
HOUSE BILL 2092

State of Washington

61st Legislature

2009 Regular Session

By Representatives Short, Chase, Warnick, and McCune

Read first time 02/10/09. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to specifying that qualified grandparents are the
2 priority placement option for children needing out-of-home care in
3 dependency proceedings; and adding a new section to chapter 13.34 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.34 RCW
6 to read as follows:

7 (1) For the purposes of this section, "qualified grandparent" means
8 a person who:

9 (a) Is the parent of a child's father or mother, and who is related
10 to the child by blood, adoption, or marriage;

11 (b) Has a significant relationship with the child;

12 (c) Has performed parenting functions as defined in RCW 26.09.004
13 for the child on a regular or routine basis, or who has served as the
14 primary residential care provider for the child; and

15 (d) Is willing and able to be the selected placement option for the
16 child.

17 (2) In determining whether placement with a qualified grandparent
18 is in the child's best interests, the court shall consider the
19 following nonexclusive factors:

1 (a) The love, affection, and strength of the relationship between
2 the child and the grandparent;

3 (b) The length and quality of the relationship between the child
4 and the grandparent, including the roles performed by the grandparent
5 and the emotional ties between the child and the grandparent;

6 (c) The child's reasonable preference, if the court finds the child
7 is of sufficient age or maturity to express a preference;

8 (d) The good faith of the grandparent in seeking to have the child
9 placed in his or her home;

10 (e) The criminal history, if any, of the grandparent as determined
11 by a criminal history background check required by law;

12 (f) The grandparent's history of any adverse actions, including
13 findings relating to child abuse and neglect by the grandparent;

14 (g) If applicable, the number of placement changes the child
15 already has experienced and the potential impact of an additional
16 change in placement to the grandparent's home;

17 (h) The child's current level of functioning at home and in school
18 or early learning programs, and child care programs;

19 (i) Whether placement with the qualified grandparent would allow
20 the child:

21 (i) To remain in the same school, child care center, or early
22 learning program, or to continue participating in any extracurricular
23 activities that contribute to the child's healthy development with
24 peers;

25 (ii) To participate in court-ordered visitation with parents and
26 siblings;

27 (iii) To access any court-ordered services intended to promote the
28 child's health, safety, and well-being;

29 (iv) To participate in other activities designed to achieve the
30 permanency goal for the child; and

31 (j) Any other factors relevant to the child's best interests.

32 (3) Notwithstanding any other provision of law, if the court orders
33 an out-of-home placement for a child under this chapter, the court
34 shall order the child placed with a qualified grandparent unless the
35 court finds by clear and convincing evidence that the placement would
36 not be in the child's best interests.

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