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SENATE BILL 5245

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Regala, Shin, and McAuliffe

Read first time 01/19/11. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to extended foster care services; amending RCW  
2 13.04.011 and 74.13.020; reenacting and amending RCW 13.34.030,  
3 74.13.031, and 13.34.145; adding a new section to chapter 13.34 RCW;  
4 and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The Washington state legislature has  
7 consistently provided national leadership on safe housing and support  
8 to foster youth transitioning out of foster care. Since 2004, the  
9 legislature has addressed the needs of foster youth aging out of care  
10 with the independent youth housing program (2004), foster care to  
11 twenty-one (2006), and Washington's alignment with the federal  
12 fostering connections act (2009). As a result of this national  
13 leadership to provide safe and basic housing to youth aging out of  
14 foster care, the programs have demonstrated the significant cost  
15 benefit to providing safe housing to our youth exiting foster care.

16 The United States congress passed the fostering connections to  
17 success and increasing adoptions act of 2008 in order to give states  
18 another financial tool to continue to provide foster care services to  
19 dependent youth who turn eighteen years old while in foster care.

1 However, substantially declining revenues have resulted in markedly  
2 decreased funds for states to use to meet the federal requirements  
3 necessary to help these youth. Current fiscal realities require that  
4 the scope of programs must be narrowed.

5 The Washington state legislature intends to serve, within the  
6 resources available, the maximum number of foster youth who are legally  
7 dependent on the state and who reach the age of eighteen while still in  
8 foster care. The legislature intends to provide these youth continued  
9 foster care services to support basic and healthy transition into  
10 adulthood. The legislature recognizes the extremely poor outcomes of  
11 unsupported foster youth aging out of the foster care system and is  
12 committed to ensuring that those foster youth who engage in positive,  
13 age-appropriate activities, including higher education and employment,  
14 receive the support that all Washington youth need to transition into  
15 independence and self-sufficiency. It is the intent of the legislature  
16 to fully engage in the fostering connections act by supporting foster  
17 youth to age nineteen with the goal of increasing support to age  
18 twenty-one as resources become available.

19 **Sec. 2.** RCW 13.04.011 and 2010 c 150 s 4 are each amended to read  
20 as follows:

21 For purposes of this title:

22 (1) "Adjudication" has the same meaning as "conviction" in RCW  
23 9.94A.030, but only for the purposes of sentencing under chapter 9.94A  
24 RCW;

25 (2) Except as specifically provided in RCW 13.40.020 and chapters  
26 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any  
27 individual who is under the chronological age of eighteen years;

28 (3) "Juvenile offender" and "juvenile offense" have the meaning  
29 ascribed in RCW 13.40.020;

30 (4) "Court" when used without further qualification means the  
31 juvenile court judge(s) or commissioner(s);

32 (5) "Parent" or "parents," except as used in chapter 13.34 RCW,  
33 means that parent or parents who have the right of legal custody of the  
34 child. "Parent" or "parents" as used in chapter 13.34 RCW, means the  
35 biological or adoptive parents of a child unless the legal rights of  
36 that person have been terminated by judicial proceedings;

1 (6) "Custodian" means that person who has the legal right to  
2 custody of the child.

3 **Sec. 3.** RCW 13.34.030 and 2010 1st sp.s. c 8 s 13, 2010 c 272 s  
4 10, and 2010 c 94 s 6 are each reenacted and amended to read as  
5 follows:

6 For purposes of this chapter:

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

16 (2) "Child," (~~and~~) "juvenile," and "youth" means:

17 (a) Any individual under the age of eighteen years; or

18 (b) Any individual age eighteen to nineteen years who is eligible  
19 to receive and who elects to receive the extended foster care services  
20 authorized under RCW 74.13.031.

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

28 (4) "Department" means the department of social and health  
29 services.

