ENGROSSED SECOND SUBSTITUTE SENATE BILL 5943

State of Washington 61st Legislature 2009 Regular Session

By Senate Ways & Means (originally sponsored by Senators Hargrove, Stevens, Fairley, Regala, McAuliffe, Jarrett, Tom, Brandland, Kauffman, Kline, Delvin, and Shin)

READ FIRST TIME 03/02/09.

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

NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:

The legislature declares that the safety and well-being of children and families is essential to the social and economic health of Washington. It is the duty of the state to provide children at risk of out-of-home placement and their families with reasonable opportunities to access supportive services that enhance their safety and well-being. The legislature intends the new programmatic and administrative changes required in this act to be accomplished in conformance with this foregoing principle.

The legislature finds that research in the area of child safety and well-being supports the conclusion that a restructuring of the administration and delivery of child welfare services through the use of performance-based contracts can enhance safety and well-being, when done so in a careful, well-planned and collaborative manner.

The legislature intends that the execution of performance-based contracts which transfer the delivery of child welfare services to entities other than the department be done without restricting who may seek to participate in the procurement process of the contracts. The legislature intends that the department shall retain those positions necessary to provide child protective and investigative services and to administer performance-based contracts.

The legislature, in creating the committee in section 7 of this act, is establishing the mechanism to design, in collaboration with the department, the transition to performance-based contracts in the delivery of out-of-home care and case management services.

Sec. 2. RCW 74.13.020 and 1999 c 267 s 7 are each amended to read as follows:
(As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

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

(2) Protecting and caring for dependent or neglected children;

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

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

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

As used in this chapter, child means a person less than eighteen years of age.

The department's duty to provide services to homeless families with children is set forth in RCW 43.20A.790 and in appropriations provided by the legislature for implementation of the plan.))

For purposes of this chapter:

(1) "Case management" means those services, including permanency services, to a child for whom the department has legal custody, including caseworker-child visits, family visits, the convening of family group conferences, the development and revision of the case plan, the coordination and monitoring of services needed by the child and family, and the assumption of court-related duties, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means a person less than eighteen years of age.

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

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

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

(b) Protecting and caring for dependent or neglected children;

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

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

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

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

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

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

(7) "Outcomes" means a statistically significant change in the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

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

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

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

(11) "Supervising agency" means an agency licensed by the state
under RCW 74.15.090, or an Indian tribe under RCW 74.15.190, that has
entered into a performance-based contract with the department to
provide child welfare services. "Supervising agency" also includes the
department under section 3(4) of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW
to read as follows:

(1) On and after December 1, 2010, the department shall begin to
convert its current contracts with child-placing agencies into
performance-based contracts to provide child welfare services in this
state.

(2) On and after July 1, 2014:
(a) All child welfare services for children for whom the department
has legal custody shall be provided by supervising agencies with whom
the department has entered into performance-based contracts; and
(b) Except as provided in subsection (4) of this section, and
notwithstanding any law to the contrary, the department may not
directly provide child welfare services.

(3) On and after July 1, 2014, the department is responsible for
only the following:
(a) Monitoring the quality of services for which the department
contracts under this chapter; and
(b) Ensuring that the services are provided in accordance with
federal law and the laws of this state, including the Indian child
welfare act.

(4) On and after July 1, 2014, the department may provide child
welfare services only in an emergency or as a provider of last resort.
The department shall adopt rules describing the circumstances under
which the department may provide those services. For purposes of this
section, "provider of last resort" means the department is unable to
contract with a private agency to provide child welfare services in a
particular geographic area or, after entering into a contract with a
private agency, either the contractor or the department precipitously
terminates the contract.
(5) For purposes of this chapter, on and after July 1, 2010, performance-based contracts shall be structured to hold the supervising agencies accountable for achieving the following goals in order of importance: Child safety; reunification of the child with the child's parents; child permanency; and child well-being.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:
Except for Indian tribes, performance-based contracts with private nonprofit entities who otherwise meet the definition of supervising agency shall be preferred.

NEW SECTION. Sec. 5. A new section is added to chapter 43.10 RCW to read as follows:
The office of the attorney general shall provide, or cause to be provided, legal services in only dependency or termination of parental rights matters to supervising agencies with whom the department of social and health services has entered into performance-based contracts to provide child welfare services as soon as the contracts become effective.

