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**SUBSTITUTE SENATE BILL 5266**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Regala, Kauffman, and Brandland)

READ FIRST TIME 02/23/09.

1       AN ACT Relating to housing services and assistance in dependency  
2 and termination matters; amending RCW 13.34.030 and 13.34.065; and  
3 reenacting and amending RCW 13.34.130 and 13.34.138.

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

5       **Sec. 1.** RCW 13.34.030 and 2003 c 227 s 2 are each amended to read  
6 as follows:

7       For purposes of this chapter:

8       (1) "Abandoned" means when the child's parent, guardian, or other  
9 custodian has expressed, either by statement or conduct, an intent to  
10 forego, for an extended period, parental rights or responsibilities  
11 despite an ability to exercise such rights and responsibilities. If  
12 the court finds that the petitioner has exercised due diligence in  
13 attempting to locate the parent, no contact between the child and the  
14 child's parent, guardian, or other custodian for a period of three  
15 months creates a rebuttable presumption of abandonment, even if there  
16 is no expressed intent to abandon.

17       (2) "Child" and "juvenile" means any individual under the age of  
18 eighteen years.

1 (3) "Current placement episode" means the period of time that  
2 begins with the most recent date that the child was removed from the  
3 home of the parent, guardian, or legal custodian for purposes of  
4 placement in out-of-home care and continues until: (a) The child  
5 returns home; (b) an adoption decree, a permanent custody order, or  
6 guardianship order is entered; or (c) the dependency is dismissed,  
7 whichever occurs first.

8 (4) "Dependency guardian" means the person, nonprofit corporation,  
9 or Indian tribe appointed by the court pursuant to this chapter for the  
10 limited purpose of assisting the court in the supervision of the  
11 dependency.

12 (5) "Dependent child" means any child who:

13 (a) Has been abandoned;

14 (b) Is abused or neglected as defined in chapter 26.44 RCW by a  
15 person legally responsible for the care of the child; or

16 (c) Has no parent, guardian, or custodian capable of adequately  
17 caring for the child, such that the child is in circumstances which  
18 constitute a danger of substantial damage to the child's psychological  
19 or physical development.

20 (6) "Developmental disability" means a disability attributable to  
21 mental retardation, cerebral palsy, epilepsy, autism, or another  
22 neurological or other condition of an individual found by the secretary  
23 to be closely related to mental retardation or to require treatment  
24 similar to that required for individuals with mental retardation, which  
25 disability originates before the individual attains age eighteen, which  
26 has continued or can be expected to continue indefinitely, and which  
27 constitutes a substantial handicap to the individual.

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

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

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

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

11 (10) "Housing services or assistance" means at least effective  
12 referrals to federal, state, local, or private agencies or  
13 organizations, assistance with forms, or financial subsidies or other  
14 monetary assistance for housing.

15 (11) "Indigent" means a person who, at any stage of a court  
16 proceeding, is:

17 (a) Receiving one of the following types of public assistance:  
18 Temporary assistance for needy families, general assistance, poverty-  
19 related veterans' benefits, food stamps or food stamp benefits  
20 transferred electronically, refugee resettlement benefits, medicaid, or  
21 supplemental security income; or

22 (b) Involuntarily committed to a public mental health facility; or

23 (c) Receiving an annual income, after taxes, of one hundred twenty-  
24 five percent or less of the federally established poverty level; or

25 (d) Unable to pay the anticipated cost of counsel for the matter  
26 before the court because his or her available funds are insufficient to  
27 pay any amount for the retention of counsel.

28 ~~((+11))~~ (12) "Out-of-home care" means placement in a foster family  
29 home or group care facility licensed pursuant to chapter 74.15 RCW or  
30 placement in a home, other than that of the child's parent, guardian,  
31 or legal custodian, not required to be licensed pursuant to chapter  
32 74.15 RCW.

