
ENGROSSED SUBSTITUTE SENATE BILL 5811

State of Washington

61st Legislature

2009 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Shin, and Roach)

READ FIRST TIME 02/25/09.

1 AN ACT Relating to foster child placements; amending RCW 13.34.030,
2 13.34.065, 13.34.145, 74.13.031, and 74.13.333; reenacting and amending
3 RCW 13.34.130 and 13.34.138; adding new sections to chapter 13.34 RCW;
4 and adding a new section to chapter 74.13 RCW.

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

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

8 For purposes of this chapter:

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

18 (2) "Child" and "juvenile" means any individual under the age of
19 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 The court shall ask the parents whether the department discussed with
31 them the placement of the child with a relative and shall make an
32 express finding that the department's efforts have been made by the
33 department in this regard;

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

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

1 (f) Whether it is in the best interest of the child to remain
2 enrolled in the school, developmental program, or child care the child
3 was in prior to placement and what efforts have been made to maintain
4 the child in the school, program, or child care if it would be in the
5 best interest of the child to remain in the same school, program, or
6 child care;

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

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

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

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

20 (k) The terms and conditions for parental, sibling, and family
21 visitation.

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

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

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

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

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

37 (b) If the court does not release the child to his or her parent,
38 guardian, or legal custodian, the court shall order placement with a

1 relative, unless there is reasonable cause to believe the health,
2 safety, or welfare of the child would be jeopardized or that the
3 efforts to reunite the parent and child will be hindered. The relative
4 must be willing and available to:

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

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

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

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

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

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

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

1 (6)(a) A shelter care order issued pursuant to this section shall
2 include the requirement for a case conference as provided in RCW
3 13.34.067. However, if the parent is not present at the shelter care
4 hearing, or does not agree to the case conference, the court shall not
5 include the requirement for the case conference in the shelter care
6 order.

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

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

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

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

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

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

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

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

3 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has
4 been proven by a preponderance of the evidence that the child is
5 dependent within the meaning of RCW 13.34.030 after consideration of
6 the social study prepared pursuant to RCW 13.34.110 and after a
7 disposition hearing has been held pursuant to RCW 13.34.110, the court
8 shall enter an order of disposition pursuant to this section.

9 (1) The court shall order one of the following dispositions of the
10 case:

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

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

1 child shall be placed with a person who is: (A) Related to the child
2 as defined in RCW 74.15.020(2)(a) with whom the child has a
3 relationship and is comfortable; and (B) willing and available to care
4 for the child.

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

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

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

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

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

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

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

36 (ii) There is no reasonable cause to believe that the health,
37 safety, or welfare of any child subject to the order of placement,
38 contact, or visitation would be jeopardized or that efforts to reunite

1 the parent and child would be hindered by such placement, contact, or
2 visitation. In no event shall parental visitation time be reduced in
3 order to provide sibling visitation.

4 (b) The court may also order placement, contact, or visitation of
5 a child with a step-brother or step-sister provided that in addition to
6 the factors in (a) of this subsection, the child has a relationship and
7 is comfortable with the step-sibling.

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

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

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

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

37 (1) Except for children whose cases are reviewed by a citizen

1 review board under chapter 13.70 RCW, the status of all children found
2 to be dependent shall be reviewed by the court at least every six
3 months from the beginning date of the placement episode or the date
4 dependency is established, whichever is first. The purpose of the
5 hearing shall be to review the progress of the parties and determine
6 whether court supervision should continue.

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

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

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

23 (b) Prior to the child returning home, the department must complete
24 the following:

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

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

1 (iii) Notify the parent with whom the child is being placed that he
2 or she has an ongoing duty to notify the department or supervising
3 agency of all persons who reside in the home or who may act as a
4 caregiver for the child both prior to the placement of the child in the
5 home and subsequent to the placement of the child in the home as long
6 as the court retains jurisdiction of the dependency proceeding or the
7 department is providing or monitoring either remedial services to the
8 parent or services to ensure the safety of the child to any caregivers.