30 (5) "Dependency guardian" means the person, nonprofit corporation,  
31 or Indian tribe appointed by the court pursuant to this chapter for the  
32 limited purpose of assisting the court in the supervision of the  
33 dependency.

34 (6) "Dependent child" means any child who:

35 (a) Has been abandoned;

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

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

5 (d) Is receiving extended foster care services, as authorized by  
6 RCW 74.13.031.

7 (7) "Developmental disability" means a disability attributable to  
8 intellectual disability, cerebral palsy, epilepsy, autism, or another  
9 neurological or other condition of an individual found by the secretary  
10 to be closely related to an intellectual disability or to require  
11 treatment similar to that required for individuals with intellectual  
12 disabilities, which disability originates before the individual attains  
13 age eighteen, which has continued or can be expected to continue  
14 indefinitely, and which constitutes a substantial limitation to the  
15 individual.

16 (8) "Guardian" means the person or agency that: (a) Has been  
17 appointed as the guardian of a child in a legal proceeding, including  
18 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the  
19 legal right to custody of the child pursuant to such appointment. The  
20 term "guardian" does not include a "dependency guardian" appointed  
21 pursuant to a proceeding under this chapter.

22 (9) "Guardian ad litem" means a person, appointed by the court to  
23 represent the best interests of a child in a proceeding under this  
24 chapter, or in any matter which may be consolidated with a proceeding  
25 under this chapter. A "court-appointed special advocate" appointed by  
26 the court to be the guardian ad litem for the child, or to perform  
27 substantially the same duties and functions as a guardian ad litem,  
28 shall be deemed to be guardian ad litem for all purposes and uses of  
29 this chapter.

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

37 (11) "Housing assistance" means appropriate referrals by the  
38 department or other supervising agencies to federal, state, local, or

1 private agencies or organizations, assistance with forms, applications,  
2 or financial subsidies or other monetary assistance for housing. For  
3 purposes of this chapter, "housing assistance" is not a remedial  
4 service or time-limited family reunification service as described in  
5 RCW 13.34.025(2).

6 (12) "Indigent" means a person who, at any stage of a court  
7 proceeding, is:

8 (a) Receiving one of the following types of public assistance:  
9 Temporary assistance for needy families, disability lifeline benefits,  
10 poverty-related veterans' benefits, food stamps or food stamp benefits  
11 transferred electronically, refugee resettlement benefits, medicaid, or  
12 supplemental security income; or

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

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

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

19 (13) "Out-of-home care" means placement in a foster family home or  
20 group care facility licensed pursuant to chapter 74.15 RCW or placement  
21 in a home, other than that of the child's parent, guardian, or legal  
22 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

23 (14) "Preventive services" means preservation services, as defined  
24 in chapter 74.14C RCW, and other reasonably available services,  
25 including housing assistance, capable of preventing the need for out-  
26 of-home placement while protecting the child.

27 (15) "Shelter care" means temporary physical care in a facility  
28 licensed pursuant to RCW 74.15.030 or in a home not required to be  
29 licensed pursuant to RCW 74.15.030.

30 (16) "Sibling" means a child's birth brother, birth sister,  
31 adoptive brother, adoptive sister, half-brother, or half-sister, or as  
32 defined by the law or custom of the Indian child's tribe for an Indian  
33 child as defined in 25 U.S.C. Sec. 1903(4).

34 (17) "Social study" means a written evaluation of matters relevant  
35 to the disposition of the case and shall contain the following  
36 information:

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

1 (b) A description of the specific services and activities, for both  
2 the parents and child, that are needed in order to prevent serious harm  
3 to the child; the reasons why such services and activities are likely  
4 to be useful; the availability of any proposed services; and the  
5 agency's overall plan for ensuring that the services will be delivered.  
6 The description shall identify the services chosen and approved by the  
7 parent;