33 ~~((+12))~~ (13) "Preventive services" means preservation services, as  
34 defined in chapter 74.14C RCW, and other reasonably available services,  
35 including housing services or assistance, capable of preventing the  
36 need for out-of-home placement while protecting the child. ~~((Housing~~  
37 ~~services may include, but are not limited to, referrals to federal,~~

1 ~~state, local, or private agencies or organizations, assistance with~~  
2 ~~forms and applications, or financial subsidies for housing.~~

3 ~~(13))~~ (14) "Shelter care" means temporary physical care in a  
4 facility licensed pursuant to RCW 74.15.030 or in a home not required  
5 to be licensed pursuant to RCW 74.15.030.

6 ~~((14))~~ (15) "Sibling" means a child's birth brother, birth  
7 sister, adoptive brother, adoptive sister, half-brother, or half-  
8 sister, or as defined by the law or custom of the Indian child's tribe  
9 for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

10 ~~((15))~~ (16) "Social study" means a written evaluation of matters  
11 relevant to the disposition of the case and shall contain the following  
12 information:

13 (a) A statement of the specific harm or harms to the child that  
14 intervention is designed to alleviate;

15 (b) A description of the specific services and activities, for both  
16 the parents and child, that are needed in order to prevent serious harm  
17 to the child; the reasons why such services and activities are likely  
18 to be useful; the availability of any proposed services; and the  
19 agency's overall plan for ensuring that the services will be delivered.  
20 The description shall identify the services chosen and approved by the  
21 parent;

22 (c) If removal is recommended, a full description of the reasons  
23 why the child cannot be protected adequately in the home, including a  
24 description of any previous efforts to work with the parents and the  
25 child in the home; the in-home treatment programs that have been  
26 considered and rejected; the preventive services, including housing  
27 services and assistance, that have been offered or provided and have  
28 failed to prevent the need for out-of-home placement, unless the  
29 health, safety, and welfare of the child cannot be protected adequately  
30 in the home; and the parents' attitude toward placement of the child;

31 (d) A statement of the likely harms the child will suffer as a  
32 result of removal;

33 (e) A description of the steps that will be taken to minimize the  
34 harm to the child that may result if separation occurs including an  
35 assessment of the child's relationship and emotional bond with any  
36 siblings, and the agency's plan to provide ongoing contact between the  
37 child and the child's siblings if appropriate; and

1 (f) Behavior that will be expected before determination that  
2 supervision of the family or placement is no longer necessary.

3 **Sec. 2.** RCW 13.34.065 and 2008 c 267 s 2 are each amended to read  
4 as follows:

5 (1)(a) When a child is taken into custody, the court shall hold a  
6 shelter care hearing within seventy-two hours, excluding Saturdays,  
7 Sundays, and holidays. The primary purpose of the shelter care hearing  
8 is to determine whether the child can be immediately and safely  
9 returned home while the adjudication of the dependency is pending.

10 (b) Any parent, guardian, or legal custodian who for good cause is  
11 unable to attend the shelter care hearing may request that a subsequent  
12 shelter care hearing be scheduled. The request shall be made to the  
13 clerk of the court where the petition is filed prior to the initial  
14 shelter care hearing. Upon the request of the parent, the court shall  
15 schedule the hearing within seventy-two hours of the request, excluding  
16 Saturdays, Sundays, and holidays. The clerk shall notify all other  
17 parties of the hearing by any reasonable means.

18 (2)(a) The department of social and health services shall submit a  
19 recommendation to the court as to the further need for shelter care in  
20 all cases in which it is the petitioner. In all other cases, the  
21 recommendation shall be submitted by the juvenile court probation  
22 counselor.

23 (b) All parties have the right to present testimony to the court  
24 regarding the need or lack of need for shelter care.

25 (c) Hearsay evidence before the court regarding the need or lack of  
26 need for shelter care must be supported by sworn testimony, affidavit,  
27 or declaration of the person offering such evidence.

