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**SUBSTITUTE SENATE BILL 5162**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Roach, Carrell, Rivers, Benton, Sheldon, Dammeier, Holmquist Newbry, Padden, Fraser, Frockt, and Chase)

READ FIRST TIME 02/22/13.

1       AN ACT Relating to prohibiting a child custody award to a suspect  
2 in an active murder investigation; amending RCW 13.34.132, 26.09.191,  
3 26.10.160, 13.34.136, 13.34.380, and 74.14B.010; adding new sections to  
4 chapter 13.34 RCW; adding a new section to chapter 26.09 RCW; and  
5 creating a new section.

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

7       NEW SECTION.   **Sec. 1.** This act may be known and cited as the  
8 Braden and Charlie Powell act of 2013.

9       **Sec. 2.** RCW 13.34.132 and 2011 c 309 s 28 are each amended to read  
10 as follows:

11       A court may order that a petition seeking termination of the parent  
12 and child relationship be filed if the following requirements are met:

13       (1) The court has removed the child from his or her home pursuant  
14 to RCW 13.34.130;

15       (2) Termination is recommended by the department or the supervising  
16 agency;

17       (3) Termination is in the best interests of the child; and

1 (4) Because of the existence of aggravated circumstances,  
2 reasonable efforts to unify the family are not required.  
3 Notwithstanding the existence of aggravated circumstances, reasonable  
4 efforts may be required if the court or department determines it is in  
5 the best interests of the child. In determining whether aggravated  
6 circumstances exist by clear, cogent, and convincing evidence, the  
7 court shall consider one or more of the following:

8 (a) Conviction of the parent of rape of the child in the first,  
9 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and  
10 9A.44.079;

11 (b) Conviction of the parent of criminal mistreatment of the child  
12 in the first or second degree as defined in RCW 9A.42.020 and  
13 9A.42.030;

14 (c) Conviction of the parent of one of the following assault  
15 crimes, when the child is the victim: Assault in the first or second  
16 degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child  
17 in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

18 (d) Conviction of the parent of murder, manslaughter, or homicide  
19 by abuse of the child's other parent, sibling, or another child;

20 (e) Conviction of the parent of attempting, soliciting, or  
21 conspiring to commit a crime listed in (a), (b), (c), or (d) of this  
22 subsection;

23 (f) A finding by a court that a parent is a sexually violent  
24 predator as defined in RCW 71.09.020;

25 (g) Failure of the parent to complete available treatment ordered  
26 under this chapter or the equivalent laws of another state, where such  
27 failure has resulted in a prior termination of parental rights to  
28 another child and the parent has failed to effect significant change in  
29 the interim. In the case of a parent of an Indian child, as defined in  
30 RCW 13.38.040, the court shall also consider tribal efforts to assist  
31 the parent in completing treatment and make it possible for the child  
32 to return home;

33 (h) An infant under three years of age has been abandoned;

34 (i) Conviction of the parent, when a child has been born of the  
35 offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B) incest  
36 under RCW 9A.64.020;

37 (j) Circumstances in which the parent has been identified by law  
38 enforcement as a suspect in an active murder investigation for

1 aggravated first degree murder, first degree murder, or second degree  
2 murder. The court shall review in camera all available evidence from  
3 law enforcement provided pursuant to section 3 of this act in  
4 determining whether reunification may be detrimental to the health,  
5 safety, or welfare of the child.

6 NEW SECTION. Sec. 3. A new section is added to chapter 13.34 RCW  
7 to read as follows:

8 Upon the request of the court or department of social and health  
9 services, any Washington law enforcement agency conducting an active  
10 murder investigation for aggravated first degree murder, first degree  
11 murder, or second degree murder for which a person who has been  
12 identified as a suspect is involved in a child dependency proceeding  
13 pursuant to this chapter must provide to the court any and all details  
14 of the investigation, for in camera review, that may be relevant to the  
15 child dependency proceeding.

16 **Sec. 4.** RCW 26.09.191 and 2011 c 89 s 6 are each amended to read  
17 as follows:

18 (1) The permanent parenting plan shall not require mutual decision-  
19 making or designation of a dispute resolution process other than court  
20 action if it is found that a parent has engaged in any of the following  
21 conduct: (a) Willful abandonment that continues for an extended period  
22 of time or substantial refusal to perform parenting functions; (b)  
23 physical, sexual, or a pattern of emotional abuse of a child; (~~or~~)  
24 (c) a history of acts of domestic violence as defined in RCW  
25 26.50.010(1) or an assault or sexual assault which causes grievous  
26 bodily harm or the fear of such harm; or (d) the parent has been  
27 identified by law enforcement as a suspect in an active murder  
28 investigation for aggravated first degree murder, first degree murder,  
29 or second degree murder.

30 (2)(a) The parent's residential time with the child shall be  
31 limited if it is found that the parent has engaged in any of the  
32 following conduct: (i) Willful abandonment that continues for an  
33 extended period of time or substantial refusal to perform parenting  
34 functions; (ii) physical, sexual, or a pattern of emotional abuse of a  
35 child; (iii) a history of acts of domestic violence as defined in RCW

1 26.50.010(1) or an assault or sexual assault which causes grievous  
2 bodily harm or the fear of such harm; or (iv) the parent has been  
3 convicted as an adult of a sex offense under:

4 (A) RCW 9A.44.076 if, because of the difference in age between the  
5 offender and the victim, no rebuttable presumption exists under (d) of  
6 this subsection;

7 (B) RCW 9A.44.079 if, because of the difference in age between the  
8 offender and the victim, no rebuttable presumption exists under (d) of  
9 this subsection;

10 (C) RCW 9A.44.086 if, because of the difference in age between the  
11 offender and the victim, no rebuttable presumption exists under (d) of  
12 this subsection;

13 (D) RCW 9A.44.089;

14 (E) RCW 9A.44.093;

15 (F) RCW 9A.44.096;

16 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
17 between the offender and the victim, no rebuttable presumption exists  
18 under (d) of this subsection;

19 (H) Chapter 9.68A RCW;

20 (I) Any predecessor or antecedent statute for the offenses listed  
21 in (a)(iv)(A) through (H) of this subsection;

22 (J) Any statute from any other jurisdiction that describes an  
23 offense analogous to the offenses listed in (a)(iv)(A) through (H) of  
24 this subsection.