NEW SECTION. Sec. 6. A new section is added to chapter 74.13 RCW to read as follows:
As child welfare services caseworker and staff vacancies occur due to voluntary employee departures, and if the department determines those positions should be filled by state workers because there are insufficient supervising agency resources available in that region to provide the necessary child welfare services, the department shall review its current staff assignments and transfer staff with sufficient child welfare services experience in other units in the region to the vacant child welfare services position or positions. If this occurs, the department shall determine if there are other services in the region where the work could be performed by supervising agencies.

NEW SECTION. Sec. 7. A new section is added to chapter 74.13 RCW to read as follows:
(1)(a) The child welfare transformation design committee is established, with members as provided in this subsection.
(i) Four private agencies that, as of the effective date of this section, provide child welfare services to children and families referred to them by the department. Two agencies must be headquartered in western Washington and two must be headquartered in eastern Washington. Two agencies must have an annual budget of at least one million state-contracted dollars and two must have an annual budget of less than one million state-contracted dollars;
(ii) The assistant secretary of the children's administration in the department;
(iii) Two regional administrators in the children's administration selected by the assistant secretary, one from one of the department's administrative regions one or two, and one from one of the department's administrative regions three, four, five, or six;
(iv) The administrator for the division of licensed resources in the children's administration;
(v) Two nationally recognized experts in performance-based contracts;
(vi) The attorney general or his or her designee;
(vii) A representative of the collective bargaining unit that represents the largest number of employees in the children's administration;
(viii) A representative from the office of the family and children's ombudsman;
(ix) Four representatives from federally recognized Indian tribes, two of which operate child welfare programs;
(x) Two present or former superior court judges with significant experience in dependency matters, selected by the superior court judge's association; and
(xi) One representative from partners for our children affiliated with the University of Washington school of social work.
(b) The president of the senate and the speaker of the house of representatives shall jointly appoint the members under (a)(i) and (v) of this subsection.
(c) The representatives from partners for our children shall convene the initial meeting of the committee no later than June 15, 2009.
(d) The chair or cochairs of the committee shall be selected from
among its membership by a majority vote of those present at the initial
meeting.

(2) The committee shall establish a transition plan containing
recommendations to the legislature consistent with this section for the
provision of child welfare services by child-placing agencies pursuant
to section 3 of this act.

(3) The plan shall include the following:

(a) A model or framework for performance-based contracts to be used
by the department that clearly defines:

(i) The target population;
(ii) The contract referral and exit criteria;
(iii) The child welfare services including the use of evidence-
based services and practices to be provided by the contractor;
(iv) The roles and responsibilities of public and private agency
workers in key case decisions;
(v) Contract performance and outcomes;
(vi) How to measure whether each contractor has met the goals
listed in section 3(5) of this act; and
(vii) Incentives to meet program goals;
(b) A method by which the department will substantially reduce its
current number of contracts for child welfare services;
(c) A method or methods by which clients will access community-
based services, how private supervising agencies will engage other
services or form local service networks, develop subcontracts, and
share information and supervision of children;
(d) Contract monitoring and evaluation procedures that will ensure
that children and families are receiving timely and quality services
and that contract terms are being implemented;
(e) A method or methods by which to ensure that the children's
administration has sufficiently trained and experienced staff to
monitor and manage performance-based contracts;
(f) A process by which to expand the capacity of supervising and
other private agencies to meet the service needs of children and
families in a performance-based contractual arrangement;
(g) A method or methods by which supervising and other private
agencies can expand services in underserved areas of the state;
(h) The appropriate amounts and procedures for the reimbursement of
supervising agencies given the proposed services restructuring;
(i) A method by which to access and enhance existing data systems to include contract performance information;

(j) A financing arrangement for the contracts that examines:

(i) The use of case rates or performance-based fee-for-service contracts that include incentive payments or payment schedules that link reimbursement to results; and

(ii) Ways to reduce a contractor's financial risk that could jeopardize the solvency of the contractor, including the use of a risk-reward corridor that limits risk of loss and potential profits or the establishment of a statewide risk pool;

(k) A description of how the transition will impact the state's ability to obtain federal funding and examine options to further maximize federal funding opportunities and increased flexibility;

(l) A description of the costs of the transition, the initial start-up costs and the mechanisms to periodically assess the overall adequacy of funds and the fiscal impact of the changes, and the feasibility of the plan and the impact of the plan on department employees during the transition; and

(m) Identification of any statutory and regulatory revisions necessary to accomplish the transition.

