" means that a child who has  
18 been a recipient of intensive family preservation services has not been  
19 placed outside of the home, other than for a single, temporary period  
20 of time not exceeding fourteen days.

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

23       The department shall collect data regarding the rates at which  
24 intensive family preservation services prevent out-of-home placements  
25 over varying periods of time. The department shall make an initial  
26 report to the appropriate committees of the legislature of the data,  
27 and the proposed rules to implement this section, by December 1, 1995.  
28 The department shall present a report to the appropriate committees of  
29 the legislature on September 1st of each odd-numbered year, commencing  
30 on September 1, 1997.

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

33       (1) Intensive family preservation services may be provided to  
34 children and their families only when the department has determined  
35 that:

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

4 (i) Child abuse or neglect;

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

7 (iii) Family conflict; and

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

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

16 (a) The services are not available in the community in which the  
17 family resides;

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

20 (c) The family refuses the services;

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

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

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

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

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

37 (a) Child abuse or neglect;

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

3 (c) Family conflict.

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

6 (a) The services are not available in the community in which the  
7 family resides;

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

10 (c) The family refuses the services; or

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

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

18 NEW SECTION. **Sec. 8.** A new section is added to chapter 74.14C RCW  
19 to read as follows:

20 Each department caseworker who refers a client for preservation  
21 services shall file a report with his or her direct supervisor stating  
22 the reasons for which the client was referred. The caseworker's  
23 supervisor shall verify in writing his or her belief that the family  
24 who is the subject of a referral for preservation services meets the  
25 eligibility criteria for services as provided in this chapter. The  
26 direct supervisor shall report monthly to the regional administrator on  
27 the provision of these services. The regional administrator shall  
28 report to the assistant secretary quarterly on the provision of these  
29 services for the entire region. The assistant secretary shall make a  
30 semiannual report to the secretary on the provision of these services  
31 on a state-wide basis.

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

34 ~~((1) The department shall, within available funds, conduct a~~  
35 ~~family preservation services study in at least one region within the~~  
36 ~~state. In developing and conducting the project, the department shall~~  
37 ~~consult and coordinate with at least one qualified private, nonprofit~~

1 ~~agency that has demonstrated expertise and experience in family~~  
2 ~~preservation services. The purpose of the study is to~~) By December 1,  
3 1995, the department, with the assistance of the family policy council,  
4 two urban and two rural public health and safety networks to be chosen  
5 by the family policy council, and two private, nonprofit agencies with  
6 expertise and experience in preservation services shall submit to the  
7 legislature an implementation and evaluation plan that identifies:  
8     ~~((a) Develop))~~ (1) A valid and reliable process that can be used  
9 by caseworkers for accurately identifying clients who are eligible for  
10 intensive family preservation services and family preservation  
11 services. The plan shall recognize the due process rights of families  
12 that receive preservation services and recognize that family  
13 preservation services are not intended to be investigative for purposes  
14 of chapter 13.34 RCW;  
15     ~~((b) Collect))~~ (2) Necessary data ~~((on))~~ by which ~~((to base))~~  
16 program success will be measured, projections of service needs, budget  
17 requests, and long-range planning;  
18     ~~((c) Develop))~~ (3) Regional and state-wide projections of service  
19 needs;  
20     ~~((d) Develop))~~ (4) A cost estimate for state-wide implementation  
21 and expansion of ~~((family))~~ preservation services on a ~~((state-wide))~~  
22 phased-in basis beginning no later than July 1, 1996;  
23     ~~((e) Develop a long-range))~~ (5) A plan and time frame for  
24 ~~((expanding the availability))~~ phased-in implementation of ~~((family))~~  
25 preservation services ~~((and ultimately making such services available~~  
26 ~~to all eligible families))~~ on a state-wide basis to be accomplished as  
27 soon as possible but no later than July 1, 1997; ~~((and~~  
28     ~~((f) Collect))~~ (6) Data regarding the number of children in foster  
29 care, group care, ~~((and))~~ institutional placements, and other out-of-  
30 home placements due to medical needs, mental health needs,  
31 developmental disabilities, and juvenile offenses, and ~~((assess))~~ an  
32 assessment of the feasibility of ~~((expanding family))~~ providing  
33 preservation services ~~((eligibility))~~ to include all of these children;  
34     (7) Standards and outcome measures for the department when the  
35 department provides preservation services directly; and  
36     (8) A process to assess outcome measures identified in RCW  
37 74.14C.030 for contractors providing preservation services.  
38     ~~((2) The department shall prepare a report to the legislature that~~  
39 ~~addresses the objectives set forth in subsection (1) of this section.~~

1 The report shall address the feasibility of expanding and implementing  
2 family preservation services on a state-wide basis. The report is due  
3 January 1, 1993.)