25 This subsection (2)(a) shall not apply when (c) or (d) of this  
26 subsection applies.

27 (b) The parent's residential time with the child shall be limited  
28 if it is found that the parent resides with a person who has engaged in  
29 any of the following conduct: (i) Physical, sexual, or a pattern of  
30 emotional abuse of a child; (ii) a history of acts of domestic violence  
31 as defined in RCW 26.50.010(1) or an assault or sexual assault that  
32 causes grievous bodily harm or the fear of such harm; or (iii) the  
33 person has been convicted as an adult or as a juvenile has been  
34 adjudicated of a sex offense under:

35 (A) RCW 9A.44.076 if, because of the difference in age between the  
36 offender and the victim, no rebuttable presumption exists under (e) of  
37 this subsection;

1 (B) RCW 9A.44.079 if, because of the difference in age between the  
2 offender and the victim, no rebuttable presumption exists under (e) of  
3 this subsection;

4 (C) RCW 9A.44.086 if, because of the difference in age between the  
5 offender and the victim, no rebuttable presumption exists under (e) of  
6 this subsection;

7 (D) RCW 9A.44.089;

8 (E) RCW 9A.44.093;

9 (F) RCW 9A.44.096;

10 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
11 between the offender and the victim, no rebuttable presumption exists  
12 under (e) of this subsection;

13 (H) Chapter 9.68A RCW;

14 (I) Any predecessor or antecedent statute for the offenses listed  
15 in (b)(iii)(A) through (H) of this subsection;

16 (J) Any statute from any other jurisdiction that describes an  
17 offense analogous to the offenses listed in (b)(iii)(A) through (H) of  
18 this subsection.

19 This subsection (2)(b) shall not apply when (c) or (e) of this  
20 subsection applies.

21 (c) If a parent has been found to be a sexual predator under  
22 chapter 71.09 RCW or under an analogous statute of any other  
23 jurisdiction, the court shall restrain the parent from contact with a  
24 child that would otherwise be allowed under this chapter. If a parent  
25 resides with an adult or a juvenile who has been found to be a sexual  
26 predator under chapter 71.09 RCW or under an analogous statute of any  
27 other jurisdiction, the court shall restrain the parent from contact  
28 with the parent's child except contact that occurs outside that  
29 person's presence.

30 (d) There is a rebuttable presumption that a parent who has been  
31 convicted as an adult of a sex offense listed in (d)(i) through (ix) of  
32 this subsection poses a present danger to a child. Unless the parent  
33 rebuts this presumption, the court shall restrain the parent from  
34 contact with a child that would otherwise be allowed under this  
35 chapter:

36 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
37 was at least five years older than the other person;

38 (ii) RCW 9A.44.073;

1 (iii) RCW 9A.44.076, provided that the person convicted was at  
2 least eight years older than the victim;

3 (iv) RCW 9A.44.079, provided that the person convicted was at least  
4 eight years older than the victim;

5 (v) RCW 9A.44.083;

6 (vi) RCW 9A.44.086, provided that the person convicted was at least  
7 eight years older than the victim;

8 (vii) RCW 9A.44.100;

9 (viii) Any predecessor or antecedent statute for the offenses  
10 listed in (d)(i) through (vii) of this subsection;

11 (ix) Any statute from any other jurisdiction that describes an  
12 offense analogous to the offenses listed in (d)(i) through (vii) of  
13 this subsection.

14 (e) There is a rebuttable presumption that a parent who resides  
15 with a person who, as an adult, has been convicted, or as a juvenile  
16 has been adjudicated, of the sex offenses listed in (e)(i) through (ix)  
17 of this subsection places a child at risk of abuse or harm when that  
18 parent exercises residential time in the presence of the convicted or  
19 adjudicated person. Unless the parent rebuts the presumption, the  
20 court shall restrain the parent from contact with the parent's child  
21 except for contact that occurs outside of the convicted or adjudicated  
22 person's presence:

23 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
24 was at least five years older than the other person;

25 (ii) RCW 9A.44.073;

26 (iii) RCW 9A.44.076, provided that the person convicted was at  
27 least eight years older than the victim;

28 (iv) RCW 9A.44.079, provided that the person convicted was at least  
29 eight years older than the victim;

30 (v) RCW 9A.44.083;

31 (vi) RCW 9A.44.086, provided that the person convicted was at least  
32 eight years older than the victim;

33 (vii) RCW 9A.44.100;

34 (viii) Any predecessor or antecedent statute for the offenses  
35 listed in (e)(i) through (vii) of this subsection;

36 (ix) Any statute from any other jurisdiction that describes an  
37 offense analogous to the offenses listed in (e)(i) through (vii) of  
38 this subsection.

1 (f) The presumption established in (d) of this subsection may be  
2 rebutted only after a written finding that:

3 (i) If the child was not the victim of the sex offense committed by  
4 the parent requesting residential time, (A) contact between the child  
5 and the offending parent is appropriate and poses minimal risk to the  
6 child, and (B) the offending parent has successfully engaged in  
7 treatment for sex offenders or is engaged in and making progress in  
8 such treatment, if any was ordered by a court, and the treatment  
9 provider believes such contact is appropriate and poses minimal risk to  
10 the child; or

11 (ii) If the child was the victim of the sex offense committed by  
12 the parent requesting residential time, (A) contact between the child  
13 and the offending parent is appropriate and poses minimal risk to the  
14 child, (B) if the child is in or has been in therapy for victims of  
15 sexual abuse, the child's counselor believes such contact between the  
16 child and the offending parent is in the child's best interest, and (C)  
17 the offending parent has successfully engaged in treatment for sex  
18 offenders or is engaged in and making progress in such treatment, if  
19 any was ordered by a court, and the treatment provider believes such  
20 contact is appropriate and poses minimal risk to the child.

21 (g) The presumption established in (e) of this subsection may be  
22 rebutted only after a written finding that:

23 (i) If the child was not the victim of the sex offense committed by  
24 the person who is residing with the parent requesting residential time,  
25 (A) contact between the child and the parent residing with the  
26 convicted or adjudicated person is appropriate and that parent is able  
27 to protect the child in the presence of the convicted or adjudicated  
28 person, and (B) the convicted or adjudicated person has successfully  
29 engaged in treatment for sex offenders or is engaged in and making  
30 progress in such treatment, if any was ordered by a court, and the  
31 treatment provider believes such contact is appropriate and poses  
32 minimal risk to the child; or

33 (ii) If the child was the victim of the sex offense committed by  
34 the person who is residing with the parent requesting residential time,  
35 (A) contact between the child and the parent in the presence of the  
36 convicted or adjudicated person is appropriate and poses minimal risk  
37 to the child, (B) if the child is in or has been in therapy for victims  
38 of sexual abuse, the child's counselor believes such contact between

1 the child and the parent residing with the convicted or adjudicated  
2 person in the presence of the convicted or adjudicated person is in the  
3 child's best interest, and (C) the convicted or adjudicated person has  
4 successfully engaged in treatment for sex offenders or is engaged in  
5 and making progress in such treatment, if any was ordered by a court,  
6 and the treatment provider believes contact between the parent and  
7 child in the presence of the convicted or adjudicated person is  
8 appropriate and poses minimal risk to the child.