28 (3)(a) At the commencement of the hearing, the court shall notify  
29 the parent, guardian, or custodian of the following:

30 (i) The parent, guardian, or custodian has the right to a shelter  
31 care hearing;

32 (ii) The nature of the shelter care hearing, the rights of the  
33 parents, and the proceedings that will follow; and

34 (iii) If the parent, guardian, or custodian is not represented by  
35 counsel, the right to be represented. If the parent, guardian, or  
36 custodian is indigent, the court shall appoint counsel as provided in  
37 RCW 13.34.090; and

1 (b) If a parent, guardian, or legal custodian desires to waive the  
2 shelter care hearing, the court shall determine, on the record and with  
3 the parties present, whether such waiver is knowing and voluntary. A  
4 parent may not waive his or her right to the shelter care hearing  
5 unless he or she appears in court and the court determines that the  
6 waiver is knowing and voluntary. Regardless of whether the court  
7 accepts the parental waiver of the shelter care hearing, the court must  
8 provide notice to the parents of their rights required under (a) of  
9 this subsection and make the finding required under subsection (4) of  
10 this section.

11 (4) At the shelter care hearing the court shall examine the need  
12 for shelter care and inquire into the status of the case. The  
13 paramount consideration for the court shall be the health, welfare, and  
14 safety of the child. At a minimum, the court shall inquire into the  
15 following:

16 (a) Whether the notice required under RCW 13.34.062 was given to  
17 all known parents, guardians, or legal custodians of the child. The  
18 court shall make an express finding as to whether the notice required  
19 under RCW 13.34.062 was given to the parent, guardian, or legal  
20 custodian. If actual notice was not given to the parent, guardian, or  
21 legal custodian and the whereabouts of such person is known or can be  
22 ascertained, the court shall order the supervising agency or the  
23 department of social and health services to make reasonable efforts to  
24 advise the parent, guardian, or legal custodian of the status of the  
25 case, including the date and time of any subsequent hearings, and their  
26 rights under RCW 13.34.090;

27 (b) Whether the child can be safely returned home while the  
28 adjudication of the dependency is pending;

29 (c) What efforts have been made to place the child with a relative;

30 (d) What services, including housing services or assistance if  
31 appropriate, were provided to the family to prevent or eliminate the  
32 need for removal of the child from the child's home;

33 (e) Is the placement proposed by the agency the least disruptive  
34 and most family-like setting that meets the needs of the child;

35 (f) Whether it is in the best interest of the child to remain  
36 enrolled in the school, developmental program, or child care the child  
37 was in prior to placement and what efforts have been made to maintain

1 the child in the school, program, or child care if it would be in the  
2 best interest of the child to remain in the same school, program, or  
3 child care;

4 (g) Appointment of a guardian ad litem or attorney;

5 (h) Whether the child is or may be an Indian child as defined in 25  
6 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare  
7 act apply, and whether there is compliance with the Indian child  
8 welfare act, including notice to the child's tribe;

9 (i) Whether, as provided in RCW 26.44.063, restraining orders, or  
10 orders expelling an allegedly abusive household member from the home of  
11 a nonabusive parent, guardian, or legal custodian, will allow the child  
12 to safely remain in the home;

13 (j) Whether any orders for examinations, evaluations, or immediate  
14 services are needed. The court may not order a parent to undergo  
15 examinations, evaluation, or services at the shelter care hearing  
16 unless the parent agrees to the examination, evaluation, or service;

17 (k) The terms and conditions for parental, sibling, and family  
18 visitation.

19 (5)(a) The court shall release a child alleged to be dependent to  
20 the care, custody, and control of the child's parent, guardian, or  
21 legal custodian unless the court finds there is reasonable cause to  
22 believe that:

23 (i) After consideration of the specific services that have been  
24 provided, reasonable efforts have been made to prevent or eliminate the  
25 need for removal of the child from the child's home and to make it  
26 possible for the child to return home; and

27 (ii)(A) The child has no parent, guardian, or legal custodian to  
28 provide supervision and care for such child; or

29 (B) The release of such child would present a serious threat of  
30 substantial harm to such child, notwithstanding an order entered  
31 pursuant to RCW 26.44.063; or

32 (C) The parent, guardian, or custodian to whom the child could be  
33 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

34 (b) If the court does not release the child to his or her parent,  
35 guardian, or legal custodian, the court shall order placement with a  
36 relative, unless there is reasonable cause to believe the health,  
37 safety, or welfare of the child would be jeopardized or that the

1 efforts to reunite the parent and child will be hindered. The relative  
2 must be willing and available to:

3 (i) Care for the child and be able to meet any special needs of the  
4 child;

5 (ii) Facilitate the child's visitation with siblings, if such  
6 visitation is part of the supervising agency's plan or is ordered by  
7 the court; and

8 (iii) Cooperate with the department in providing necessary  
9 background checks and home studies.