8 (c) If removal is recommended, a full description of the reasons  
9 why the child cannot be protected adequately in the home, including a  
10 description of any previous efforts to work with the parents and the  
11 child in the home; the in-home treatment programs that have been  
12 considered and rejected; the preventive services, including housing  
13 assistance, that have been offered or provided and have failed to  
14 prevent the need for out-of-home placement, unless the health, safety,  
15 and welfare of the child cannot be protected adequately in the home;  
16 and the parents' attitude toward placement of the child;

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

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

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

26 (18) "Supervising agency" means an agency licensed by the state  
27 under RCW 74.15.090, or licensed by a federally recognized Indian tribe  
28 located in this state under RCW 74.15.190, that has entered into a  
29 performance-based contract with the department to provide case  
30 management for the delivery and documentation of child welfare services  
31 as defined in RCW 74.13.020.

32 (19) "Extended foster care services" means residential and other  
33 support services the department is authorized to provide under RCW  
34 74.13.031.

35 **Sec. 4.** RCW 74.13.020 and 2010 c 291 s 3 are each amended to read  
36 as follows:

37 For purposes of this chapter:

1 (1) "Case management" means the management of services delivered to  
2 children and families in the child welfare system, including permanency  
3 services, caseworker-child visits, family visits, the convening of  
4 family group conferences, the development and revision of the case  
5 plan, the coordination and monitoring of services needed by the child  
6 and family, and the assumption of court-related duties, excluding legal  
7 representation, including preparing court reports, attending judicial  
8 hearings and permanency hearings, and ensuring that the child is  
9 progressing toward permanency within state and federal mandates,  
10 including the Indian child welfare act.

11 (2) "Child" means:  
12 (a) A person less than eighteen years of age; or  
13 (b) A person age eighteen to nineteen years who is eligible to  
14 receive the extended foster care services authorized under RCW  
15 74.13.031.

16 (3) "Child protective services" has the same meaning as in RCW  
17 26.44.020.

18 (4) "Child welfare services" means social services including  
19 voluntary and in-home services, out-of-home care, case management, and  
20 adoption services which strengthen, supplement, or substitute for,  
21 parental care and supervision for the purpose of:

22 (a) Preventing or remedying, or assisting in the solution of  
23 problems which may result in families in conflict, or the neglect,  
24 abuse, exploitation, or criminal behavior of children;

25 (b) Protecting and caring for dependent, abused, or neglected  
26 children;

27 (c) Assisting children who are in conflict with their parents, and  
28 assisting parents who are in conflict with their children, with  
29 services designed to resolve such conflicts;

30 (d) Protecting and promoting the welfare of children, including the  
31 strengthening of their own homes where possible, or, where needed;

32 (e) Providing adequate care of children away from their homes in  
33 foster family homes or day care or other child care agencies or  
34 facilities.

35 "Child welfare services" does not include child protection  
36 services.

37 (5) "Committee" means the child welfare transformation design  
38 committee.

1 (6) "Department" means the department of social and health  
2 services.

3 (7) "Measurable effects" means a statistically significant change  
4 which occurs as a result of the service or services a supervising  
5 agency is assigned in a performance-based contract, in time periods  
6 established in the contract.

7 (8) "Out-of-home care services" means services provided after the  
8 shelter care hearing to or for children in out-of-home care, as that  
9 term is defined in RCW 13.34.030, and their families, including the  
10 recruitment, training, and management of foster parents, the  
11 recruitment of adoptive families, and the facilitation of the adoption  
12 process, family reunification, independent living, emergency shelter,  
13 residential group care, and foster care, including relative placement.

14 (9) "Performance-based contracting" means the structuring of all  
15 aspects of the procurement of services around the purpose of the work  
16 to be performed and the desired results with the contract requirements  
17 set forth in clear, specific, and objective terms with measurable  
18 outcomes. Contracts shall also include provisions that link the  
19 performance of the contractor to the level and timing of reimbursement.