9 Caregivers may be required to engage in services under this
10 subsection solely for the purpose of ensuring the present and future
11 safety of a child who is a ward of the court. This subsection does not
12 grant party status to any individual not already a party to the
13 dependency proceeding, create an entitlement to services or a duty on
14 the part of the department or supervising agency to provide services,
15 or create judicial authority to order the provision of services to any
16 person other than for the express purposes of this section or RCW
17 13.34.025 or if the services are unavailable or unsuitable or the
18 person is not eligible for such services.

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

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

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

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

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

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

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

37 (vii) Whether preference has been given to placement with the

1 child's relatives and if not, the court shall make specific findings
2 detailing the reasons why the child is not in a relative placement;

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

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

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

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

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

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

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

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

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

22 (ii) The continued participation of the parents, if applicable, in
23 available substance abuse or mental health treatment if substance abuse
24 or mental illness was a contributing factor to the removal of the
25 child.

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

28 (i) Noncompliance by the parents with the agency case plan or court
29 order;

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

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

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

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

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

24 **Sec. 5.** RCW 13.34.145 and 2008 c 152 s 3 are each amended to read
25 as follows:

26 (1) The purpose of a permanency planning hearing is to review the
27 permanency plan for the child, inquire into the welfare of the child
28 and progress of the case, and reach decisions regarding the permanent
29 placement of the child.

30 (a) A permanency planning hearing shall be held in all cases where
31 the child has remained in out-of-home care for at least nine months and
32 an adoption decree, guardianship order, or permanent custody order has
33 not previously been entered. The hearing shall take place no later
34 than twelve months following commencement of the current placement
35 episode.

36 (b) Whenever a child is removed from the home of a dependency
37 guardian or long-term relative or foster care provider, and the child

1 is not returned to the home of the parent, guardian, or legal custodian
2 but is placed in out-of-home care, a permanency planning hearing shall
3 take place no later than twelve months, as provided in this section,
4 following the date of removal unless, prior to the hearing, the child
5 returns to the home of the dependency guardian or long-term care
6 provider, the child is placed in the home of the parent, guardian, or
7 legal custodian, an adoption decree, guardianship order, or a permanent
8 custody order is entered, or the dependency is dismissed.

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

16 (2) No later than ten working days prior to the permanency planning
17 hearing, the agency having custody of the child shall submit a written
18 permanency plan to the court and shall mail a copy of the plan to all
19 parties and their legal counsel, if any.

20 (3) At the permanency planning hearing, the court shall conduct the
21 following inquiry:

22 (a) If a goal of long-term foster or relative care has been
23 achieved prior to the permanency planning hearing, the court shall
24 review the child's status to determine whether the placement and the
25 plan for the child's care remain appropriate.

26 (b) In cases where the primary permanency planning goal has not
27 been achieved, the court shall inquire regarding the reasons why the
28 primary goal has not been achieved and determine what needs to be done
29 to make it possible to achieve the primary goal. The court shall
30 review the permanency plan prepared by the agency and make explicit
31 findings regarding each of the following:

32 (i) The continuing necessity for, and the safety and
33 appropriateness of, the placement;

34 (ii) The extent of compliance with the permanency plan by the
35 agency and any other service providers, the child's parents, the child,
36 and the child's guardian, if any;

37 (iii) The extent of any efforts to involve appropriate service

1 providers in addition to agency staff in planning to meet the special
2 needs of the child and the child's parents;

3 (iv) The progress toward eliminating the causes for the child's
4 placement outside of his or her home and toward returning the child
5 safely to his or her home or obtaining a permanent placement for the
6 child;

7 (v) The date by which it is likely that the child will be returned
8 to his or her home or placed for adoption, with a guardian or in some
9 other alternative permanent placement; and

10 (vi) If the child has been placed outside of his or her home for
11 fifteen of the most recent twenty-two months, not including any period
12 during which the child was a runaway from the out-of-home placement or
13 the first six months of any period during which the child was returned
14 to his or her home for a trial home visit, the appropriateness of the
15 permanency plan, whether reasonable efforts were made by the agency to
16 achieve the goal of the permanency plan, and the circumstances which
17 prevent the child from any of the following:

- 18 (A) Being returned safely to his or her home;
- 19 (B) Having a petition for the involuntary termination of parental
20 rights filed on behalf of the child;
- 21 (C) Being placed for adoption;
- 22 (D) Being placed with a guardian;
- 23 (E) Being placed in the home of a fit and willing relative of the
24 child; or
- 25 (F) Being placed in some other alternative permanent placement,
26 including independent living or long-term foster care.