10 (c) If the child was not initially placed with a relative, and the  
11 court does not release the child to his or her parent, guardian, or  
12 legal custodian, the supervising agency shall make reasonable efforts  
13 to locate a relative pursuant to RCW 13.34.060(1).

14 (d) If a relative is not available, the court shall order continued  
15 shelter care or order placement with another suitable person, and the  
16 court shall set forth its reasons for the order. If the court orders  
17 placement of the child with a person not related to the child and not  
18 licensed to provide foster care, the placement is subject to all terms  
19 and conditions of this section that apply to relative placements.

20 (e) Any placement with a relative, or other person approved by the  
21 court pursuant to this section, shall be contingent upon cooperation  
22 with the agency case plan and compliance with court orders related to  
23 the care and supervision of the child including, but not limited to,  
24 court orders regarding parent-child contacts, sibling contacts, and any  
25 other conditions imposed by the court. Noncompliance with the case  
26 plan or court order is grounds for removal of the child from the home  
27 of the relative or other person, subject to review by the court.

28 (f) Uncertainty by a parent, guardian, legal custodian, relative,  
29 or other suitable person that the alleged abuser has in fact abused the  
30 child shall not, alone, be the basis upon which a child is removed from  
31 the care of a parent, guardian, or legal custodian under (a) of this  
32 subsection, nor shall it be a basis, alone, to preclude placement with  
33 a relative under (b) of this subsection or with another suitable person  
34 under (d) of this subsection.

35 (6)(a) A shelter care order issued pursuant to this section shall  
36 include the requirement for a case conference as provided in RCW  
37 13.34.067. However, if the parent is not present at the shelter care



1 hearing, or does not agree to the case conference, the court shall not  
2 include the requirement for the case conference in the shelter care  
3 order.

4 (b) If the court orders a case conference, the shelter care order  
5 shall include notice to all parties and establish the date, time, and  
6 location of the case conference which shall be no later than thirty  
7 days before the fact-finding hearing.

8 (c) The court may order another conference, case staffing, or  
9 hearing as an alternative to the case conference required under RCW  
10 13.34.067 so long as the conference, case staffing, or hearing ordered  
11 by the court meets all requirements under RCW 13.34.067, including the  
12 requirement of a written agreement specifying the services to be  
13 provided to the parent.

14 (7)(a) A shelter care order issued pursuant to this section may be  
15 amended at any time with notice and hearing thereon. The shelter care  
16 decision of placement shall be modified only upon a showing of change  
17 in circumstances. No child may be placed in shelter care for longer  
18 than thirty days without an order, signed by the judge, authorizing  
19 continued shelter care.

20 (b)(i) An order releasing the child on any conditions specified in  
21 this section may at any time be amended, with notice and hearing  
22 thereon, so as to return the child to shelter care for failure of the  
23 parties to conform to the conditions originally imposed.

24 (ii) The court shall consider whether nonconformance with any  
25 conditions resulted from circumstances beyond the control of the  
26 parent, guardian, or legal custodian and give weight to that fact  
27 before ordering return of the child to shelter care.

28 (8)(a) If a child is returned home from shelter care a second time  
29 in the case, or if the supervisor of the caseworker deems it necessary,  
30 the multidisciplinary team may be reconvened.

31 (b) If a child is returned home from shelter care a second time in  
32 the case a law enforcement officer must be present and file a report to  
33 the department.