(4) The committee shall also prepare as part of the plan a recommendation as to how to implement the changes in this chapter across the state in three stages so that the full implementation of this chapter is achieved no later than July 1, 2014.

(5) The committee shall report quarterly on its progress, beginning on June 30, 2009, to the legislative children's oversight committee established in RCW 44.04.220. The committee shall report on its progress in meeting its duties under subsections (2) and (3) of this section and on any other matters the committee or the legislative children's oversight committee deems appropriate. The portion of the plan required in subsection (4) of this section shall be due to the legislative children's oversight committee on or before June 1, 2010. The reports shall be in written form.

(6) The committee, by majority vote, may establish advisory committees as it deems necessary.

(7) All state executive branch agencies shall cooperate with the committee and provide timely information as the chair or cochairs may
request. Cooperation by the children's administration must include developing and scheduling training for supervising agencies to access data and information necessary to implement and monitor the contracts.

(8) It is expected that the administrative costs for the committee will be supported through private funds.

(9) Staff support for the committee shall be provided jointly by partners for our children and legislative staff.

(10) The committee is subject to chapters 42.30 (open public meetings act) and 42.52 (ethics in public service) RCW.

(11) This section expires July 1, 2013.

Sec. 8. RCW 74.15.010 and 1995 c 302 s 2 are each amended to read as follows:

The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

(1) To safeguard the health, safety, and well-being of children, expectant mothers and developmentally disabled persons receiving care away from their own homes, which is paramount over the right of any person to provide care;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate ((child-care)) foster family homes and maternity-care facilities, both public and private, through the cooperative efforts of public and (voluntary) supervising agencies and related groups;

(4) To provide consultation to agencies caring for children, expectant mothers or developmentally disabled persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and developmentally disabled persons.

Sec. 9. RCW 74.15.020 and 2007 c 412 s 1 are each amended to read as follows:
For the purpose of this chapter and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant
mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and
including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(v) Relatives, as named in (i), (ii), (iii), or (iv) of this subsection (2)(a), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration ((and naturalization)) services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule,
follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Family-child-care-licensure" means a person who:

(a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours;

(b) does not receive child-care subsidies; and

(c) is licensed by the state under RCW 74.15.030.

(5)) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

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

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services. "Supervising agency" also includes the department under section 3(4) of this act.

(11) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the ((job training partnership)) workforce investment act which administers private
industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 10. RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed (hereunder) under this chapter, or because of any other relevant factor (relevant thereto);

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;

(c) Conducting background checks for those who will or may have unsupervised access to children, expectant mothers, or individuals with a developmental disability;

(d) Obtaining child protective services information or records maintained in the department's (case management) information technology system. (No) Unfounded allegations of child abuse or neglect as defined in RCW 26.44.020 (may) shall be disclosed to (a
child-placing agency, private adoption agency, or any other provider licensed) supervising agencies under this chapter;

(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and through the federal bureau of investigation for:

(i) Supervising agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicense;
(ii) Foster care and adoption placements; and
(iii) Any adult living in a home where a child may be placed;

(f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;

(g) The cost of fingerprint background check fees will be paid as required in RCW 43.43.837;

(h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;

(i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(l) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled
persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

   (4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

   (5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

   (6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

   (7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

   (8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

   (9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

Sec. 11.  RCW 74.15.050 and 1995 c 369 s 62 are each amended to read as follows:

The chief of the Washington state patrol, through the director of fire protection, shall have the power and it shall be his or her duty:

   (1) In consultation with the children's services advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family
homes and child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he or she deems necessary;

(3) To make a periodic review of requirements under RCW 74.15.030(7) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department ((of social and health services)) before a license shall be issued, except that ((a _provisional_)) an initial license may be issued as provided in RCW 74.15.120.

Sec. 12. RCW 74.15.100 and 2006 c 265 s 403 are each amended to read as follows:

Each agency or supervising agency shall make application for a license or renewal of license to the department ((of social and health services)) on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Such a foster home license shall cease to be valid when the home is no longer under the supervision of that agency. Upon receipt of such application, the department shall either grant or deny a license within ninety days unless the application is for licensure as a foster-family home, in which case RCW 74.15.040 shall govern. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith, except that an initial license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued for a period of three years. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application. For licensed foster-family homes having an
acceptable history of child care, the license may remain in effect for
two weeks after a move, except that this will apply only if the family
remains intact.