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

6 For the purpose of providing ((family)) preservation services ((to  
7 children who would otherwise be removed from their homes,)) the  
8 department may:

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

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

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

15 ((After July 1, 1993,)) The secretary of social and health  
16 services, or the secretary's regional designee, may transfer funds  
17 appropriated for foster care services to purchase ((family))  
18 preservation services and other preventive services for children at  
19 imminent risk of ((foster care)) out-of-home placement or who face a  
20 substantial likelihood of out-of-home placement. This transfer may be  
21 made in those regions that lower foster care expenditures through  
22 efficient use of preservation services and permanency planning efforts.  
23 The transfer shall be equivalent to the amount of reduced foster care  
24 expenditures and shall be made in accordance with the provisions of  
25 this chapter and with the approval of the office of financial  
26 management. The secretary shall ((notify)) present an annual report to  
27 the ((appropriate committees of the senate and house of representatives  
28 of)) legislature regarding any transfers under this section. The  
29 secretary shall include caseload, expenditure, cost avoidance,  
30 identified improvements to the ((foster)) out-of-home care system, and  
31 outcome data related to the transfer in the ((notification)) report.  
32 The secretary shall also include in the report information regarding:  
33 (1) The percent of cases where a child is placed in out-of-home care  
34 after the provision of intensive family preservation services or family  
35 preservation services; (2) the average length of time before such child  
36 is placed out-of-home; (3) the average length of time such child is  
37 placed out-of-home; and (4) the number of families that refused the

1 offer of either family preservation services or intensive family  
2 preservation services.

3 NEW SECTION. **Sec. 12.** A new section is added to chapter 74.14C  
4 RCW to read as follows:

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

8 (a) Include the family unit as the primary focus of service;  
9 identifying family member strengths; empowering families; child, adult,  
10 and family development; stress management; and may include parent  
11 training and family therapy techniques;

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

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

20 (d) Address crisis intervention and other strategies for the  
21 management of depression, and suicidal, assaultive, and other high-risk  
22 behavior; and

23 (e) Address skills in collaborating with other disciplines and  
24 services in promoting the safety of children and other family members  
25 and promoting the preservation of the family.

26 (2) The department and the office of the administrator for the  
27 courts shall, within available funds, collaborate in providing training  
28 to judges, and others involved in the provision of services pursuant to  
29 this title, including service providers, on the function and use of  
30 preservation services.

31 NEW SECTION. **Sec. 13.** The initial contracts under RCW  
32 74.14C.030(3) shall be executed not later than July 1996 and shall  
33 expire June 30, 1997. Subsequent contracts shall be for periods not to  
34 exceed twenty-four months.

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

1 If the department is denied lawful access to records or  
2 information, or requested records or information is not provided in a  
3 timely manner, the department may petition the court for an order  
4 compelling disclosure.

5 (1) The petition shall be filed in the juvenile court for the  
6 county in which the record or information is located or the county in  
7 which the person who is the subject of the record or information  
8 resides. If the person who is the subject of the record or information  
9 is a party to or the subject of a pending proceeding under chapter  
10 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

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

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

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

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

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

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

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

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

36 (e) Relating to juveniles alleged or found to have committed  
37 offenses, traffic infractions, or violations as provided in RCW  
38 13.40.020 through 13.40.230, unless:

1 (i) The juvenile court transfers jurisdiction of a particular  
2 juvenile to adult criminal court pursuant to RCW 13.40.110; or  
3 (ii) The statute of limitations applicable to adult prosecution for  
4 the offense, traffic infraction, or violation has expired; or  
5 (iii) The alleged offense or infraction is a traffic, fish,  
6 boating, or game offense or traffic infraction committed by a juvenile  
7 sixteen years of age or older and would, if committed by an adult, be  
8 tried or heard in a court of limited jurisdiction, in which instance  
9 the appropriate court of limited jurisdiction shall have jurisdiction  
10 over the alleged offense or infraction: PROVIDED, That if such an  
11 alleged offense or infraction and an alleged offense or infraction  
12 subject to juvenile court jurisdiction arise out of the same event or  
13 incident, the juvenile court may have jurisdiction of both matters:  
14 PROVIDED FURTHER, That the jurisdiction under this subsection does not  
15 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)  
16 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited  
17 jurisdiction which confine juveniles for an alleged offense or  
18 infraction may place juveniles in juvenile detention facilities under  
19 an agreement with the officials responsible for the administration of  
20 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or  
21 (iv) The juvenile is sixteen or seventeen years old and the alleged  
22 offense is: (A) A serious violent offense as defined in RCW 9.94A.030  
23 committed on or after June 13, 1994; or (B) a violent offense as  
24 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the  
25 juvenile has a criminal history consisting of: (I) One or more prior  
26 serious violent offenses; (II) two or more prior violent offenses; or  
27 (III) three or more of any combination of the following offenses: Any  
28 class A felony, any class B felony, vehicular assault, or manslaughter  
29 in the second degree, all of which must have been committed after the  
30 juvenile's thirteenth birthday and prosecuted separately. In such a  
31 case the adult criminal court shall have exclusive original  
32 jurisdiction.