34 **Sec. 3.** RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are  
35 each reenacted and amended to read as follows:

36 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has  
37 been proven by a preponderance of the evidence that the child is

1 dependent within the meaning of RCW 13.34.030 after consideration of  
2 the social study prepared pursuant to RCW 13.34.110 and after a  
3 disposition hearing has been held pursuant to RCW 13.34.110, the court  
4 shall enter an order of disposition pursuant to this section.

5 (1) The court shall order one of the following dispositions of the  
6 case:

7 (a) Order a disposition other than removal of the child from his or  
8 her home, which shall provide a program designed to alleviate the  
9 immediate danger to the child, to mitigate or cure any damage the child  
10 has already suffered, and to aid the parents so that the child will not  
11 be endangered in the future. In determining the disposition, the court  
12 should choose those services, including housing services and  
13 assistance, that least interfere with family autonomy and are adequate  
14 to protect the child.

15 (b) Order the child to be removed from his or her home and into the  
16 custody, control, and care of a relative or the department or a  
17 licensed child placing agency for supervision of the child's placement.  
18 The department or agency supervising the child's placement has the  
19 authority to place the child, subject to review and approval by the  
20 court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a  
21 foster family home or group care facility licensed pursuant to chapter  
22 74.15 RCW, or (iii) in the home of another suitable person if the child  
23 or family has a preexisting relationship with that person, and the  
24 person has completed all required criminal history background checks  
25 and otherwise appears to the department or supervising agency to be  
26 suitable and competent to provide care for the child. Absent good  
27 cause, the department or supervising agency shall follow the wishes of  
28 the natural parent regarding the placement of the child in accordance  
29 with RCW 13.34.260. The department or supervising agency may only  
30 place a child with a person not related to the child as defined in RCW  
31 74.15.020(2)(a) when the court finds that such placement is in the best  
32 interest of the child. Unless there is reasonable cause to believe  
33 that the health, safety, or welfare of the child would be jeopardized  
34 or that efforts to reunite the parent and child will be hindered, such  
35 child shall be placed with a person who is: (A) Related to the child  
36 as defined in RCW 74.15.020(2)(a) with whom the child has a  
37 relationship and is comfortable; and (B) willing and available to care  
38 for the child.

1 (2) Placement of the child with a relative under this subsection  
2 shall be given preference by the court. An order for out-of-home  
3 placement may be made only if the court finds that reasonable efforts  
4 have been made to prevent or eliminate the need for removal of the  
5 child from the child's home and to make it possible for the child to  
6 return home, specifying the services, including housing services and  
7 assistance if appropriate, that have been provided to the child and the  
8 child's parent, guardian, or legal custodian, and that preventive  
9 services have been offered or provided and have failed to prevent the  
10 need for out-of-home placement, unless the health, safety, and welfare  
11 of the child cannot be protected adequately in the home, and that:

12 (a) There is no parent or guardian available to care for such  
13 child;

14 (b) The parent, guardian, or legal custodian is not willing to take  
15 custody of the child; or

16 (c) The court finds, by clear, cogent, and convincing evidence, a  
17 manifest danger exists that the child will suffer serious abuse or  
18 neglect if the child is not removed from the home and an order under  
19 RCW 26.44.063 would not protect the child from danger.

20 (3) If the court has ordered a child removed from his or her home  
21 pursuant to subsection (1)(b) of this section, the court shall consider  
22 whether it is in a child's best interest to be placed with, have  
23 contact with, or have visits with siblings.

24 (a) There shall be a presumption that such placement, contact, or  
25 visits are in the best interests of the child provided that:

26 (i) The court has jurisdiction over all siblings subject to the  
27 order of placement, contact, or visitation pursuant to petitions filed  
28 under this chapter or the parents of a child for whom there is no  
29 jurisdiction are willing to agree; and

30 (ii) There is no reasonable cause to believe that the health,  
31 safety, or welfare of any child subject to the order of placement,  
32 contact, or visitation would be jeopardized or that efforts to reunite  
33 the parent and child would be hindered by such placement, contact, or  
34 visitation. In no event shall parental visitation time be reduced in  
35 order to provide sibling visitation.