20 (10) "Permanency services" means long-term services provided to  
21 secure a child's safety, permanency, and well-being, including foster  
22 care services, family reunification services, adoption services, and  
23 preparation for independent living services.

24 (11) "Primary prevention services" means services which are  
25 designed and delivered for the primary purpose of enhancing child and  
26 family well-being and are shown, by analysis of outcomes, to reduce the  
27 risk to the likelihood of the initial need for child welfare services.

28 (12) "Supervising agency" means an agency licensed by the state  
29 under RCW 74.15.090, or licensed by a federally recognized Indian  
30 tribe located in this state under RCW 74.15.190, that has entered into  
31 a performance-based contract with the department to provide case  
32 management for the delivery and documentation of child welfare  
33 services, as defined in this section.

34 (13) "Extended foster care services" means residential and other  
35 support services the department is authorized to provide to foster  
36 children. These services include, but are not limited to, placement in  
37 licensed, relative, or otherwise approved care, or supervised



1 independent living settings; assistance in meeting basic needs;  
2 independent living services; medical assistance; and counseling or  
3 treatment.

4 **Sec. 5.** RCW 74.13.031 and 2009 c 520 s 51, 2009 c 491 s 7, and  
5 2009 c 235 s 2 are each reenacted and amended to read as follows:

6 The department shall have the duty to provide child welfare  
7 services and shall:

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

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

22 (3) Investigate complaints of any recent act or failure to act on  
23 the part of a parent or caretaker that results in death, serious  
24 physical or emotional harm, or sexual abuse or exploitation, or that  
25 presents an imminent risk of serious harm, and on the basis of the  
26 findings of such investigation, offer child welfare services in  
27 relation to the problem to such parents, legal custodians, or persons  
28 serving in loco parentis, and/or bring the situation to the attention  
29 of an appropriate court, or another community agency. An investigation  
30 is not required of nonaccidental injuries which are clearly not the  
31 result of a lack of care or supervision by the child's parents, legal  
32 custodians, or persons serving in loco parentis. If the investigation  
33 reveals that a crime against a child may have been committed, the  
34 department shall notify the appropriate law enforcement agency.

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

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

8 (a) The department shall conduct the monthly visits with children  
9 and caregivers required under this section unless the child's placement  
10 is being supervised under a contract between the department and a  
11 private agency accredited by a national child welfare accrediting  
12 entity, in which case the private agency shall, within existing  
13 resources, conduct the monthly visits with the child and with the  
14 child's caregiver according to the standards described in this  
15 subsection and shall provide the department with a written report of  
16 the visits within fifteen days of completing the visits.

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

21 (6) Have authority to accept custody of children from parents and  
22 to accept custody of children from juvenile courts, where authorized to  
23 do so under law, to provide child welfare services including placement  
24 for adoption, to provide for the routine and necessary medical, dental,  
25 and mental health care, or necessary emergency care of the children,  
26 and to provide for the physical care of such children and make payment  
27 of maintenance costs if needed. Except where required by Public Law  
28 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives  
29 children for adoption from the department shall discriminate on the  
30 basis of race, creed, or color when considering applications in their  
31 placement for adoption.

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

35 (8) Have authority to purchase care for children; and shall follow  
36 in general the policy of using properly approved private agency  
37 services for the actual care and supervision of such children insofar

1 as they are available, paying for care of such children as are accepted  
2 by the department as eligible for support at reasonable rates  
3 established by the department.

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

10 (10) Have authority to provide continued ~~((foster care or group~~  
11 ~~care as needed))~~ extended foster care services to youth ages eighteen  
12 to twenty-one years to participate in or complete a high school or  
13 vocational school program.