27 At this hearing, the court shall order the department to file a
28 petition seeking termination of parental rights if the child has been
29 in out-of-home care for fifteen of the last twenty-two months since the
30 date the dependency petition was filed unless the court makes a good
31 cause exception as to why the filing of a termination of parental
32 rights petition is not appropriate. Any good cause finding shall be
33 reviewed at all subsequent hearings pertaining to the child. For
34 purposes of this section, "good cause exception" includes but is not
35 limited to the following: The child is being cared for by a relative;
36 the department has not provided to the child's family such services as
37 the court and the department have deemed necessary for the child's safe

1 return home; or the department has documented in the case plan a
2 compelling reason for determining that filing a petition to terminate
3 parental rights would not be in the child's best interests.

4 (c)(i) If the permanency plan identifies independent living as a
5 goal, the court shall make a finding that the provision of services to
6 assist the child in making a transition from foster care to independent
7 living will allow the child to manage his or her financial, personal,
8 social, educational, and nonfinancial affairs prior to approving
9 independent living as a permanency plan of care.

10 (ii) The permanency plan shall also specifically identify the
11 services that will be provided to assist the child to make a successful
12 transition from foster care to independent living.

13 (iii) The department shall not discharge a child to an independent
14 living situation before the child is eighteen years of age unless the
15 child becomes emancipated pursuant to chapter 13.64 RCW.

16 (d) If the child has resided in the home of a foster parent or
17 relative for more than six months prior to the permanency planning
18 hearing, the court shall ~~((also))~~:

19 (i) Enter a finding regarding whether the foster parent or relative
20 was informed of the hearing as required in RCW 74.13.280, 13.34.215(5),
21 and 13.34.096; and

22 (ii) In the situation in which the department or supervising agency
23 is recommending a placement other than the current foster parent or
24 relative, make an express finding of the reasons the department or
25 agency is recommending that the child be moved.

26 (4) In all cases, at the permanency planning hearing, the court
27 shall:

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

30 (ii) Modify the permanency plan, and order implementation of the
31 modified plan; and

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

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

37 (5) Following the first permanency planning hearing, the court
38 shall hold a further permanency planning hearing in accordance with

1 this section at least once every twelve months until a permanency
2 planning goal is achieved or the dependency is dismissed, whichever
3 occurs first.

4 (6) Prior to the second permanency planning hearing, the agency
5 that has custody of the child shall consider whether to file a petition
6 for termination of parental rights.

7 (7) If the court orders the child returned home, casework
8 supervision shall continue for at least six months, at which time a
9 review hearing shall be held pursuant to RCW 13.34.138, and the court
10 shall determine the need for continued intervention.

11 (8) The juvenile court may hear a petition for permanent legal
12 custody when: (a) The court has ordered implementation of a permanency
13 plan that includes permanent legal custody; and (b) the party pursuing
14 the permanent legal custody is the party identified in the permanency
15 plan as the prospective legal custodian. During the pendency of such
16 proceeding, the court shall conduct review hearings and further
17 permanency planning hearings as provided in this chapter. At the
18 conclusion of the legal guardianship or permanent legal custody
19 proceeding, a juvenile court hearing shall be held for the purpose of
20 determining whether dependency should be dismissed. If a guardianship
21 or permanent custody order has been entered, the dependency shall be
22 dismissed.

23 (9) Continued juvenile court jurisdiction under this chapter shall
24 not be a barrier to the entry of an order establishing a legal
25 guardianship or permanent legal custody when the requirements of
26 subsection (8) of this section are met.

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

36 (11) The approval of a permanency plan that does not contemplate
37 return of the child to the parent does not relieve the supervising
38 agency of its obligation to provide reasonable services, under this

1 chapter, intended to effectuate the return of the child to the parent,
2 including but not limited to, visitation rights. The court shall
3 consider the child's relationships with siblings in accordance with RCW
4 13.34.130.