9 (h) If the court finds that the parent has met the burden of  
10 rebutting the presumption under (f) of this subsection, the court may  
11 allow a parent who has been convicted as an adult of a sex offense  
12 listed in (d)(i) through (ix) of this subsection to have residential  
13 time with the child supervised by a neutral and independent adult and  
14 pursuant to an adequate plan for supervision of such residential time.  
15 The court shall not approve of a supervisor for contact between the  
16 child and the parent unless the court finds, based on the evidence,  
17 that the supervisor is willing and capable of protecting the child from  
18 harm. The court shall revoke court approval of the supervisor upon  
19 finding, based on the evidence, that the supervisor has failed to  
20 protect the child or is no longer willing or capable of protecting the  
21 child.

22 (i) If the court finds that the parent has met the burden of  
23 rebutting the presumption under (g) of this subsection, the court may  
24 allow a parent residing with a person who has been adjudicated as a  
25 juvenile of a sex offense listed in (e)(i) through (ix) of this  
26 subsection to have residential time with the child in the presence of  
27 the person adjudicated as a juvenile, supervised by a neutral and  
28 independent adult and pursuant to an adequate plan for supervision of  
29 such residential time. The court shall not approve of a supervisor for  
30 contact between the child and the parent unless the court finds, based  
31 on the evidence, that the supervisor is willing and capable of  
32 protecting the child from harm. The court shall revoke court approval  
33 of the supervisor upon finding, based on the evidence, that the  
34 supervisor has failed to protect the child or is no longer willing or  
35 capable of protecting the child.

36 (j) If the court finds that the parent has met the burden of  
37 rebutting the presumption under (g) of this subsection, the court may  
38 allow a parent residing with a person who, as an adult, has been



1 convicted of a sex offense listed in (e)(i) through (ix) of this  
2 subsection to have residential time with the child in the presence of  
3 the convicted person supervised by a neutral and independent adult and  
4 pursuant to an adequate plan for supervision of such residential time.  
5 The court shall not approve of a supervisor for contact between the  
6 child and the parent unless the court finds, based on the evidence,  
7 that the supervisor is willing and capable of protecting the child from  
8 harm. The court shall revoke court approval of the supervisor upon  
9 finding, based on the evidence, that the supervisor has failed to  
10 protect the child or is no longer willing or capable of protecting the  
11 child.

12 (k) A court shall not order unsupervised contact between the  
13 offending parent and a child of the offending parent who was sexually  
14 abused by that parent. A court may order unsupervised contact between  
15 the offending parent and a child who was not sexually abused by the  
16 parent after the presumption under (d) of this subsection has been  
17 rebutted and supervised residential time has occurred for at least two  
18 years with no further arrests or convictions of sex offenses involving  
19 children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW  
20 and (i) the sex offense of the offending parent was not committed  
21 against a child of the offending parent, and (ii) the court finds that  
22 unsupervised contact between the child and the offending parent is  
23 appropriate and poses minimal risk to the child, after consideration of  
24 the testimony of a state-certified therapist, mental health counselor,  
25 or social worker with expertise in treating child sexual abuse victims  
26 who has supervised at least one period of residential time between the  
27 parent and the child, and after consideration of evidence of the  
28 offending parent's compliance with community supervision requirements,  
29 if any. If the offending parent was not ordered by a court to  
30 participate in treatment for sex offenders, then the parent shall  
31 obtain a psychosexual evaluation conducted by a certified sex offender  
32 treatment provider or a certified affiliate sex offender treatment  
33 provider indicating that the offender has the lowest likelihood of risk  
34 to reoffend before the court grants unsupervised contact between the  
35 parent and a child.

36 (l) A court may order unsupervised contact between the parent and  
37 a child which may occur in the presence of a juvenile adjudicated of a  
38 sex offense listed in (e)(i) through (ix) of this subsection who

1 resides with the parent after the presumption under (e) of this  
2 subsection has been rebutted and supervised residential time has  
3 occurred for at least two years during which time the adjudicated  
4 juvenile has had no further arrests, adjudications, or convictions of  
5 sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020,  
6 or chapter 9.68A RCW, and (i) the court finds that unsupervised contact  
7 between the child and the parent that may occur in the presence of the  
8 adjudicated juvenile is appropriate and poses minimal risk to the  
9 child, after consideration of the testimony of a state-certified  
10 therapist, mental health counselor, or social worker with expertise in  
11 treatment of child sexual abuse victims who has supervised at least one  
12 period of residential time between the parent and the child in the  
13 presence of the adjudicated juvenile, and after consideration of  
14 evidence of the adjudicated juvenile's compliance with community  
15 supervision or parole requirements, if any. If the adjudicated  
16 juvenile was not ordered by a court to participate in treatment for sex  
17 offenders, then the adjudicated juvenile shall obtain a psychosexual  
18 evaluation conducted by a certified sex offender treatment provider or  
19 a certified affiliate sex offender treatment provider indicating that  
20 the adjudicated juvenile has the lowest likelihood of risk to reoffend  
21 before the court grants unsupervised contact between the parent and a  
22 child which may occur in the presence of the adjudicated juvenile who  
23 is residing with the parent.

24 (m)(i) The limitations imposed by the court under (a) or (b) of  
25 this subsection shall be reasonably calculated to protect the child  
26 from the physical, sexual, or emotional abuse or harm that could result  
27 if the child has contact with the parent requesting residential time.  
28 The limitations shall also be reasonably calculated to provide for the  
29 safety of the parent who may be at risk of physical, sexual, or  
30 emotional abuse or harm that could result if the parent has contact  
31 with the parent requesting residential time. The limitations the court  
32 may impose include, but are not limited to: Supervised contact between  
33 the child and the parent or completion of relevant counseling or  
34 treatment. If the court expressly finds based on the evidence that  
35 limitations on the residential time with the child will not adequately  
36 protect the child from the harm or abuse that could result if the child  
37 has contact with the parent requesting residential time, the court

1 shall restrain the parent requesting residential time from all contact  
2 with the child.

3 (ii) The court shall not enter an order under (a) of this  
4 subsection allowing a parent to have contact with a child if the parent  
5 has been found by clear and convincing evidence in a civil action or by  
6 a preponderance of the evidence in a dependency action to have sexually  
7 abused the child, except upon recommendation by an evaluator or  
8 therapist for the child that the child is ready for contact with the  
9 parent and will not be harmed by the contact. The court shall not  
10 enter an order allowing a parent to have contact with the child in the  
11 offender's presence if the parent resides with a person who has been  
12 found by clear and convincing evidence in a civil action or by a  
13 preponderance of the evidence in a dependency action to have sexually  
14 abused a child, unless the court finds that the parent accepts that the  
15 person engaged in the harmful conduct and the parent is willing to and  
16 capable of protecting the child from harm from the person.