33 If the juvenile challenges the state's determination of the  
34 juvenile's criminal history, the state may establish the offender's  
35 criminal history by a preponderance of the evidence. If the criminal  
36 history consists of adjudications entered upon a plea of guilty, the  
37 state shall not bear a burden of establishing the knowing and  
38 voluntariness of the plea;

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

3 (g) Relating to termination of a diversion agreement under RCW  
4 13.40.080, including a proceeding in which the divertee has attained  
5 eighteen years of age; ~~((and))~~

6 (h) Relating to court validation of a voluntary consent to ~~((foster  
7 care))~~ an out-of-home placement under chapter 13.34 RCW, by the parent  
8 or Indian custodian of an Indian child, except if the parent or Indian  
9 custodian and child are residents of or domiciled within the boundaries  
10 of a federally recognized Indian reservation over which the tribe  
11 exercises exclusive jurisdiction; and

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

15 (2) The family court shall have concurrent original jurisdiction  
16 with the juvenile court over all proceedings under this section if the  
17 superior court judges of a county authorize concurrent jurisdiction as  
18 provided in RCW 26.12.010.

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

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

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

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

28 (3) Records retained or produced by any juvenile justice or care  
29 agency may be released to other participants in the juvenile justice or  
30 care system only when an investigation or case involving the juvenile  
31 in question is being pursued by the other participant or when that  
32 other participant is assigned the responsibility of supervising the  
33 juvenile. Records covered under this section and maintained by the  
34 juvenile courts which relate to the official actions of the agency may  
35 be entered in the state-wide juvenile court information system.

36 (4) A juvenile, his or her parents, the juvenile's attorney and the  
37 juvenile's parent's attorney, shall, upon request, be given access to

1 all records and information collected or retained by a juvenile justice  
2 or care agency which pertain to the juvenile except:

3 (a) If it is determined by the agency that release of this  
4 information is likely to cause severe psychological or physical harm to  
5 the juvenile or his or her parents the agency may withhold the  
6 information subject to other order of the court: PROVIDED, That if the  
7 court determines that limited release of the information is  
8 appropriate, the court may specify terms and conditions for the release  
9 of the information; or

10 (b) If the information or record has been obtained by a juvenile  
11 justice or care agency in connection with the provision of counseling,  
12 psychological, psychiatric, or medical services to the juvenile, when  
13 the services have been sought voluntarily by the juvenile, and the  
14 juvenile has a legal right to receive those services without the  
15 consent of any person or agency, then the information or record may not  
16 be disclosed to the juvenile's parents without the informed consent of  
17 the juvenile unless otherwise authorized by law; or

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

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

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

31 (7) Subject to the rules of discovery in civil cases, any party to  
32 a proceeding seeking a declaration of dependency or a termination of  
33 the parent-child relationship and any party's counsel and the guardian  
34 ad litem of any party, shall have access to the records of any natural  
35 or adoptive child of the parent, subject to the limitations in  
36 subsection (4) of this section.

37 ~~((8) Information concerning a juvenile or a juvenile's family~~  
38 ~~contained in records covered by this section may be released to the~~

1 ~~public only when that information could not reasonably be expected to~~  
2 ~~identify the juvenile or the juvenile's family.))~~

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

5       (1)(a) When any practitioner, county coroner or medical examiner,  
6 law enforcement officer, professional school personnel, registered or  
7 licensed nurse, social service counselor, psychologist, pharmacist,  
8 licensed or certified child care providers or their employees, employee  
9 of the department, or juvenile probation officer has reasonable cause  
10 to believe that a child or adult dependent or developmentally disabled  
11 person, has suffered abuse or neglect, he or she shall report such  
12 incident, or cause a report to be made, to the proper law enforcement  
13 agency or to the department as provided in RCW 26.44.040.

14       (b) The reporting requirement shall also apply to any adult who has  
15 reasonable cause to believe that a child or adult dependent or  
16 developmentally disabled person, who resides with them, has suffered  
17 severe abuse, and is able or capable of making a report. For the  
18 purposes of this subsection, "severe abuse" means any of the following:  
19 Any single act of abuse that causes physical trauma of sufficient  
20 severity that, if left untreated, could cause death; any single act of  
21 sexual abuse that causes significant bleeding, deep bruising, or  
22 significant external or internal swelling; or more than one act of  
23 physical abuse, each of which causes bleeding, deep bruising,  
24 significant external or internal swelling, bone fracture, or  
25 unconsciousness.

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

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

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

6 (4) The department, upon receiving a report of an incident of abuse  
7 or neglect pursuant to this chapter, involving a child or adult  
8 dependent or developmentally disabled person who has died or has had  
9 physical injury or injuries inflicted upon him or her other than by  
10 accidental means or who has been subjected to sexual abuse, shall  
11 report such incident to the proper law enforcement agency. In  
12 emergency cases, where the child, adult dependent, or developmentally  
13 disabled person's welfare is endangered, the department shall notify  
14 the proper law enforcement agency within twenty-four hours after a  
15 report is received by the department. In all other cases, the  
16 department shall notify the law enforcement agency within seventy-two  
17 hours after a report is received by the department. If the department  
18 makes an oral report, a written report shall also be made to the proper  
19 law enforcement agency within five days thereafter.