14 (11)~~((a) Within amounts appropriated for this specific purpose,))~~  
15 Have authority to provide ((continued)) extended foster care ((or group  
16 care)) services on a voluntary basis to eligible youth ages eighteen to  
17 ((twenty-one)) nineteen years who are:

18 ((i)) (a) Enrolled and participating in a postsecondary or  
19 vocational educational program;

20 ((ii)) (b) Participating in a program or activity designed to  
21 promote or remove barriers to employment;

22 ((iii)) (c) Engaged in employment for eighty hours or more per  
23 month; or

24 ((iv)) (d) Incapable of engaging on any of the activities  
25 described in (a)((i)) through ((iii)) (c) of this subsection due to  
26 a medical condition that is supported by regularly updated information.

27 ~~((b) A youth who remains eligible for placement services or~~  
28 ~~benefits pursuant to department rules may continue to receive placement~~  
29 ~~services and benefits until the youth reaches his or her twenty-first~~  
30 ~~birthday.))~~

31 (12) ~~((Within amounts appropriated for this specific purpose,))~~  
32 Have authority to provide adoption support benefits, or ((subsidized))  
33 relative guardianship ((benefits)) subsidies on behalf of youth ages  
34 eighteen to ((twenty-one)) nineteen years who achieved permanency  
35 through adoption or a ((subsidized)) relative guardianship at age  
36 sixteen or older and who ((are engaged in one of the activities)) meet  
37 one or more of the eligibility criteria described in subsection (11) of  
38 this section.

1 (13) Refer cases to the division of child support whenever state or  
2 federal funds are expended for the care and maintenance of a child,  
3 including a child with a developmental disability who is placed as a  
4 result of an action under chapter 13.34 RCW, unless the department  
5 finds that there is good cause not to pursue collection of child  
6 support against the parent or parents of the child. Cases involving  
7 individuals age eighteen through twenty shall not be referred to the  
8 division of child support unless required by federal law.

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

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

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

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

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

1 protection of children. Consultation shall occur at the regional and  
2 statewide levels.

3 **Sec. 6.** RCW 13.34.145 and 2009 c 520 s 30, 2009 c 491 s 4, and  
4 2009 c 477 s 4 are each reenacted and amended to read as follows:

5 (1) The purpose of a permanency planning hearing is to review the  
6 permanency plan for the child, inquire into the welfare of the child  
7 and progress of the case, and reach decisions regarding the permanent  
8 placement of the child.

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

15 (b) Whenever a child is removed from the home of a dependency  
16 guardian or long-term relative or foster care provider, and the child  
17 is not returned to the home of the parent, guardian, or legal custodian  
18 but is placed in out-of-home care, a permanency planning hearing shall  
19 take place no later than twelve months, as provided in this section,  
20 following the date of removal unless, prior to the hearing, the child  
21 returns to the home of the dependency guardian or long-term care  
22 provider, the child is placed in the home of the parent, guardian, or  
23 legal custodian, an adoption decree, guardianship order, or a permanent  
24 custody order is entered, or the dependency is dismissed. Every effort  
25 shall be made to provide stability in long-term placement, and to avoid  
26 disruption of placement, unless the child is being returned home or it  
27 is in the best interest of the child.

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

35 (2) No later than ten working days prior to the permanency planning  
36 hearing, the agency having custody of the child shall submit a written

1 permanency plan to the court and shall mail a copy of the plan to all  
2 parties and their legal counsel, if any.

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

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

9 (b) In cases where the primary permanency planning goal has not  
10 been achieved, the court shall inquire regarding the reasons why the  
11 primary goal has not been achieved and determine what needs to be done  
12 to make it possible to achieve the primary goal. The court shall  
13 review the permanency plan prepared by the agency and make explicit  
14 findings regarding each of the following:

15 (i) The continuing necessity for, and the safety and  
16 appropriateness of, the placement;

17 (ii) The extent of compliance with the permanency plan by the  
18 department or supervising agency and any other service providers, the  
19 child's parents, the child, and the child's guardian, if any;

20 (iii) The extent of any efforts to involve appropriate service  
21 providers in addition to department or supervising agency staff in  
22 planning to meet the special needs of the child and the child's  
23 parents;