17 (iii) If the court limits residential time under (a) or (b) of this  
18 subsection to require supervised contact between the child and the  
19 parent, the court shall not approve of a supervisor for contact between  
20 a child and a parent who has engaged in physical, sexual, or a pattern  
21 of emotional abuse of the child unless the court finds based upon the  
22 evidence that the supervisor accepts that the harmful conduct occurred  
23 and is willing to and capable of protecting the child from harm. The  
24 court shall revoke court approval of the supervisor upon finding, based  
25 on the evidence, that the supervisor has failed to protect the child or  
26 is no longer willing to or capable of protecting the child.

27 (n) If the court expressly finds based on the evidence that  
28 contact between the parent and the child will not cause physical,  
29 sexual, or emotional abuse or harm to the child and that the  
30 probability that the parent's or other person's harmful or abusive  
31 conduct will recur is so remote that it would not be in the child's  
32 best interests to apply the limitations of (a), (b), and (m)(i) and  
33 (iii) of this subsection, or if the court expressly finds that the  
34 parent's conduct did not have an impact on the child, then the court  
35 need not apply the limitations of (a), (b), and (m)(i) and (iii) of  
36 this subsection. The weight given to the existence of a protection  
37 order issued under chapter 26.50 RCW as to domestic violence is within

1 the discretion of the court. This subsection shall not apply when (c),  
2 (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this  
3 subsection apply.

4 (3) The parent's residential time with the child shall be limited  
5 if it is found that the parent has been identified by law enforcement  
6 as a suspect in an active murder investigation for aggravated first  
7 degree murder, first degree murder, or second degree murder. Under no  
8 circumstances may the parent be designated as the primary residential  
9 parent while the murder investigation is pending.

10 (4) A parent's involvement or conduct may have an adverse effect on  
11 the child's best interests, and the court may preclude or limit any  
12 provisions of the parenting plan, if any of the following factors  
13 exist:

14 (a) A parent's neglect or substantial nonperformance of parenting  
15 functions;

16 (b) A long-term emotional or physical impairment which interferes  
17 with the parent's performance of parenting functions as defined in RCW  
18 26.09.004;

19 (c) A long-term impairment resulting from drug, alcohol, or other  
20 substance abuse that interferes with the performance of parenting  
21 functions;

22 (d) The absence or substantial impairment of emotional ties between  
23 the parent and the child;

24 (e) The abusive use of conflict by the parent which creates the  
25 danger of serious damage to the child's psychological development;

26 (f) A parent has withheld from the other parent access to the child  
27 for a protracted period without good cause; or

28 (g) Such other factors or conduct as the court expressly finds  
29 adverse to the best interests of the child.

30 ~~((4))~~ (5) In cases involving allegations of limiting factors  
31 under subsection (2)(a)(ii) and (iii) of this section, both parties  
32 shall be screened to determine the appropriateness of a comprehensive  
33 assessment regarding the impact of the limiting factor on the child and  
34 the parties.

35 ~~((5))~~ (6) In entering a permanent parenting plan, the court shall  
36 not draw any presumptions from the provisions of the temporary  
37 parenting plan.

1 ((+6)) (7) In determining whether any of the conduct described in  
2 this section has occurred, the court shall apply the civil rules of  
3 evidence, proof, and procedure.

4 ((+7)) (8) For the purposes of this section:

5 (a) "A parent's child" means that parent's natural child, adopted  
6 child, or stepchild; and

7 (b) "Social worker" means a person with a master's or further  
8 advanced degree from a social work educational program accredited and  
9 approved as provided in RCW 18.320.010.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 26.09 RCW  
11 to read as follows:

12 Upon the request of a party or the court, any Washington law  
13 enforcement agency conducting an active murder investigation for  
14 aggravated first degree murder, first degree murder, or second degree  
15 murder for which a named suspect is involved in a child custody  
16 proceeding pursuant to this chapter or chapter 26.10 RCW must provide  
17 to the court, in writing, any and all details of the investigation that  
18 may be relevant to the child custody proceeding.

19 **Sec. 6.** RCW 26.10.160 and 2011 c 89 s 7 are each amended to read  
20 as follows:

21 (1) A parent not granted custody of the child is entitled to  
22 reasonable visitation rights except as provided in subsection (2) of  
23 this section.

24 (2)(a) Visitation with the child shall be limited if it is found  
25 that the parent seeking visitation has engaged in any of the following  
26 conduct: (i) Willful abandonment that continues for an extended period  
27 of time or substantial refusal to perform parenting functions; (ii)  
28 physical, sexual, or a pattern of emotional abuse of a child; (iii) a  
29 history of acts of domestic violence as defined in RCW 26.50.010(1) or  
30 an assault or sexual assault which causes grievous bodily harm or the  
31 fear of such harm; ~~((or))~~ (iv) the parent has been identified by law  
32 enforcement as a suspect in an active murder investigation for  
33 aggravated first degree murder, first degree murder, or second degree  
34 murder; or (v) the parent has been convicted as an adult of a sex  
35 offense under:

1 (A) RCW 9A.44.076 if, because of the difference in age between the  
2 offender and the victim, no rebuttable presumption exists under (d) of  
3 this subsection;

4 (B) RCW 9A.44.079 if, because of the difference in age between the  
5 offender and the victim, no rebuttable presumption exists under (d) of  
6 this subsection;

7 (C) RCW 9A.44.086 if, because of the difference in age between the  
8 offender and the victim, no rebuttable presumption exists under (d) of  
9 this subsection;

10 (D) RCW 9A.44.089;

11 (E) RCW 9A.44.093;

12 (F) RCW 9A.44.096;

13 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
14 between the offender and the victim, no rebuttable presumption exists  
15 under (d) of this subsection;

16 (H) Chapter 9.68A RCW;

17 (I) Any predecessor or antecedent statute for the offenses listed  
18 in (a)((~~iv~~)) (v)(A) through (H) of this subsection;

19 (J) Any statute from any other jurisdiction that describes an  
20 offense analogous to the offenses listed in (a)((~~iv~~)) (v)(A) through  
21 (H) of this subsection.