20 (5) Any law enforcement agency receiving a report of an incident of  
21 abuse or neglect pursuant to this chapter, involving a child or adult  
22 dependent or developmentally disabled person who has died or has had  
23 physical injury or injuries inflicted upon him or her other than by  
24 accidental means, or who has been subjected to sexual abuse, shall  
25 report such incident in writing as provided in RCW 26.44.040 to the  
26 proper county prosecutor or city attorney for appropriate action  
27 whenever the law enforcement agency's investigation reveals that a  
28 crime may have been committed. The law enforcement agency shall also  
29 notify the department of all reports received and the law enforcement  
30 agency's disposition of them. In emergency cases, where the child,  
31 adult dependent, or developmentally disabled person's welfare is  
32 endangered, the law enforcement agency shall notify the department  
33 within twenty-four hours. In all other cases, the law enforcement  
34 agency shall notify the department within seventy-two hours after a  
35 report is received by the law enforcement agency.

36 (6) Any county prosecutor or city attorney receiving a report under  
37 subsection (5) of this section shall notify the victim, any persons the  
38 victim requests, and the local office of the department, of the

1 decision to charge or decline to charge a crime, within five days of  
2 making the decision.

3 (7) The department may conduct ongoing case planning and  
4 consultation with those persons or agencies required to report under  
5 this section, with consultants designated by the department, and with  
6 designated representatives of Washington Indian tribes if the client  
7 information exchanged is pertinent to cases currently receiving child  
8 protective services or department case services for the developmentally  
9 disabled. Upon request, the department shall conduct such planning and  
10 consultation with those persons required to report under this section  
11 if the department determines it is in the best interests of the child  
12 or developmentally disabled person. Information considered privileged  
13 by statute and not directly related to reports required by this section  
14 shall not be divulged without a valid written waiver of the privilege.

15 (8) Any case referred to the department by a physician licensed  
16 under chapter 18.57 or 18.71 RCW on the basis of an expert medical  
17 opinion that child abuse, neglect, or sexual assault has occurred and  
18 that the child's safety will be seriously endangered if returned home,  
19 the department shall file a dependency petition unless a second  
20 licensed physician of the parents' choice believes that such expert  
21 medical opinion is incorrect. If the parents fail to designate a  
22 second physician, the department may make the selection. If a  
23 physician finds that a child has suffered abuse or neglect but that  
24 such abuse or neglect does not constitute imminent danger to the  
25 child's health or safety, and the department agrees with the  
26 physician's assessment, the child may be left in the parents' home  
27 while the department proceeds with reasonable efforts to remedy  
28 parenting deficiencies.

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

33 (10) Upon receiving reports of abuse or neglect, the department or  
34 law enforcement agency may interview children. The interviews may be  
35 conducted on school premises, at day-care facilities, at the child's  
36 home, or at other suitable locations outside of the presence of  
37 parents. Parental notification of the interview shall occur at the  
38 earliest possible point in the investigation that will not jeopardize  
39 the safety or protection of the child or the course of the

1 investigation. Prior to commencing the interview the department or law  
2 enforcement agency shall determine whether the child wishes a third  
3 party to be present for the interview and, if so, shall make reasonable  
4 efforts to accommodate the child's wishes. Unless the child objects,  
5 the department or law enforcement agency shall make reasonable efforts  
6 to include a third party in any interview so long as the presence of  
7 the third party will not jeopardize the course of the investigation.

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

12 (12) The department shall maintain investigation records and  
13 conduct timely and periodic reviews of all cases constituting abuse and  
14 neglect. The department shall maintain a log of screened-out  
15 nonabusive cases.

16 (13) The department shall use a risk assessment process when  
17 investigating child abuse and neglect referrals. The department shall  
18 present the risk factors at all hearings in which the placement of a  
19 dependent child is an issue. The department shall, within funds  
20 appropriated for this purpose, offer enhanced community-based services  
21 to persons who are determined not to require further state  
22 intervention.

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

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

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

32 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
33 otherwise clearly indicated by the context thereof, the following terms  
34 shall mean:

35 (1) "Department" means the state department of social and health  
36 services;

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

1 (3) "Agency" means any person, firm, partnership, association,  
2 corporation, or facility which receives children, expectant mothers, or  
3 persons with developmental disabilities for control, care, or  
4 maintenance outside their own homes, or which places, arranges the  
5 placement of, or assists in the placement of children, expectant  
6 mothers, or persons with developmental disabilities for foster care or  
7 placement of children for adoption, and shall include the following  
8 irrespective of whether there is compensation to the agency or to the  
9 children, expectant mothers or persons with developmental disabilities  
10 for services rendered:

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

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

16 (c) "Maternity service" means an agency which provides or arranges  
17 for care or services to expectant mothers, before or during  
18 confinement, or which provides care as needed to mothers and their  
19 infants after confinement;

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

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

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

31 (g) "Crisis residential center" means an agency which is a  
32 temporary protective residential facility operated to perform the  
33 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
34 74.13.032 through 74.13.036.