24 (iv) The progress toward eliminating the causes for the child's  
25 placement outside of his or her home and toward returning the child  
26 safely to his or her home or obtaining a permanent placement for the  
27 child;

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

31 (vi) If the child has been placed outside of his or her home for  
32 fifteen of the most recent twenty-two months, not including any period  
33 during which the child was a runaway from the out-of-home placement or  
34 the first six months of any period during which the child was returned  
35 to his or her home for a trial home visit, the appropriateness of the  
36 permanency plan, whether reasonable efforts were made by the department  
37 or supervising agency to achieve the goal of the permanency plan, and  
38 the circumstances which prevent the child from any of the following:

1 (A) Being returned safely to his or her home;

2 (B) Having a petition for the involuntary termination of parental  
3 rights filed on behalf of the child;

4 (C) Being placed for adoption;

5 (D) Being placed with a guardian;

6 (E) Being placed in the home of a fit and willing relative of the  
7 child; or

8 (F) Being placed in some other alternative permanent placement,  
9 including independent living or long-term foster care.

10 At this hearing, the court shall order the department or  
11 supervising agency to file a petition seeking termination of parental  
12 rights if the child has been in out-of-home care for fifteen of the  
13 last twenty-two months since the date the dependency petition was filed  
14 unless the court makes a good cause exception as to why the filing of  
15 a termination of parental rights petition is not appropriate. Any good  
16 cause finding shall be reviewed at all subsequent hearings pertaining  
17 to the child. For purposes of this section, "good cause exception"  
18 includes but is not limited to the following: The child is being cared  
19 for by a relative; the department has not provided to the child's  
20 family such services as the court and the department have deemed  
21 necessary for the child's safe return home; or the department has  
22 documented in the case plan a compelling reason for determining that  
23 filing a petition to terminate parental rights would not be in the  
24 child's best interests.

25 (c)(i) If the permanency plan identifies independent living as a  
26 goal, the court shall make a finding that the provision of services to  
27 assist the child in making a transition from foster care to independent  
28 living will allow the child to manage his or her financial, personal,  
29 social, educational, and nonfinancial affairs prior to approving  
30 independent living as a permanency plan of care. The court will  
31 inquire whether the child has been provided information about extended  
32 foster care services.

33 (ii) The permanency plan shall also specifically identify the  
34 services, including extended foster care services, where appropriate,  
35 that will be provided to assist the child to make a successful  
36 transition from foster care to independent living.

37 (iii) The department or supervising agency shall not discharge a

1 child to an independent living situation before the child is eighteen  
2 years of age unless the child becomes emancipated pursuant to chapter  
3 13.64 RCW.

4 (d) If the child has resided in the home of a foster parent or  
5 relative for more than six months prior to the permanency planning  
6 hearing, the court shall:

7 (i) Enter a finding regarding whether the foster parent or relative  
8 was informed of the hearing as required in RCW 74.13.280,  
9 13.34.215(~~(+5)~~)(6), and 13.34.096; and

10 (ii) If the department or supervising agency is recommending a  
11 placement other than the child's current placement with a foster  
12 parent, relative, or other suitable person, enter a finding as to the  
13 reasons for the recommendation for a change in placement.

14 (4) In all cases, at the permanency planning hearing, the court  
15 shall:

16 (a)(i) Order the permanency plan prepared by the supervising agency  
17 to be implemented; or

18 (ii) Modify the permanency plan, and order implementation of the  
19 modified plan; and

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

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

25 (5) Following the first permanency planning hearing, the court  
26 shall hold a further permanency planning hearing in accordance with  
27 this section at least once every twelve months until a permanency  
28 planning goal is achieved or the dependency is dismissed, whichever  
29 occurs first.

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

33 (7) If the court orders the child returned home, casework  
34 supervision by the department or supervising agency shall continue for  
35 at least six months, at which time a review hearing shall be held  
36 pursuant to RCW 13.34.138, and the court shall determine the need for  
37 continued intervention.