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

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

10 (1) At a disposition, review, or any other hearing that occurs
11 after a dependency is established under this chapter, the court shall
12 ensure that a dependent child over the age of twelve, who is otherwise
13 present in the courtroom, is aware of and understands the duties and
14 responsibilities the department has to a child subject to a dependency
15 including, but not limited to, the following:

16 (a) Reasonable efforts, including the provision of services, toward
17 reunification of the child with his or her family;

18 (b) Sibling visits subject to the restrictions in RCW
19 13.34.136(2)(b)(ii);

20 (c) Parent-child visits;

21 (d) Statutory preference for placement with a relative, if
22 appropriate; and

23 (e) Statutory preference that an out-of-home placement be found
24 that would allow the child to remain in the same school district, if
25 practical.

26 (2) If the dependent child is already represented by counsel, the
27 court need not comply with subsection (1) of this section.

28 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.34 RCW
29 to read as follows:

30 (1) The administrative office of the courts shall develop standard
31 court forms and format rules for mandatory use by parties in dependency
32 matters commenced under this chapter or chapter 26.44 RCW. Forms shall
33 be developed not later than November 1, 2009, and the mandatory use
34 requirement shall be effective January 1, 2010. The administrative
35 office of the courts has continuing responsibility to develop and
36 revise mandatory forms and format rules as appropriate.

1 (2) According to rules established by the administrative office of
2 the courts, a party may delete unnecessary portions of the forms and
3 may supplement the mandatory forms with additional material.

4 (3) Failure by a party to use the mandatory forms or follow the
5 format rules shall not be a reason to dismiss a case, refuse a filing,
6 or strike a pleading. The court may, however, require the party to
7 submit a corrected pleading and may impose terms payable to the
8 opposing party or payable to the court, or both.

9 (4) The administrative office of the courts shall distribute a
10 master copy of the mandatory forms to all county court clerks. Upon
11 request, the administrative office of the courts and county clerks must
12 distribute the forms to the public and may charge for the cost of
13 production and distribution of the forms. Private vendors also may
14 distribute the forms. Distribution of forms may be in printed or
15 electronic form.

16 **Sec. 8.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read
17 as follows:

18 The department shall have the duty to provide child welfare
19 services and shall:

20 (1) Develop, administer, supervise, and monitor a coordinated and
21 comprehensive plan that establishes, aids, and strengthens services for
22 the protection and care of runaway, dependent, or neglected children.

23 (2) Within available resources, recruit an adequate number of
24 prospective adoptive and foster homes, both regular and specialized,
25 i.e. homes for children of ethnic minority, including Indian homes for
26 Indian children, sibling groups, handicapped and emotionally disturbed,
27 teens, pregnant and parenting teens, and annually report to the
28 governor and the legislature concerning the department's success in:
29 (a) Meeting the need for adoptive and foster home placements; (b)
30 reducing the foster parent turnover rate; (c) completing home studies
31 for legally free children; and (d) implementing and operating the
32 passport program required by RCW 74.13.285. The report shall include
33 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

34 (3) Investigate complaints of any recent act or failure to act on
35 the part of a parent or caretaker that results in death, serious
36 physical or emotional harm, or sexual abuse or exploitation, or that
37 presents an imminent risk of serious harm, and on the basis of the

1 findings of such investigation, offer child welfare services in
2 relation to the problem to such parents, legal custodians, or persons
3 serving in loco parentis, and/or bring the situation to the attention
4 of an appropriate court, or another community agency. An investigation
5 is not required of nonaccidental injuries which are clearly not the
6 result of a lack of care or supervision by the child's parents, legal
7 custodians, or persons serving in loco parentis. If the investigation
8 reveals that a crime against a child may have been committed, the
9 department shall notify the appropriate law enforcement agency.

10 (4) Offer, on a voluntary basis, family reconciliation services to
11 families who are in conflict.

12 (5) Monitor placements of children in out-of-home care and in-home
13 dependencies to assure the safety, well-being, and quality of care
14 being provided is within the scope of the intent of the legislature as
15 defined in RCW 74.13.010 and 74.15.010. The policy for monitoring
16 placements under this section shall require that children in out-of-
17 home care and in-home dependencies and their caregivers receive a
18 private and individual face-to-face visit each month.

