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HOUSE BILL 1375

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Roberts, Appleton, Walsh, Kagi, Lias, Upthegrove, and Kenney

Read first time 01/20/09. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to eliminating foster care citizen review boards;  
2 amending RCW 13.34.210; reenacting and amending RCW 13.34.138; and  
3 repealing RCW 13.70.003, 13.70.010, 13.70.020, 13.70.030, 13.70.040,  
4 13.70.050, 13.70.060, 13.70.070, 13.70.080, 13.70.090, 13.70.100,  
5 13.70.110, 13.70.120, 13.70.130, 13.70.140, and 13.70.150.

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

7 **Sec. 1.** RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are  
8 each reenacted and amended to read as follows:

9 (1) (~~Except for children whose cases are reviewed by a citizen~~  
10 ~~review board under chapter 13.70 RCW,~~) The status of all children  
11 found to be dependent shall be reviewed by the court at least every six  
12 months from the beginning date of the placement episode or the date  
13 dependency is established, whichever is first. The purpose of the  
14 hearing shall be to review the progress of the parties and determine  
15 whether court supervision should continue.

16 (a) The initial review hearing shall be an in-court review and  
17 shall be set six months from the beginning date of the placement  
18 episode or no more than ninety days from the entry of the disposition

1 order, whichever comes first. The requirements for the initial review  
2 hearing, including the in-court review requirement, shall be  
3 accomplished within existing resources.

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

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

14 (b) Prior to the child returning home, the department must complete  
15 the following:

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

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

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

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

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

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

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

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

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

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

27 (vi) Whether the child is in an appropriate placement which  
28 adequately meets all physical, emotional, and educational needs;

29 (vii) Whether preference has been given to placement with the  
30 child's relatives;

31 (viii) Whether both in-state and, where appropriate, out-of-state  
32 placements have been considered;

33 (ix) Whether the parents have visited the child and any reasons why  
34 visitation has not occurred or has been infrequent;

35 (x) Whether terms of visitation need to be modified;

36 (xi) Whether the court-approved long-term permanent plan for the  
37 child remains the best plan for the child;

1 (xii) Whether any additional court orders need to be made to move  
2 the case toward permanency; and

3 (xiii) The projected date by which the child will be returned home  
4 or other permanent plan of care will be implemented.

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

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

10 (i) The compliance of the parents with court orders related to the  
11 care and supervision of the child, including compliance with an agency  
12 case plan; and

13 (ii) The continued participation of the parents, if applicable, in  
14 available substance abuse or mental health treatment if substance abuse  
15 or mental illness was a contributing factor to the removal of the  
16 child.

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

19 (i) Noncompliance by the parents with the agency case plan or court  
20 order;

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

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

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

36 (4) The court's ability to order housing assistance under RCW  
37 13.34.130 and this section is: (a) Limited to cases in which

1 homelessness or the lack of adequate and safe housing is the primary  
2 reason for an out-of-home placement; and (b) subject to the  
3 availability of funds appropriated for this specific purpose.

4 (5) The court shall consider the child's relationship with siblings  
5 in accordance with RCW 13.34.130(3).

6 **Sec. 2.** RCW 13.34.210 and 2003 c 227 s 8 are each amended to read  
7 as follows:

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

21 If a child has not been adopted within six months after the date of  
22 the order and a guardianship of the child under RCW 13.34.231 or  
23 chapter 11.88 RCW, or a permanent custody order under chapter 26.10  
24 RCW, has not been entered by the court, the court shall review the case  
25 every six months until a decree of adoption is entered (~~except for~~  
26 ~~those cases which are reviewed by a citizen review board under chapter~~  
27 ~~13.70 RCW)). The supervising agency shall take reasonable steps to~~  
28 ensure that the child maintains relationships with siblings as provided  
29 in RCW 13.34.130(3) and shall report to the court the status and extent  
30 of such relationships.

31 NEW SECTION. **Sec. 3.** The following acts or parts of acts are each  
32 repealed:

33 (1) RCW 13.70.003 (Substitute care of children--Citizen review  
34 board system--Purpose--Application of administrative procedures and  
35 standards) and 2000 c 122 s 36 & 1989 1st ex.s. c 17 s 1;

1 (2) RCW 13.70.010 (Definitions) and 1991 c 127 s 3 & 1989 1st ex.s.  
2 c 17 s 3;  
3 (3) RCW 13.70.020 (Role of supreme court--Procedures) and 1989 1st  
4 ex.s. c 17 s 4;  
5 (4) RCW 13.70.030 (Composition of board--Quorum) and 1989 1st ex.s.  
6 c 17 s 5;  
7 (5) RCW 13.70.040 (Guidelines for appointment to boards) and 1989  
8 1st ex.s. c 17 s 6;  
9 (6) RCW 13.70.050 (Training programs for board members) and 1989  
10 1st ex.s. c 17 s 7;  
11 (7) RCW 13.70.060 (Confidentiality requirements) and 1989 1st ex.s.  
12 c 17 s 8;  
13 (8) RCW 13.70.070 (Board access to records) and 1989 1st ex.s. c 17  
14 s 9;  
15 (9) RCW 13.70.080 (Review of case--Employee duties) and 1989 1st  
16 ex.s. c 17 s 10;  
17 (10) RCW 13.70.090 (Board--Powers and duties--Immunity) and 1989  
18 1st ex.s. c 17 s 11;  
19 (11) RCW 13.70.100 (Child in substitute care--No dependency  
20 petition--Procedures--Review) and 1993 c 505 s 2 & 1989 1st ex.s. c 17  
21 s 12;  
22 (12) RCW 13.70.110 (Child in substitute care under dependency  
23 proceeding--Procedures--Review) and 2000 c 122 s 37, 1991 c 127 s 5, &  
24 1989 1st ex.s. c 17 s 13;  
25 (13) RCW 13.70.120 (Board recommendations) and 1989 1st ex.s. c 17  
26 s 14;  
27 (14) RCW 13.70.130 (Funds from public and private sources) and 2005  
28 c 282 s 29 & 1989 1st ex.s. c 17 s 15;  
29 (15) RCW 13.70.140 (Review by court) and 2000 c 122 s 38, 1993 c  
30 505 s 4, & 1989 1st ex.s. c 17 s 16; and  
31 (16) RCW 13.70.150 (Indian children--Local Indian child welfare  
32 advisory committee may serve as citizen review board) and 1991 c 127 s  
33 1.

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