Sec. 13. RCW 26.44.020 and 2007 c 220 s 1 are each amended to read
as follows:
The definitions in this section apply throughout this chapter
unless the context clearly requires otherwise.
(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or
injury of a child by any person under circumstances which cause harm to
the child's health, welfare, or safety, excluding conduct permitted
under RCW 9A.16.100; or the negligent treatment or maltreatment of a
child by a person responsible for or providing care to the child. An
abused child is a child who has been subjected to child abuse or
neglect as defined in this section.
(2) "Child" or "children" means any person under the age of
eighteen years of age.
(3) "Child protective services" means those services provided by
the department designed to protect children from child abuse and
neglect and safeguard such children from future abuse and neglect, and
conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the
alleged abuse or neglect. Child protective services includes referral
to services to ameliorate conditions that endanger the welfare of
children, the coordination of necessary programs and services relevant
to the prevention, intervention, and treatment of child abuse and
neglect, and services to children to ensure that each child has a
permanent home. In determining whether protective services should be
provided, the department shall not decline to provide such services
solely because of the child's unwillingness or developmental inability
describe the nature and severity of the abuse or neglect.
(4) "Child protective services section" means the child protective
services section of the department.
(5) "Clergy" means any regularly licensed or ordained minister,
priest, or rabbi of any church or religious denomination, whether
acting in an individual capacity or as an employee or agent of any
public or private organization or institution.
(6) "Court" means the superior court of the state of Washington, juvenile department.

(7) "Department" means the state department of social and health services.

(8) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(9) "Inconclusive" means the determination following an investigation by the department, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(10) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(11) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(12) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(13) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(14) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.
1 (15) "Practitioner of the healing arts" or "practitioner" means a  
2 person licensed by this state to practice podiatric medicine and  
3 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
4 medicine and surgery, or medicine and surgery or to provide other  
5 health services. The term "practitioner" includes a duly accredited  
6 Christian Science practitioner. (PROVIDED, HOWEVER, That) A person  
7 who is being furnished Christian Science treatment by a duly accredited  
8 Christian Science practitioner will not be considered, for that reason  
9 alone, a neglected person for the purposes of this chapter.  
10 (16) "Professional school personnel" include, but are not limited  
11 to, teachers, counselors, administrators, child care facility  
12 personnel, and school nurses.  
13 (17) "Psychologist" means any person licensed to practice  
14 psychology under chapter 18.83 RCW, whether acting in an individual  
15 capacity or as an employee or agent of any public or private  
16 organization or institution.  
17 (18) "Screened-out report" means a report of alleged child abuse or  
18 neglect that the department has determined does not rise to the level  
19 of a credible report of abuse or neglect and is not referred for  
20 investigation.  
21 (19) "Sexual exploitation" includes: (a) Allowing, permitting, or  
22 encouraging a child to engage in prostitution by any person; or (b)  
23 allowing, permitting, encouraging, or engaging in the obscene or  
24 pornographic photographing, filming, or depicting of a child by any  
25 person.  
26 (20) "Sexually aggressive youth" means a child who is defined in  
27 RCW 74.13.075(1)(b) as being a sexually aggressive youth.  
28 (21) "Social service counselor" means anyone engaged in a  
29 professional capacity during the regular course of employment in  
30 encouraging or promoting the health, welfare, support, or education of  
31 children, or providing social services to adults or families, including  
32 mental health, drug and alcohol treatment, and domestic violence  
33 programs, whether in an individual capacity, or as an employee or agent  
34 of any public or private organization or institution.  
35 (22) "Supervising agency" means an agency licensed by the state  
36 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has  
37 entered into a performance-based contract with the department to
provide child welfare services. "Supervising agency" also includes the department under section 3(4) of this act.

(23) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 14. RCW 26.44.200 and 2002 c 134 s 4 are each amended to read as follows:

A law enforcement agency in the course of investigating: (1) An allegation under RCW 69.50.401((a)) (1) and (2) (a) through (e) relating to manufacture of methamphetamine; or (2) an allegation under RCW 69.50.440 relating to possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, pressurized ammonia gas, or pressurized ammonia gas solution with intent to manufacture methamphetamine, that discovers a child present at the site, shall contact the department immediately.

NEW SECTION. Sec. 15. A new section is added to chapter 26.44 RCW to read as follows:

Within existing resources, the department shall develop a curriculum designed to train child protective services staff in forensic techniques used for investigating allegations of child abuse or neglect.