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

36 (a) (~~Persons related by blood or marriage to the child, expectant~~  
37 ~~mother, or persons with developmental disabilities in the following~~  
38 ~~degrees:—Parent, —grandparent, —brother, —sister, —stepparent,~~  
39 ~~stepbrother, —stepsister, —uncle, —aunt, and/or —first cousin~~) Persons

1 related to the child, expectant mother, or person with developmental  
2 disabilities in the following ways:

3 (i) Any blood relative, including those of half blood, and  
4 including first cousins, nephews or nieces, and persons of preceding  
5 generations as denoted by prefixes of grand, great, or great-great;  
6 (ii) Stepfather, stepmother, stepbrother, and stepsister;  
7 (iii) A person who legally adopts a child or the child's parent as  
8 well as the natural and other legally adopted children of such persons,  
9 and other relatives of the adoptive parents in accordance with state  
10 law;

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

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

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

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

27 (d) A person, partnership, corporation, or other entity that  
28 provides placement or similar services to exchange students or  
29 international student exchange visitors;

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

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

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

1 (h) Hospitals licensed pursuant to chapter 70.41 RCW when  
2 performing functions defined in chapter 70.41 RCW, nursing homes  
3 licensed under chapter 18.51 RCW and boarding homes licensed under  
4 chapter 18.20 RCW;

5 (i) Licensed physicians or lawyers;

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

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

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

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

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

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

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

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

29 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has  
30 been proven by a preponderance of the evidence that the child is  
31 dependent within the meaning of RCW 13.34.030; after consideration of  
32 the predisposition report prepared pursuant to RCW 13.34.110 and after  
33 a disposition hearing has been held pursuant to RCW 13.34.110, the  
34 court shall enter an order of disposition pursuant to this section.

35 (1) The court shall order one of the following dispositions of the  
36 case:

37 (a) Order a disposition other than removal of the child from his or  
38 her home, which shall provide a program designed to alleviate the

1 immediate danger to the child, to mitigate or cure any damage the child  
2 has already suffered, and to aid the parents so that the child will not  
3 be endangered in the future. In selecting a program, the court should  
4 choose those services that least interfere with family autonomy,  
5 provided that the services are adequate to protect the child.

6 (b) Order that the child be removed from his or her home and  
7 ordered into the custody, control, and care of a relative or the  
8 department of social and health services or a licensed child placing  
9 agency for placement in a foster family home or group care facility  
10 licensed pursuant to chapter 74.15 RCW or in a home not required to be  
11 licensed pursuant to chapter 74.15 RCW. Unless there is reasonable  
12 cause to believe that the safety or welfare of the child would be  
13 jeopardized or that efforts to reunite the parent and child will be  
14 hindered, such child shall be placed with (~~a grandparent, brother,~~  
15 ~~sister, stepbrother, stepsister, uncle, aunt, or first cousin~~) a  
16 person who is related to the child as defined in RCW 74.15.020(4)(a)  
17 and with whom the child has a relationship and is comfortable, and who  
18 is willing and available to care for the child. An order for out-of-  
19 home placement may be made only if the court finds that reasonable  
20 efforts have been made to prevent or eliminate the need for removal of  
21 the child from the child's home and to make it possible for the child  
22 to return home, specifying the services that have been provided to the  
23 child and the child's parent, guardian, or legal custodian, and that  
24 preventive services have been offered or provided and have failed to  
25 prevent the need for out-of-home placement, unless the health, safety,  
26 and welfare of the child cannot be protected adequately in the home,  
27 and that:

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

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

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

35 (iv) The extent of the child's disability is such that the parent,  
36 guardian, or legal custodian is unable to provide the necessary care  
37 for the child and the parent, guardian, or legal custodian has  
38 determined that the child would benefit from placement outside of the  
39 home.

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

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

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

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

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

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

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

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

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

38 (b) Unless the court has ordered, pursuant to subsection (2) of  
39 this section, that a termination petition be filed, a specific plan as

1 to where the child will be placed, what steps will be taken to return  
2 the child home, and what actions the agency will take to maintain  
3 parent-child ties. All aspects of the plan shall include the goal of  
4 achieving permanence for the child.

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

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

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

19 (iv) The agency charged with supervising a child in placement shall  
20 provide all reasonable services that are available within the agency,  
21 or within the community, or those services which the department of  
22 social and health services has existing contracts to purchase. It  
23 shall report to the court if it is unable to provide such services.

24 (c) If the court has ordered, pursuant to subsection (2) of this  
25 section, that a termination petition be filed, a specific plan as to  
26 where the child will be placed, what steps will be taken to achieve  
27 permanency for the child, services to be offered or provided to the  
28 child, and, if visitation would be in the best interests of the child,  
29 a recommendation to the court regarding visitation between parent and  
30 child pending a fact-finding hearing on the termination petition. The  
31 agency shall not be required to develop a plan of services for the  
32 parents or provide services to the parents.