22 This subsection (2)(a) shall not apply when (c) or (d) of this  
23 subsection applies.

24 (b) The parent's visitation with the child shall be limited if it  
25 is found that the parent resides with a person who has engaged in any  
26 of the following conduct: (i) Physical, sexual, or a pattern of  
27 emotional abuse of a child; (ii) a history of acts of domestic violence  
28 as defined in RCW 26.50.010(1) or an assault or sexual assault that  
29 causes grievous bodily harm or the fear of such harm; or (iii) the  
30 person has been convicted as an adult or as a juvenile has been  
31 adjudicated of a sex offense under:

32 (A) RCW 9A.44.076 if, because of the difference in age between the  
33 offender and the victim, no rebuttable presumption exists under (e) of  
34 this subsection;

35 (B) RCW 9A.44.079 if, because of the difference in age between the  
36 offender and the victim, no rebuttable presumption exists under (e) of  
37 this subsection;

1 (C) RCW 9A.44.086 if, because of the difference in age between the  
2 offender and the victim, no rebuttable presumption exists under (e) of  
3 this subsection;

4 (D) RCW 9A.44.089;

5 (E) RCW 9A.44.093;

6 (F) RCW 9A.44.096;

7 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age  
8 between the offender and the victim, no rebuttable presumption exists  
9 under (e) of this subsection;

10 (H) Chapter 9.68A RCW;

11 (I) Any predecessor or antecedent statute for the offenses listed  
12 in (b)(iii)(A) through (H) of this subsection;

13 (J) Any statute from any other jurisdiction that describes an  
14 offense analogous to the offenses listed in (b)(iii)(A) through (H) of  
15 this subsection.

16 This subsection (2)(b) shall not apply when (c) or (e) of this  
17 subsection applies.

18 (c) If a parent has been found to be a sexual predator under  
19 chapter 71.09 RCW or under an analogous statute of any other  
20 jurisdiction, the court shall restrain the parent from contact with a  
21 child that would otherwise be allowed under this chapter. If a parent  
22 resides with an adult or a juvenile who has been found to be a sexual  
23 predator under chapter 71.09 RCW or under an analogous statute of any  
24 other jurisdiction, the court shall restrain the parent from contact  
25 with the parent's child except contact that occurs outside that  
26 person's presence.

27 (d) There is a rebuttable presumption that a parent who has been  
28 convicted as an adult of a sex offense listed in (d)(i) through (ix) of  
29 this subsection poses a present danger to a child. Unless the parent  
30 rebuts this presumption, the court shall restrain the parent from  
31 contact with a child that would otherwise be allowed under this  
32 chapter:

33 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
34 was at least five years older than the other person;

35 (ii) RCW 9A.44.073;

36 (iii) RCW 9A.44.076, provided that the person convicted was at  
37 least eight years older than the victim;

1 (iv) RCW 9A.44.079, provided that the person convicted was at least  
2 eight years older than the victim;

3 (v) RCW 9A.44.083;

4 (vi) RCW 9A.44.086, provided that the person convicted was at least  
5 eight years older than the victim;

6 (vii) RCW 9A.44.100;

7 (viii) Any predecessor or antecedent statute for the offenses  
8 listed in (d)(i) through (vii) of this subsection;

9 (ix) Any statute from any other jurisdiction that describes an  
10 offense analogous to the offenses listed in (d)(i) through (vii) of  
11 this subsection.

12 (e) There is a rebuttable presumption that a parent who resides  
13 with a person who, as an adult, has been convicted, or as a juvenile  
14 has been adjudicated, of the sex offenses listed in (e)(i) through (ix)  
15 of this subsection places a child at risk of abuse or harm when that  
16 parent exercises visitation in the presence of the convicted or  
17 adjudicated person. Unless the parent rebuts the presumption, the  
18 court shall restrain the parent from contact with the parent's child  
19 except for contact that occurs outside of the convicted or adjudicated  
20 person's presence:

21 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted  
22 was at least five years older than the other person;

23 (ii) RCW 9A.44.073;

24 (iii) RCW 9A.44.076, provided that the person convicted was at  
25 least eight years older than the victim;

26 (iv) RCW 9A.44.079, provided that the person convicted was at least  
27 eight years older than the victim;

28 (v) RCW 9A.44.083;

29 (vi) RCW 9A.44.086, provided that the person convicted was at least  
30 eight years older than the victim;

31 (vii) RCW 9A.44.100;

32 (viii) Any predecessor or antecedent statute for the offenses  
33 listed in (e)(i) through (vii) of this subsection;

34 (ix) Any statute from any other jurisdiction that describes an  
35 offense analogous to the offenses listed in (e)(i) through (vii) of  
36 this subsection.

37 (f) The presumption established in (d) of this subsection may be  
38 rebutted only after a written finding that:



1 (i) If the child was not the victim of the sex offense committed by  
2 the parent requesting visitation, (A) contact between the child and the  
3 offending parent is appropriate and poses minimal risk to the child,  
4 and (B) the offending parent has successfully engaged in treatment for  
5 sex offenders or is engaged in and making progress in such treatment,  
6 if any was ordered by a court, and the treatment provider believes such  
7 contact is appropriate and poses minimal risk to the child; or

8 (ii) If the child was the victim of the sex offense committed by  
9 the parent requesting visitation, (A) contact between the child and the  
10 offending parent is appropriate and poses minimal risk to the child,  
11 (B) if the child is in or has been in therapy for victims of sexual  
12 abuse, the child's counselor believes such contact between the child  
13 and the offending parent is in the child's best interest, and (C) the  
14 offending parent has successfully engaged in treatment for sex  
15 offenders or is engaged in and making progress in such treatment, if  
16 any was ordered by a court, and the treatment provider believes such  
17 contact is appropriate and poses minimal risk to the child.

18 (g) The presumption established in (e) of this subsection may be  
19 rebutted only after a written finding that:

20 (i) If the child was not the victim of the sex offense committed by  
21 the person who is residing with the parent requesting visitation, (A)  
22 contact between the child and the parent residing with the convicted or  
23 adjudicated person is appropriate and that parent is able to protect  
24 the child in the presence of the convicted or adjudicated person, and  
25 (B) the convicted or adjudicated person has successfully engaged in  
26 treatment for sex offenders or is engaged in and making progress in  
27 such treatment, if any was ordered by a court, and the treatment  
28 provider believes such contact is appropriate and poses minimal risk to  
29 the child; or

30 (ii) If the child was the victim of the sex offense committed by  
31 the person who is residing with the parent requesting visitation, (A)  
32 contact between the child and the parent in the presence of the  
33 convicted or adjudicated person is appropriate and poses minimal risk  
34 to the child, (B) if the child is in or has been in therapy for victims  
35 of sexual abuse, the child's counselor believes such contact between  
36 the child and the parent residing with the convicted or adjudicated  
37 person in the presence of the convicted or adjudicated person is in the  
38 child's best interest, and (C) the convicted or adjudicated person has

1 successfully engaged in treatment for sex offenders or is engaged in  
2 and making progress in such treatment, if any was ordered by a court,  
3 and the treatment provider believes contact between the parent and  
4 child in the presence of the convicted or adjudicated person is  
5 appropriate and poses minimal risk to the child.