Sec. 16. RCW 13.34.025 and 2007 c 410 s 2 are each amended to read as follows:

(1) The department ((of social and health services)) and supervising agencies shall develop methods for coordination of services to parents and children in child dependency cases. To the maximum extent possible under current funding levels, the department and supervising agencies must:

(a) Coordinate and integrate services to children and families, using service plans and activities that address the children's and families' multiple needs, including ensuring that siblings have regular
visits with each other, as appropriate. Assessment criteria should
screen for multiple needs;

(b) Develop treatment plans for the individual needs of the client
in a manner that minimizes the number of contacts the client is
required to make; and

(c) Access training for department and supervising agency staff to
increase skills across disciplines to assess needs for mental health,
substance abuse, developmental disabilities, and other areas.

(2) The department shall coordinate within the administrations of
the department, and with contracted service providers including
supervising agencies, to ensure that parents in dependency proceedings
under this chapter receive priority access to remedial services
recommended by the department or supervising agency in its social study
or ordered by the court for the purpose of correcting any parental
deficiencies identified in the dependency proceeding that are capable
of being corrected in the foreseeable future. Services may also be
provided to caregivers other than the parents as identified in RCW
13.34.138.

(a) For purposes of this chapter, remedial services are those
services defined in the federal adoption and safe families act as
time-limited family reunification services. Remedial services include
individual, group, and family counseling; substance abuse treatment
services; mental health services; assistance to address domestic
violence; services designed to provide temporary child care and
therapeutic services for families; and transportation to or from any of
the above services and activities.

(b) The department shall provide funds for remedial services if the
parent is unable to pay to the extent funding is appropriated in the
operating budget or otherwise available to the department for such
specific services. As a condition for receiving funded remedial
services, the court may inquire into the parent's ability to pay for
all or part of such services or may require that the parent make
appropriate applications for funding to alternative funding sources for
such services.

(c) If court-ordered remedial services are unavailable for any
reason, including lack of funding, lack of services, or language
barriers, the department or supervising agency shall promptly notify
the court that the parent is unable to engage in the treatment due to
the inability to access such services.

(d) This section does not create an entitlement to services and
does not create judicial authority to order the provision of services
except for the specific purpose of making reasonable efforts to remedy
parental deficiencies identified in a dependency proceeding under this
chapter.

Sec. 17. RCW 13.34.030 and 2003 c 227 s 2 are each amended to read
as follows:

For purposes of this chapter:

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

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

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

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

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

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

(a) Has been abandoned;
(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or
(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

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

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

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

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

(11) "Indigent" means a person who, at any stage of a court proceeding, is:
(a) Receiving one of the following types of public assistance:

Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

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

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

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

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

"Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing services, capable of preventing the need for out-of-home placement while protecting the child. Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.

"Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

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

"Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

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

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely
to be useful; the availability of any proposed services; and the
agency's overall plan for ensuring that the services will be delivered.
The description shall identify the services chosen and approved by the
parent;
(c) If removal is recommended, a full description of the reasons
why the child cannot be protected adequately in the home, including a
description of any previous efforts to work with the parents and the
child in the home; the in-home treatment programs that have been
considered and rejected; the preventive services that have been offered
or provided and have failed to prevent the need for out-of-home
placement, unless the health, safety, and welfare of the child cannot
be protected adequately in the home; and the parents' attitude toward
placement of the child;
(d) A statement of the likely harms the child will suffer as a
result of removal;
(e) A description of the steps that will be taken to minimize the
harm to the child that may result if separation occurs including an
assessment of the child's relationship and emotional bond with any
siblings, and the agency's plan to provide ongoing contact between the
child and the child's siblings if appropriate; and
(f) Behavior that will be expected before determination that
supervision of the family or placement is no longer necessary.
(17) "Supervising agency" means an agency licensed by the state
under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 with whom
the department has entered into a performance-based contract to provide
child welfare services as defined in RCW 74.13.020. "Supervising
agency" also includes the department under section 3(4) of this act.

Sec. 18. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read
as follows:
(a) When a child is taken into custody, the court shall hold a
shelter care hearing within seventy-two hours, excluding Saturdays,
Sundays, and holidays. The primary purpose of the shelter care hearing
is to determine whether the child can be immediately and safely
returned home while the adjudication of the dependency is pending.
(b) Any parent, guardian, or legal custodian who for good cause is
unable to attend the shelter care hearing may request that a subsequent
shelter care hearing be scheduled. The request shall be made to the

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clerk of the court where the petition is filed prior to the initial
shelter care hearing. Upon the request of the parent, the court shall
schedule the hearing within seventy-two hours of the request, excluding
Saturdays, Sundays, and holidays. The clerk shall notify all other
parties of the hearing by any reasonable means.