33 (4) If there is insufficient information at the time of the  
34 disposition hearing upon which to base a determination regarding the  
35 suitability of a proposed placement with a relative, the child shall  
36 remain in foster care and the court shall direct the supervising agency  
37 to conduct necessary background investigations as provided in chapter  
38 74.15 RCW and report the results of such investigation to the court  
39 within thirty days. However, if such relative appears otherwise

1 suitable and competent to provide care and treatment, the criminal  
2 history background check need not be completed before placement, but as  
3 soon as possible after placement. Any placements with relatives,  
4 pursuant to this section, shall be contingent upon cooperation by the  
5 relative with the agency case plan and compliance with court orders  
6 related to the care and supervision of the child including, but not  
7 limited to, court orders regarding parent-child contacts and any other  
8 conditions imposed by the court. Noncompliance with the case plan or  
9 court order shall be grounds for removal of the child from the  
10 relative's home, subject to review by the court.

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

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

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

29 (i) Whether reasonable services have been provided to or offered to  
30 the parties to facilitate reunion, specifying the services provided or  
31 offered;

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

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

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

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

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

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

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

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

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

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

21 (a) Whenever a child is placed in out-of-home care pursuant to RCW  
22 13.34.130, the agency that has custody of the child shall provide the  
23 court with a written permanency plan of care directed towards securing  
24 a safe, stable, and permanent home for the child as soon as possible.  
25 The plan shall identify one of the following outcomes as the primary  
26 goal and may also identify additional outcomes as alternative goals:  
27 Return of the child to the home of the child's parent, guardian, or  
28 legal custodian; adoption; guardianship; or long-term relative or  
29 foster care, until the child is age eighteen, with a written agreement  
30 between the parties and the care provider.

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

33 (c) Permanency planning goals should be achieved at the earliest  
34 possible date, preferably before the child has been in out-of-home care  
35 for fifteen months. In cases where parental rights have been  
36 terminated, the child is legally free for adoption, and adoption has  
37 been identified as the primary permanency planning goal, it shall be a

1 goal to complete the adoption within six months following entry of the  
2 termination order.

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

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

15 (3) Whenever a child is removed from the home of a dependency  
16 guardian or long-term relative or foster care provider, and the child  
17 is not returned to the home of the parent, guardian, or legal custodian  
18 but is placed in out-of-home care, a permanency planning hearing shall  
19 take place no later than twelve or eighteen months, as provided in  
20 subsection (2) of this section, following the date of removal unless,  
21 prior to the hearing, the child returns to the home of the dependency  
22 guardian or long-term care provider, the child is placed in the home of  
23 the parent, guardian, or legal custodian, an adoption decree or  
24 guardianship order is entered, or the dependency is dismissed.

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

29 (5) At the permanency planning hearing, the court shall enter  
30 findings as required by RCW 13.34.130(5) and shall review the  
31 permanency plan prepared by the agency. If the child has resided in  
32 the home of a foster parent or relative for more than six months prior  
33 to the permanency planning hearing, the court shall also enter a  
34 finding regarding whether the foster parent or relative was informed of  
35 the hearing as required in RCW 74.13.280. If a goal of long-term  
36 foster or relative care has been achieved prior to the permanency  
37 planning hearing, the court shall review the child's status to  
38 determine whether the placement and the plan for the child's care  
39 remain appropriate. In cases where the primary permanency planning

1 goal has not yet been achieved, the court shall inquire regarding the  
2 reasons why the primary goal has not been achieved and determine what  
3 needs to be done to make it possible to achieve the primary goal. In  
4 all cases, the court shall:

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

7 (ii) Modify the permanency plan, and order implementation of the  
8 modified plan; and

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

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

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

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

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

29 (9) Nothing in this chapter may be construed to limit the ability  
30 of the agency that has custody of the child to file a petition for  
31 termination of parental rights or a guardianship petition at any time  
32 following the establishment of dependency. Upon the filing of such a  
33 petition, a fact-finding hearing shall be scheduled and held in  
34 accordance with this chapter unless the agency requests dismissal of  
35 the petition prior to the hearing or unless the parties enter an agreed  
36 order terminating parental rights, establishing guardianship, or  
37 otherwise resolving the matter.

38 (10) The approval of a permanency plan that does not contemplate  
39 return of the child to the parent does not relieve the supervising

1 agency of its obligation to provide reasonable services, under this  
2 chapter, intended to effectuate the return of the child to the parent,  
3 including but not limited to, visitation rights.

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

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

9 (1) Except as provided in RCW 70.24.105, whenever a child is placed  
10 in out-of-home care by the department or a child-placing agency, the  
11 department or agency may share information about the child and the  
12 child's family with the care provider and may consult with the care  
13 provider regarding the child's case plan. If the child is dependent  
14 pursuant to a proceeding under chapter 13.34 RCW, the department or  
15 agency shall keep the care provider informed regarding the dates and  
16 location of dependency review and permanency planning hearings  
17 pertaining to the child.