6 (h) If the court finds that the parent has met the burden of  
7 rebutting the presumption under (f) of this subsection, the court may  
8 allow a parent who has been convicted as an adult of a sex offense  
9 listed in (d)(i) through (ix) of this subsection to have visitation  
10 with the child supervised by a neutral and independent adult and  
11 pursuant to an adequate plan for supervision of such visitation. The  
12 court shall not approve of a supervisor for contact between the child  
13 and the parent unless the court finds, based on the evidence, that the  
14 supervisor is willing and capable of protecting the child from harm.  
15 The court shall revoke court approval of the supervisor upon finding,  
16 based on the evidence, that the supervisor has failed to protect the  
17 child or is no longer willing or capable of protecting the child.

18 (i) If the court finds that the parent has met the burden of  
19 rebutting the presumption under (g) of this subsection, the court may  
20 allow a parent residing with a person who has been adjudicated as a  
21 juvenile of a sex offense listed in (e)(i) through (ix) of this  
22 subsection to have visitation with the child in the presence of the  
23 person adjudicated as a juvenile, supervised by a neutral and  
24 independent adult and pursuant to an adequate plan for supervision of  
25 such visitation. The court shall not approve of a supervisor for  
26 contact between the child and the parent unless the court finds, based  
27 on the evidence, that the supervisor is willing and capable of  
28 protecting the child from harm. The court shall revoke court approval  
29 of the supervisor upon finding, based on the evidence, that the  
30 supervisor has failed to protect the child or is no longer willing or  
31 capable of protecting the child.

32 (j) If the court finds that the parent has met the burden of  
33 rebutting the presumption under (g) of this subsection, the court may  
34 allow a parent residing with a person who, as an adult, has been  
35 convicted of a sex offense listed in (e)(i) through (ix) of this  
36 subsection to have visitation with the child in the presence of the  
37 convicted person supervised by a neutral and independent adult and  
38 pursuant to an adequate plan for supervision of such visitation. The

1 court shall not approve of a supervisor for contact between the child  
2 and the parent unless the court finds, based on the evidence, that the  
3 supervisor is willing and capable of protecting the child from harm.  
4 The court shall revoke court approval of the supervisor upon finding,  
5 based on the evidence, that the supervisor has failed to protect the  
6 child or is no longer willing or capable of protecting the child.

7 (k) A court shall not order unsupervised contact between the  
8 offending parent and a child of the offending parent who was sexually  
9 abused by that parent. A court may order unsupervised contact between  
10 the offending parent and a child who was not sexually abused by the  
11 parent after the presumption under (d) of this subsection has been  
12 rebutted and supervised visitation has occurred for at least two years  
13 with no further arrests or convictions of sex offenses involving  
14 children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW  
15 and (i) the sex offense of the offending parent was not committed  
16 against a child of the offending parent, and (ii) the court finds that  
17 unsupervised contact between the child and the offending parent is  
18 appropriate and poses minimal risk to the child, after consideration of  
19 the testimony of a state-certified therapist, mental health counselor,  
20 or social worker with expertise in treating child sexual abuse victims  
21 who has supervised at least one period of visitation between the parent  
22 and the child, and after consideration of evidence of the offending  
23 parent's compliance with community supervision requirements, if any.  
24 If the offending parent was not ordered by a court to participate in  
25 treatment for sex offenders, then the parent shall obtain a  
26 psychosexual evaluation conducted by a certified sex offender treatment  
27 provider or a certified affiliate sex offender treatment provider  
28 indicating that the offender has the lowest likelihood of risk to  
29 reoffend before the court grants unsupervised contact between the  
30 parent and a child.

31 (l) A court may order unsupervised contact between the parent and  
32 a child which may occur in the presence of a juvenile adjudicated of a  
33 sex offense listed in (e)(i) through (ix) of this subsection who  
34 resides with the parent after the presumption under (e) of this  
35 subsection has been rebutted and supervised visitation has occurred for  
36 at least two years during which time the adjudicated juvenile has had  
37 no further arrests, adjudications, or convictions of sex offenses  
38 involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter

1 9.68A RCW, and (i) the court finds that unsupervised contact between  
2 the child and the parent that may occur in the presence of the  
3 adjudicated juvenile is appropriate and poses minimal risk to the  
4 child, after consideration of the testimony of a state-certified  
5 therapist, mental health counselor, or social worker with expertise in  
6 treatment of child sexual abuse victims who has supervised at least one  
7 period of visitation between the parent and the child in the presence  
8 of the adjudicated juvenile, and after consideration of evidence of the  
9 adjudicated juvenile's compliance with community supervision or parole  
10 requirements, if any. If the adjudicated juvenile was not ordered by  
11 a court to participate in treatment for sex offenders, then the  
12 adjudicated juvenile shall obtain a psychosexual evaluation conducted  
13 by a certified sex offender treatment provider or a certified affiliate  
14 sex offender treatment provider indicating that the adjudicated  
15 juvenile has the lowest likelihood of risk to reoffend before the court  
16 grants unsupervised contact between the parent and a child which may  
17 occur in the presence of the adjudicated juvenile who is residing with  
18 the parent.

19 (m)(i) The limitations imposed by the court under (a) or (b) of  
20 this subsection shall be reasonably calculated to protect the child  
21 from the physical, sexual, or emotional abuse or harm that could result  
22 if the child has contact with the parent requesting visitation. If the  
23 court expressly finds based on the evidence that limitations on  
24 visitation with the child will not adequately protect the child from  
25 the harm or abuse that could result if the child has contact with the  
26 parent requesting visitation, the court shall restrain the person  
27 seeking visitation from all contact with the child.

28 (ii) The court shall not enter an order under (a) of this  
29 subsection allowing a parent to have contact with a child if the parent  
30 has been found by clear and convincing evidence in a civil action or by  
31 a preponderance of the evidence in a dependency action to have sexually  
32 abused the child, except upon recommendation by an evaluator or  
33 therapist for the child that the child is ready for contact with the  
34 parent and will not be harmed by the contact. The court shall not  
35 enter an order allowing a parent to have contact with the child in the  
36 offender's presence if the parent resides with a person who has been  
37 found by clear and convincing evidence in a civil action or by a  
38 preponderance of the evidence in a dependency action to have sexually

1 abused a child, unless the court finds that the parent accepts that the  
2 person engaged in the harmful conduct and the parent is willing to and  
3 capable of protecting the child from harm from the person.