1 (8) The juvenile court may hear a petition for permanent legal  
2 custody when: (a) The court has ordered implementation of a permanency  
3 plan that includes permanent legal custody; and (b) the party pursuing  
4 the permanent legal custody is the party identified in the permanency  
5 plan as the prospective legal custodian. During the pendency of such  
6 proceeding, the court shall conduct review hearings and further  
7 permanency planning hearings as provided in this chapter. At the  
8 conclusion of the legal guardianship or permanent legal custody  
9 proceeding, a juvenile court hearing shall be held for the purpose of  
10 determining whether dependency should be dismissed. If a guardianship  
11 or permanent custody order has been entered, the dependency shall be  
12 dismissed.

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

17 (10) Nothing in this chapter may be construed to limit the ability  
18 of the agency that has custody of the child to file a petition for  
19 termination of parental rights or a guardianship petition at any time  
20 following the establishment of dependency. Upon the filing of such a  
21 petition, a fact-finding hearing shall be scheduled and held in  
22 accordance with this chapter unless the department or supervising  
23 agency requests dismissal of the petition prior to the hearing or  
24 unless the parties enter an agreed order terminating parental rights,  
25 establishing guardianship, or otherwise resolving the matter.

26 (11) The approval of a permanency plan that does not contemplate  
27 return of the child to the parent does not relieve the supervising  
28 agency of its obligation to provide reasonable services, under this  
29 chapter, intended to effectuate the return of the child to the parent,  
30 including but not limited to, visitation rights. The court shall  
31 consider the child's relationships with siblings in accordance with RCW  
32 13.34.130.

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

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

1 (1) In order to facilitate the delivery of extended foster care  
2 services, the court shall postpone for six months the dismissal of a  
3 dependency proceeding for any child who is a dependent child in foster  
4 care at the age of eighteen years. The six-month postponement under  
5 this subsection is intended to allow a reasonable window of opportunity  
6 for an eligible youth who reaches the age of eighteen to request  
7 extended foster care services from the department or supervising  
8 agency. At the end of the six-month period, the court shall dismiss  
9 the dependency if the youth has not requested extended foster care  
10 services from the department. Until the youth requests to participate  
11 in the extended foster care program, the department is relieved of  
12 supervisory responsibility for the youth.

13 (2) A youth receiving extended foster care services is a party to  
14 the dependency proceeding. The youth's parent or guardian shall be  
15 dismissed from the dependency proceeding when the youth reaches the age  
16 of eighteen years.

17 (3) The court shall order a youth participating in extended foster  
18 care services to be under the placement and care authority of the  
19 department, subject to the youth's continuing agreement to participate  
20 in extended foster care services.

21 (4) The court shall appoint counsel to represent the youth in  
22 dependency proceedings.

23 (5) The case plan for and delivery of services to a youth receiving  
24 extended foster care services is subject to the review requirements set  
25 forth in RCW 13.34.138 and 13.34.145, and should be applied in a  
26 developmentally appropriate manner, as they relate to youth age  
27 eighteen to nineteen years. Additionally, the court shall consider:

28 (a) Whether the youth is safe in his or her placement;

29 (b) Whether the youth continues to be eligible for extended foster  
30 care services;

31 (c) Whether the current placement is developmentally appropriate  
32 for the youth;

33 (d) The youth's development of independent living skills; and

34 (e) The youth's overall progress toward transitioning to full  
35 independence and the projected date for achieving such transition.

36 (6) Prior to the hearing, the youth's attorney shall indicate  
37 whether there are any contested issues and may provide additional  
38 information necessary for the court's review.

1           (7) Upon the request of the youth, or when the youth is no longer  
2 eligible to receive extended foster care services according to rules  
3 adopted by the department, the court shall dismiss the dependency.

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