18 (2) Any person who receives information about a child or a child's  
19 family pursuant to this section shall keep the information confidential  
20 and shall not further disclose or disseminate the information except as  
21 authorized by law.

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

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

28 The secretary of social and health services may, at his or her  
29 discretion, issue (~~(a provisional)~~) an initial license instead of a  
30 full license, to an agency or facility for a period not to exceed six  
31 months, renewable for a period not to exceed two years, to allow such  
32 agency or facility reasonable time to become eligible for full  
33 license(~~(, except that a provisional)~~). An initial license shall not  
34 be granted to any foster-family home except as specified in this  
35 section. An initial license may be granted to a foster-family home  
36 only if the following three conditions are met: (1) The license is  
37 limited so that the licensee is authorized to provide care only to a

1 specific child or specific children; (2) the department has determined  
2 that the licensee has a relationship with the child, and the child is  
3 comfortable with the licensee, or that it would otherwise be in the  
4 child's best interest to remain or be placed in the licensee's home;  
5 and (3) the initial license is issued for a period not to exceed ninety  
6 days.

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

9 For purposes of this chapter:

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

12 (2) "Current placement episode" means the period of time that  
13 begins with the most recent date that the child was removed from the  
14 home of the parent, guardian, or legal custodian for purposes of  
15 placement in out-of-home care and continues until the child returns  
16 home, an adoption decree or guardianship order is entered, or the  
17 dependency is dismissed, whichever occurs soonest. If the most recent  
18 date of removal occurred prior to the filing of a dependency petition  
19 under this chapter or after filing but prior to entry of a disposition  
20 order, such time periods shall be included when calculating the length  
21 of a child's current placement episode.

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

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

27 (a) Who has been abandoned; that is, where the child's parent,  
28 guardian, or other custodian has ~~((evidenced))~~ expressed either by  
29 statement or conduct, ~~((a—settled))~~ an intent to forego, for an  
30 extended period, ~~((all))~~ parental rights or ~~((all))~~ parental  
31 responsibilities despite an ability to do so. If the court finds that  
32 the petitioner has exercised due diligence in attempting to locate the  
33 parent, no contact between the child and the child's parent, guardian,  
34 or other custodian for a period of three months creates a rebuttable  
35 presumption of abandonment, even if there is no expressed intent to  
36 abandon;

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

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

5 (d) Who has a developmental disability, as defined in RCW  
6 71A.10.020 and whose parent, guardian, or legal custodian together with  
7 the department determines that services appropriate to the child's  
8 needs can not be provided in the home. However, (a), (b), and (c) of  
9 this subsection may still be applied if other reasons for removal of  
10 the child from the home exist.

11 (5) "Guardian" means the person or agency that: (a) Has been  
12 appointed as the guardian of a child in a legal proceeding other than  
13 a proceeding under this chapter; and (b) has the legal right to custody  
14 of the child pursuant to such appointment. The term "guardian" shall  
15 not include a "dependency guardian" appointed pursuant to a proceeding  
16 under this chapter.

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

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

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

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

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

3       (1) Any party may request the court to modify or terminate a  
4 dependency guardianship order under RCW 13.34.150. Notice of any  
5 motion to modify or terminate the guardianship shall be served on all  
6 other parties, including any agency that was responsible for  
7 supervising the child's placement at the time the guardianship petition  
8 was filed. Notice shall in all cases be served upon the department of  
9 social and health services. If the department was not previously a  
10 party to the guardianship proceeding, the department shall nevertheless  
11 have the right to initiate a proceeding to modify or terminate a  
12 guardianship and the right to intervene at any stage of such a  
13 proceeding.

14       (2) The guardianship may be modified or terminated upon the motion  
15 of any party or the department if the court finds by a preponderance of  
16 the evidence that there has been a substantial change of circumstances  
17 subsequent to the establishment of the guardianship and that it is in  
18 the child's best interest to modify or terminate the guardianship.  
19 ~~((Unless all parties agree to entry of an order modifying or~~  
20 ~~terminating the guardianship,))~~ The court shall hold a hearing on the  
21 motion before modifying or terminating a guardianship.

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

29       (4) Upon entry of an order terminating the guardianship, the child  
30 shall remain dependent and the court shall either return the child to  
31 the child's parent or order the child into the custody, control, and  
32 care of the department of social and health services or a licensed  
33 child-placing agency for placement in a foster home or group care  
34 facility licensed pursuant to chapter 74.15 RCW or in a home not  
35 required to be licensed pursuant to such chapter. The court shall not  
36 place a child in the custody of the child's parent unless the court  
37 finds that a reason for removal as set forth in RCW 13.34.130 no longer  
38 exists and that such placement is in the child's best interest. The  
39 court shall thereafter conduct reviews as provided in RCW 13.34.130(5)

1 and, where applicable, shall hold a permanency planning hearing in  
2 accordance with RCW 13.34.145.