4 (iii) If the court limits visitation under (a) or (b) of this  
5 subsection to require supervised contact between the child and the  
6 parent, the court shall not approve of a supervisor for contact between  
7 a child and a parent who has engaged in physical, sexual, or a pattern  
8 of emotional abuse of the child unless the court finds based upon the  
9 evidence that the supervisor accepts that the harmful conduct occurred  
10 and is willing to and capable of protecting the child from harm. The  
11 court shall revoke court approval of the supervisor upon finding, based  
12 on the evidence, that the supervisor has failed to protect the child or  
13 is no longer willing to or capable of protecting the child.

14 (n) If the court expressly finds based on the evidence that  
15 contact between the parent and the child will not cause physical,  
16 sexual, or emotional abuse or harm to the child and that the  
17 probability that the parent's or other person's harmful or abusive  
18 conduct will recur is so remote that it would not be in the child's  
19 best interests to apply the limitations of (a), (b), and (m)(i) and  
20 (iii) of this subsection, or if the court expressly finds that the  
21 parent's conduct did not have an impact on the child, then the court  
22 need not apply the limitations of (a), (b), and (m)(i) and (iii) of  
23 this subsection. The weight given to the existence of a protection  
24 order issued under chapter 26.50 RCW as to domestic violence is within  
25 the discretion of the court. This subsection shall not apply when (c),  
26 (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this  
27 subsection apply.

28 (3) Any person may petition the court for visitation rights at any  
29 time including, but not limited to, custody proceedings. The court may  
30 order visitation rights for any person when visitation may serve the  
31 best interest of the child whether or not there has been any change of  
32 circumstances.

33 (4) The court may modify an order granting or denying visitation  
34 rights whenever modification would serve the best interests of the  
35 child. Modification of a parent's visitation rights shall be subject  
36 to the requirements of subsection (2) of this section.

37 (5) For the purposes of this section:

1 (a) "A parent's child" means that parent's natural child, adopted  
2 child, or stepchild; and

3 (b) "Social worker" means a person with a master's or further  
4 advanced degree from a social work educational program accredited and  
5 approved as provided in RCW 18.320.010.

6 **Sec. 7.** RCW 13.34.136 and 2011 c 309 s 29 are each amended to read  
7 as follows:

8 (1) Whenever a child is ordered removed from the home, a permanency  
9 plan shall be developed no later than sixty days from the time the  
10 supervising agency assumes responsibility for providing services,  
11 including placing the child, or at the time of a hearing under RCW  
12 13.34.130, whichever occurs first. The permanency planning process  
13 continues until a permanency planning goal is achieved or dependency is  
14 dismissed. The planning process shall include reasonable efforts to  
15 return the child to the parent's home.

16 (2) The agency supervising the dependency shall submit a written  
17 permanency plan to all parties and the court not less than fourteen  
18 days prior to the scheduled hearing. Responsive reports of parties not  
19 in agreement with the department's or supervising agency's proposed  
20 permanency plan must be provided to the department or supervising  
21 agency, all other parties, and the court at least seven days prior to  
22 the hearing.

23 The permanency plan shall include:

24 (a) A permanency plan of care that shall identify one of the  
25 following outcomes as a primary goal and may identify additional  
26 outcomes as alternative goals: Return of the child to the home of the  
27 child's parent, guardian, or legal custodian; adoption, including a  
28 tribal customary adoption as defined in RCW 13.38.040; guardianship;  
29 permanent legal custody; long-term relative or foster care, until the  
30 child is age eighteen, with a written agreement between the parties and  
31 the care provider; successful completion of a responsible living skills  
32 program; or independent living, if appropriate and if the child is age  
33 sixteen or older. The department or supervising agency shall not  
34 discharge a child to an independent living situation before the child  
35 is eighteen years of age unless the child becomes emancipated pursuant  
36 to chapter 13.64 RCW;

1 (b) Unless the court has ordered, pursuant to RCW 13.34.130(~~(+6)~~)  
2 (8), that a termination petition be filed, a specific plan as to where  
3 the child will be placed, what steps will be taken to return the child  
4 home, what steps the supervising agency or the department will take to  
5 promote existing appropriate sibling relationships and/or facilitate  
6 placement together or contact in accordance with the best interests of  
7 each child, and what actions the department or supervising agency will  
8 take to maintain parent-child ties. All aspects of the plan shall  
9 include the goal of achieving permanence for the child.

10 (i) The department's or supervising agency's plan shall specify  
11 what services the parents will be offered to enable them to resume  
12 custody, what requirements the parents must meet to resume custody, and  
13 a time limit for each service plan and parental requirement.

14 (ii) Visitation is the right of the family, including the child and  
15 the parent, in cases in which visitation is in the best interest of the  
16 child. Early, consistent, and frequent visitation is crucial for  
17 maintaining parent-child relationships and making it possible for  
18 parents and children to safely reunify. The supervising agency or  
19 department shall encourage the maximum parent and child and sibling  
20 contact possible, when it is in the best interest of the child,  
21 including regular visitation and participation by the parents in the  
22 care of the child while the child is in placement. Visitation shall  
23 not be limited as a sanction for a parent's failure to comply with  
24 court orders or services where the health, safety, or welfare of the  
25 child is not at risk as a result of the visitation. When there is an  
26 active criminal investigation against a parent or sibling who desires  
27 visitation with a child, the department shall make a concerted effort  
28 to consult with the assigned law enforcement officer in the criminal  
29 case before recommending any changes in parent/child or child/sibling  
30 contact. The results of the consultation shall be communicated to the  
31 court. Visitation may be limited or denied only if the court  
32 determines that such limitation or denial is necessary to protect the  
33 child's health, safety, or welfare. The court and the department or  
34 supervising agency should rely upon community resources, relatives,  
35 foster parents, and other appropriate persons to provide transportation  
36 and supervision for visitation to the extent that such resources are  
37 available, and appropriate, and the child's safety would not be  
38 compromised.

1 (iii) A child shall be placed as close to the child's home as  
2 possible, preferably in the child's own neighborhood, unless the court  
3 finds that placement at a greater distance is necessary to promote the  
4 child's or parents' well-being.

5 (iv) The plan shall state whether both in-state and, where  
6 appropriate, out-of-state placement options have been considered by the  
7 department or supervising agency.

8 (v) Unless it is not in the best interests of the child, whenever  
9 practical, the plan should ensure the child remains enrolled in the  
10 school the child was attending at the time the child entered foster  
11 care.