19 (a) The department shall conduct the monthly visits with children
20 and caregivers required under this section unless the child's placement
21 is being supervised under a contract between the department and a
22 private agency accredited by a national child welfare accrediting
23 entity, in which case the private agency shall, within existing
24 resources, conduct the monthly visits with the child and with the
25 child's caregiver according to the standards described in this
26 subsection and shall provide the department with a written report of
27 the visits within fifteen days of completing the visits.

28 (b) In cases where the monthly visits required under this
29 subsection are being conducted by a private agency, the department
30 shall conduct a face-to-face health and safety visit with the child at
31 least once every ninety days.

32 (6) Have authority to accept custody of children from parents and
33 to accept custody of children from juvenile courts, where authorized to
34 do so under law, to provide child welfare services including placement
35 for adoption, to provide for the routine and necessary medical, dental,
36 and mental health care, or necessary emergency care of the children,
37 and to provide for the physical care of such children and make payment
38 of maintenance costs if needed. Except where required by Public Law

1 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives
2 children for adoption from the department shall discriminate on the
3 basis of race, creed, or color when considering applications in their
4 placement for adoption.

5 (7) Have authority to provide temporary shelter to children who
6 have run away from home and who are admitted to crisis residential
7 centers.

8 (8) Have authority to purchase care for children; and shall follow
9 in general the policy of using properly approved private agency
10 services for the actual care and supervision of such children insofar
11 as they are available, paying for care of such children as are accepted
12 by the department as eligible for support at reasonable rates
13 established by the department.

14 (9) Establish a children's services advisory committee which shall
15 assist the secretary in the development of a partnership plan for
16 utilizing resources of the public and private sectors, and advise on
17 all matters pertaining to child welfare, licensing of child care
18 agencies, adoption, and services related thereto. At least one member
19 shall represent the adoption community.

20 (10)(a) Have authority to provide continued foster care or group
21 care as needed to participate in or complete a high school or
22 vocational school program.

23 (b)(i) Beginning in 2006, the department has the authority to allow
24 up to fifty youth reaching age eighteen to continue in foster care or
25 group care as needed to participate in or complete a posthigh school
26 academic or vocational program, and to receive necessary support and
27 transition services.

28 (ii) In 2007 and 2008, the department has the authority to allow up
29 to fifty additional youth per year reaching age eighteen to remain in
30 foster care or group care as provided in (b)(i) of this subsection.

31 (iii) A youth who remains eligible for such placement and services
32 pursuant to department rules may continue in foster care or group care
33 until the youth reaches his or her twenty-first birthday. Eligibility
34 requirements shall include active enrollment in a posthigh school
35 academic or vocational program and maintenance of a 2.0 grade point
36 average.

37 (11) Refer cases to the division of child support whenever state or
38 federal funds are expended for the care and maintenance of a child,

1 including a child with a developmental disability who is placed as a
2 result of an action under chapter 13.34 RCW, unless the department
3 finds that there is good cause not to pursue collection of child
4 support against the parent or parents of the child. Cases involving
5 individuals age eighteen through twenty shall not be referred to the
6 division of child support unless required by federal law.

7 (12) Have authority within funds appropriated for foster care
8 services to purchase care for Indian children who are in the custody of
9 a federally recognized Indian tribe or tribally licensed child-placing
10 agency pursuant to parental consent, tribal court order, or state
11 juvenile court order; and the purchase of such care shall be subject to
12 the same eligibility standards and rates of support applicable to other
13 children for whom the department purchases care.

14 Notwithstanding any other provision of RCW 13.32A.170 through
15 13.32A.200 and 74.13.032 through 74.13.036, or of this section all
16 services to be provided by the department of social and health services
17 under subsections (4), (6), and (7) of this section, subject to the
18 limitations of these subsections, may be provided by any program
19 offering such services funded pursuant to Titles II and III of the
20 federal juvenile justice and delinquency prevention act of 1974.