36 (b) The court may also order placement, contact, or visitation of  
37 a child with a step-brother or step-sister provided that in addition to

1 the factors in (a) of this subsection, the child has a relationship and  
2 is comfortable with the step-sibling.

3 (4) If the court has ordered a child removed from his or her home  
4 pursuant to subsection (1)(b) of this section and placed into  
5 nonparental or nonrelative care, the court shall order a placement that  
6 allows the child to remain in the same school he or she attended prior  
7 to the initiation of the dependency proceeding when such a placement is  
8 practical and in the child's best interest.

9 (5) If the court has ordered a child removed from his or her home  
10 pursuant to subsection (1)(b) of this section, the court may order that  
11 a petition seeking termination of the parent and child relationship be  
12 filed if the requirements of RCW 13.34.132 are met.

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

30 **Sec. 4.** RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are  
31 each reenacted and amended to read as follows:

32 (1) Except for children whose cases are reviewed by a citizen  
33 review board under chapter 13.70 RCW, the status of all children found  
34 to be dependent shall be reviewed by the court at least every six  
35 months from the beginning date of the placement episode or the date  
36 dependency is established, whichever is first. The purpose of the

1 hearing shall be to review the progress of the parties and determine  
2 whether court supervision should continue.

3 (a) The initial review hearing shall be an in-court review and  
4 shall be set six months from the beginning date of the placement  
5 episode or no more than ninety days from the entry of the disposition  
6 order, whichever comes first. The requirements for the initial review  
7 hearing, including the in-court review requirement, shall be  
8 accomplished within existing resources.

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

12 (2)(a) A child shall not be returned home at the review hearing  
13 unless the court finds that a reason for removal as set forth in RCW  
14 13.34.130 no longer exists. The parents, guardian, or legal custodian  
15 shall report to the court the efforts they have made to correct the  
16 conditions which led to removal. If a child is returned, casework  
17 supervision shall continue for a period of six months, at which time  
18 there shall be a hearing on the need for continued intervention.

19 (b) Prior to the child returning home, the department must complete  
20 the following:

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

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

35 (iii) Notify the parent with whom the child is being placed that he  
36 or she has an ongoing duty to notify the department or supervising  
37 agency of all persons who reside in the home or who may act as a  
38 caregiver for the child both prior to the placement of the child in the

1 home and subsequent to the placement of the child in the home as long  
2 as the court retains jurisdiction of the dependency proceeding or the  
3 department is providing or monitoring either remedial services to the  
4 parent or services to ensure the safety of the child to any caregivers.

5 Caregivers may be required to engage in services under this  
6 subsection solely for the purpose of ensuring the present and future  
7 safety of a child who is a ward of the court. This subsection does not  
8 grant party status to any individual not already a party to the  
9 dependency proceeding, create an entitlement to services or a duty on  
10 the part of the department or supervising agency to provide services,  
11 or create judicial authority to order the provision of services to any  
12 person other than for the express purposes of this section or RCW  
13 13.34.025 or if the services are unavailable or unsuitable or the  
14 person is not eligible for such services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (i) Noncompliance by the parents with the agency case plan or court  
23 order;

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

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

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

1           (4) The court's ability to order housing services and assistance  
2 under (~~RCW 13.34.130 and this section~~) this chapter is: (a) Limited  
3 to cases in which homelessness or the lack of adequate and safe housing  
4 is the primary reason for an out-of-home placement; and (b) subject to  
5 the availability of funds appropriated for this specific purpose. For  
6 purposes of this section, "homelessness or the lack of adequate and  
7 safe housing" constitutes the primary reason for out-of-home placement  
8 when the provision of housing services or assistance would likely  
9 prevent the need for out-of-home placement or shorten the length of  
10 stay in out-of-home placement. Nothing in this section shall be  
11 construed to create an entitlement to housing assistance and services,  
12 nor create judicial authority to order the provision of services to any  
13 person or family if the services or funding are unavailable or the  
14 child or family is not eligible for such services.

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

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