12 (vi) The supervising agency or department shall provide all  
13 reasonable services that are available within the department or  
14 supervising agency, or within the community, or those services which  
15 the department has existing contracts to purchase. It shall report to  
16 the court if it is unable to provide such services; and

17 (c) If the court has ordered, pursuant to RCW 13.34.130(~~(+6)~~) (8),  
18 that a termination petition be filed, a specific plan as to where the  
19 child will be placed, what steps will be taken to achieve permanency  
20 for the child, services to be offered or provided to the child, and, if  
21 visitation would be in the best interests of the child, a  
22 recommendation to the court regarding visitation between parent and  
23 child pending a fact-finding hearing on the termination petition. The  
24 department or supervising agency shall not be required to develop a  
25 plan of services for the parents or provide services to the parents if  
26 the court orders a termination petition be filed. However, reasonable  
27 efforts to ensure visitation and contact between siblings shall be made  
28 unless there is reasonable cause to believe the best interests of the  
29 child or siblings would be jeopardized.

30 (3) Permanency planning goals should be achieved at the earliest  
31 possible date. If the child has been in out-of-home care for fifteen  
32 of the most recent twenty-two months, the court shall require the  
33 department or supervising agency to file a petition seeking termination  
34 of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In  
35 cases where parental rights have been terminated, the child is legally  
36 free for adoption, and adoption has been identified as the primary  
37 permanency planning goal, it shall be a goal to complete the adoption  
38 within six months following entry of the termination order.



1 (4) If the court determines that the continuation of reasonable  
2 efforts to prevent or eliminate the need to remove the child from his  
3 or her home or to safely return the child home should not be part of  
4 the permanency plan of care for the child, reasonable efforts shall be  
5 made to place the child in a timely manner and to complete whatever  
6 steps are necessary to finalize the permanent placement of the child.

7 (5) The identified outcomes and goals of the permanency plan may  
8 change over time based upon the circumstances of the particular case.

9 (6) The court shall consider the child's relationships with the  
10 child's siblings in accordance with RCW 13.34.130(~~(4)~~) (6). Whenever  
11 the permanency plan for a child is adoption, the court shall encourage  
12 the prospective adoptive parents, birth parents, foster parents,  
13 kinship caregivers, and the department or other supervising agency to  
14 seriously consider the long-term benefits to the child adoptee and his  
15 or her siblings of providing for and facilitating continuing  
16 postadoption contact between the siblings. To the extent that it is  
17 feasible, and when it is in the best interests of the child adoptee and  
18 his or her siblings, contact between the siblings should be frequent  
19 and of a similar nature as that which existed prior to the adoption.  
20 If the child adoptee or his or her siblings are represented by an  
21 attorney or guardian ad litem in a proceeding under this chapter or in  
22 any other child custody proceeding, the court shall inquire of each  
23 attorney and guardian ad litem regarding the potential benefits of  
24 continuing contact between the siblings and the potential detriments of  
25 severing contact. This section does not require the department of  
26 social and health services or other supervising agency to agree to any  
27 specific provisions in an open adoption agreement and does not create  
28 a new obligation for the department to provide supervision or  
29 transportation for visits between siblings separated by adoption from  
30 foster care.

31 (7) For purposes related to permanency planning:

32 (a) "Guardianship" means a dependency guardianship or a legal  
33 guardianship pursuant to chapter 11.88 RCW or equivalent laws of  
34 another state or a federally recognized Indian tribe.

35 (b) "Permanent custody order" means a custody order entered  
36 pursuant to chapter 26.10 RCW.

37 (c) "Permanent legal custody" means legal custody pursuant to

1 chapter 26.10 RCW or equivalent laws of another state or a federally  
2 recognized Indian tribe.

3 **Sec. 8.** RCW 13.34.380 and 2009 c 520 s 45 are each amended to read  
4 as follows:

5 The department shall develop consistent policies and protocols,  
6 based on current relevant research, concerning visitation for dependent  
7 children to be implemented consistently throughout the state. The  
8 department shall develop the policies and protocols in consultation  
9 with researchers in the field, community-based agencies, court-  
10 appointed special advocates, parents' representatives, and court  
11 representatives. The policies and protocols shall include, but not be  
12 limited to: The structure and quality of visitations; consultation  
13 with the assigned law enforcement officer in the event of an active  
14 criminal investigation of the parent; and training for department and  
15 supervising agency caseworkers, visitation supervisors, and foster  
16 parents related to visitation.

17 The policies and protocols shall be consistent with the provisions  
18 of this chapter and implementation of the policies and protocols shall  
19 be consistent with relevant orders of the court.

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

22 In the event a judge orders a parent to undergo a psychosexual  
23 evaluation, and pending the outcome of the evaluation, the department  
24 shall reassess visitation duration, supervision, and location, if  
25 appropriate. If the assessment indicates the current visitation plan  
26 might compromise the safety of the child, the department has the  
27 authority to alter the plan, pending the outcome of the evaluation.

28 **Sec. 10.** RCW 74.14B.010 and 1999 c 389 s 5 are each amended to  
29 read as follows:

30 (1) Caseworkers employed in children services shall meet minimum  
31 standards established by the department of social and health services.  
32 Comprehensive training for caseworkers shall be completed before such  
33 caseworkers are assigned to case-carrying responsibilities without  
34 direct supervision. Intermittent, part-time, and standby workers shall  
35 be subject to the same minimum standards and training.

1 (2) Ongoing specialized training shall be provided for persons  
2 responsible for investigating child sexual abuse. Training  
3 participants shall have the opportunity to practice interview skills  
4 and receive feedback from instructors.

5 (3) The department, the criminal justice training commission, the  
6 Washington association of sheriffs and police chiefs, and the  
7 Washington association of prosecuting attorneys shall design and  
8 implement statewide training that contains consistent elements for  
9 persons engaged in the interviewing of children, including law  
10 enforcement, prosecution, and child protective services.

11 (4) The training shall: (a) Be based on research-based practices  
12 and standards; (b) minimize the trauma of all persons who are  
13 interviewed during abuse investigations; (c) provide methods of  
14 reducing the number of investigative interviews necessary whenever  
15 possible; (d) assure, to the extent possible, that investigative  
16 interviews are thorough, objective, and complete; (e) recognize needs  
17 of special populations, such as persons with developmental  
18 disabilities; (f) recognize the nature and consequences of  
19 victimization; (g) require investigative interviews to be conducted in  
20 a manner most likely to permit the interviewed persons the maximum  
21 emotional comfort under the circumstances; (h) address record retention  
22 and retrieval; and (i) documentation of investigative interviews.

23 (5) The identification of domestic violence is critical in ensuring  
24 the safety of children in the child welfare system. As a result,  
25 ongoing domestic violence training and consultation shall be provided  
26 to caseworkers, including how to use the children's administration's  
27 practice guide to domestic violence.

--- END ---