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

5 (1) When enrolling a student who has attended school in another  
6 school district, the school enrolling the student may request the  
7 parent and the student to briefly indicate in writing whether or not  
8 the student has:

9 (a) Any history of placement in special educational programs;

10 (b) Any past, current, or pending disciplinary action;

11 (c) Any history of violent behavior;

12 (d) Any unpaid fines or fees imposed by other schools; and

13 (e) Any health conditions affecting the student's educational  
14 needs.

15 (2) The school enrolling the student shall request the school the  
16 student previously attended to send the student's permanent record  
17 including records of disciplinary action. If the student has not paid  
18 a fine or fee under RCW 28A.635.060, the school may withhold the  
19 student's official transcript, but shall transmit information about the  
20 student's academic performance, special placement, and records of  
21 disciplinary action. If the official transcript is not sent due to  
22 unpaid fees or fines, the enrolling school shall notify both the  
23 student and parent or guardian that the official transcript will not be  
24 sent until the obligation is met, and failure to have an official  
25 transcript may result in exclusion from extracurricular activities or  
26 failure to graduate.

27 (3) If information is requested under subsection (2) of this  
28 section, the information shall be transmitted within two school days  
29 after receiving the request and the records shall be sent as soon as  
30 possible. Any school district or district employee who releases the  
31 information in compliance with this section is immune from civil  
32 liability for damages unless it is shown that the school district  
33 employee acted with gross negligence or in bad faith. The state board  
34 of education shall provide by rule for the discipline under chapter  
35 28A.410 RCW of a school principal or other chief administrator of a  
36 public school building who fails to make a good faith effort to assure  
37 compliance with this subsection.

1        NEW SECTION.    **Sec. 26.**    A new section is added to chapter 74.13 RCW  
2 to read as follows:

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

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

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

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

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

17        (d) The racial, ethnic, cultural, and religious background of the  
18 child;

19        (e) The least-restrictive, most family-like placement reasonably  
20 available and capable of meeting the child's needs; and

21        (f) Compliance with RCW 13.34.260 regarding parental preferences  
22 for placement of their children.

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

25        The court shall hold a fact-finding hearing on the petition and,  
26 unless the court dismisses the petition, shall make written findings of  
27 fact, stating the reasons therefor, and after it has announced its  
28 findings of fact shall hold a hearing to consider disposition of the  
29 case immediately following the fact-finding hearing or at a continued  
30 hearing within fourteen days or longer for good cause shown. Unless  
31 there is reasonable cause to believe the safety or welfare of the child  
32 would be jeopardized or efforts to reunite the parent and child would  
33 be hindered, the court shall direct the department to notify those  
34 adult persons who: (1) Are related by blood or marriage to the child  
35 in the following degrees: Parent, grandparent, brother, sister,  
36 stepparent, stepbrother, stepsister, uncle, or aunt; (2) are known to  
37 the department as having been in contact with the family or child  
38 within the past twelve months; and (3) would be an appropriate

1 placement for the child. The parties need not appear at the fact-  
2 finding or dispositional hearing if the parties, their attorneys, the  
3 guardian ad litem, and court-appointed special advocates, if any, are  
4 all in agreement. The court shall receive and review a social study  
5 before entering an order based on agreement. No social file or social  
6 study may be considered by the court in connection with the fact-  
7 finding hearing or prior to factual determination, except as otherwise  
8 admissible under the rules of evidence. Notice of the time and place  
9 of the continued hearing may be given in open court. If notice in open  
10 court is not given to a party, that party shall be notified by mail of  
11 the time and place of any continued hearing.

12 All hearings may be conducted at any time or place within the  
13 limits of the county, and such cases may not be heard in conjunction  
14 with other business of any other division of the superior court. The  
15 general public shall be excluded, and only such persons may be admitted  
16 who are found by the judge to have a direct interest in the case or in  
17 the work of the court. If a child resides in foster care or in the  
18 home of a relative pursuant to a disposition order entered under RCW  
19 13.34.130, the court may allow the child's foster parent or relative  
20 care provider to attend dependency review proceedings pertaining to the  
21 child for the sole purpose of providing information about the child to  
22 the court.

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

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

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

32 **ESSB 5885** - CONF REPT  
33 By Conference Committee

34 ADOPTED 4/23/95

1       On page 1, line 1 of the title, after "families;" strike the  
2 remainder of the title and insert "amending RCW 74.14C.005, 74.14C.010,  
3 74.14C.020, 74.14C.030, 74.14C.040, 74.14C.050, 74.14C.060, 74.14C.070,  
4 13.04.030, 13.50.100, 74.15.020, 13.34.130, 13.34.145, 74.13.280,  
5 74.15.120, 13.34.030, 13.34.233, 28A.225.330, and 13.34.110; reenacting  
6 and amending RCW 26.44.030; adding new sections to chapter 74.14C RCW;  
7 adding new sections to chapter 74.13 RCW; creating new sections;  
8 repealing RCW 74.14C.035; and prescribing penalties."

--- END ---