21 (13) Within amounts appropriated for this specific purpose, provide
22 preventive services to families with children that prevent or shorten
23 the duration of an out-of-home placement.

24 (14) Have authority to provide independent living services to
25 youths, including individuals who have attained eighteen years of age,
26 and have not attained twenty-one years of age who are or have been in
27 foster care.

28 (15) Consult at least quarterly with foster parents, including
29 members of the foster parent association of Washington state, for the
30 purpose of receiving information and comment regarding how the
31 department is performing the duties and meeting the obligations
32 specified in this section and RCW 74.13.250 and 74.13.320 regarding the
33 recruitment of foster homes, reducing foster parent turnover rates,
34 providing effective training for foster parents, and administering a
35 coordinated and comprehensive plan that strengthens services for the
36 protection of children. Consultation shall occur at the regional and
37 statewide levels.

1 (16)(a) Within current funding levels, place on the public web site
2 maintained by the department a document listing the duties and
3 responsibilities the department has to a child subject to a dependency
4 petition including, but not limited to, the following:

5 (i) Reasonable efforts, including the provision of services, toward
6 reunification of the child with his or her family;

7 (ii) Sibling visits subject to the restrictions in RCW
8 13.34.136(2)(b)(ii);

9 (iii) Parent-child visits;

10 (iv) Statutory preference for placement with a relative, if
11 appropriate; and

12 (v) Statutory preference that an out-of-home placement be found
13 that would allow the child to remain in the same school district, if
14 practical.

15 (b) The document must be prepared in conjunction with a community-
16 based organization and must be updated as needed.

17 **NEW SECTION. Sec. 9.** A new section is added to chapter 74.13 RCW
18 to read as follows:

19 Once a dependency is established under chapter 13.34 RCW, the
20 social worker assigned to the case shall provide the dependent child
21 with a document containing the information contained in RCW
22 74.13.031(16). The social worker shall also explain the content of the
23 document to the child and direct the child to the department's web site
24 for further information. The social worker shall document, in the
25 electronic data system, that this requirement was met.

26 **Sec. 10.** RCW 74.13.333 and 2004 c 181 s 1 are each amended to read
27 as follows:

28 (1) A foster parent who believes that a department employee has
29 retaliated against the foster parent or in any other manner
30 discriminated against the foster parent because:

31 ~~((1))~~ (a) The foster parent made a complaint with the office of
32 the family and children's ombudsman, the attorney general, law
33 enforcement agencies, or the department, provided information, or
34 otherwise cooperated with the investigation of such a complaint;

35 ~~((2))~~ (b) The foster parent has caused to be instituted any
36 proceedings under or related to Title 13 RCW;

1 ~~((3))~~ (c) The foster parent has testified or is about to testify
2 in any proceedings under or related to Title 13 RCW;

3 ~~((4))~~ (d) The foster parent has advocated for services on behalf
4 of the foster child;

5 ~~((5))~~ (e) The foster parent has sought to adopt a foster child in
6 the foster parent's care; or

7 ~~((6))~~ (f) The foster parent has discussed or consulted with
8 anyone concerning the foster parent's rights under this chapter or
9 chapter 74.15 or 13.34 RCW, may file a complaint with the office of the
10 family and children's ombudsman.

11 (2) The ombudsman may investigate the allegations of retaliation.
12 The ombudsman shall have access to all relevant information and
13 resources held by or within the department by which to conduct the
14 investigation. Upon the conclusion of its investigation, the ombudsman
15 shall provide its findings in written form to the department. The
16 department shall take immediate personnel action against any employee
17 based, in part, on findings by the ombudsman that the department
18 employee has more likely than not engaged in retaliation against a
19 foster parent under this section.

20 (3) The department shall notify the office of the family and
21 children's ombudsman in writing, within thirty days of receiving the
22 ombudsman's findings, of any personnel action taken or to be taken with
23 regard to the department employee.

24 (4) The office of the family and children's ombudsman shall also
25 include its recommendations regarding complaints filed under this
26 section in its annual report pursuant to RCW 43.06A.030. The office of
27 the family and children's ombudsman shall identify trends which may
28 indicate a need to improve relations between the department and foster
29 parents.

--- END ---