(2)(a) If it is likely that the child will remain in shelter care
longer than seventy-two hours, the supervising agency shall assume case
management responsibilities of the case. The ((department of social
and health services)) supervising agency shall submit a recommendation
to the court as to the further need for shelter care in all cases in
which ((it is the petitioner)) the child will remain in shelter care
longer than the seventy-two hour period. In all other cases, the
recommendation shall be submitted by the juvenile court probation
counselor.

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

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

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

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

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

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

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

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

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

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

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

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

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

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

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

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;
(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

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

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

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

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

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

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

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

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

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

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

(iii) Cooperate with the department or supervising agency in providing necessary background checks and home studies.
If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

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

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

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

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

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

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

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

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

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

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

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

Sec. 19. RCW 13.34.067 and 2004 c 147 s 1 are each amended to read
as follows:

(1)(a) Following shelter care and no later than thirty days prior
to fact-finding, the ((department)) supervising agency shall convene a
case conference as required in the shelter care order to develop and
specify in a written service agreement the expectations of both the
((department)) supervising agency and the parent regarding voluntary
services for the parent.

(b) The case conference shall include the parent, counsel for the
parent, caseworker, counsel for the state, guardian ad litem, counsel
for the child, and any other person agreed upon by the parties. Once
the shelter care order is entered, the ((department)) supervising
agency is not required to provide additional notice of the case conference to any participants in the case conference.

(c) The written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific services to be provided to the parent.

(d) The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the supervising agency, upon the parent's request, shall convene a case conference.

Sec. 20. RCW 13.34.069 and 2007 c 409 s 2 are each amended to read as follows:

If a child is placed in the custody of the supervising agency, immediately following the shelter care hearing, an order and authorization regarding health care and education records for the child shall be entered. The order shall:

(1) Provide the supervising agency with the right to inspect and copy all health, medical, mental health, and education records of the child;

(2) Authorize and direct any agency, hospital, doctor, nurse, dentist, orthodontist, or other health care provider, therapist, drug or alcohol treatment provider, psychologist, psychiatrist, or mental health clinic, or health or medical records custodian or document management company, or school or school organization to permit the department or other supervising agency to inspect and to obtain copies of any records relating to the child involved in the case, without the further consent of the parent or guardian of the child; and
(3) Grant the department or other supervising agency or its
designee the authority and responsibility, where applicable, to:
   (a) Notify the child's school that the child is in out-of-home
   placement;
   (b) Enroll the child in school;
   (c) Request the school transfer records;
   (d) Request and authorize evaluation of special needs;
   (e) Attend parent or teacher conferences;
   (f) Excuse absences;
   (g) Grant permission for extracurricular activities;
   (h) Authorize medications which need to be administered during
   school hours and sign for medical needs that arise during school hours;
   and
   (i) Complete or update school emergency records.

Access to records under this section is subject to the child's
consent where required by other state and federal laws.

Sec. 21. RCW 13.34.094 and 2004 c 147 s 3 are each amended to read
as follows:
The department or supervising agency after the shelter care
hearing shall, within existing resources, provide to parents
requesting or participating in a multidisciplinary team, family group
conference, case conference, or prognostic staffing information that
describes these processes prior to the processes being undertaken.

Sec. 22. RCW 13.34.096 and 2007 c 409 s 1 are each amended to read
as follows:
The supervising agency shall provide the child's foster parents,
preadoptive parents, or other caregivers with notice of their right to
be heard prior to each proceeding held with respect to the child in
juvenile court under this chapter. The rights to notice and to be
heard apply only to persons with whom a child has been placed by the
department before shelter care or other supervising agency and who
are providing care to the child at the time of the proceeding. This
section shall not be construed to grant party status to any person
solely on the basis of such notice and right to be heard.
Sec. 23. RCW 13.34.125 and 1999 c 173 s 2 are each amended to read as follows:

In those cases where an alleged father, birth parent, or parent has indicated his or her intention to make a voluntary adoption plan for the child and has agreed to the termination of his or her parental rights, the ((department)) supervising agency shall follow the wishes of the alleged father, birth parent, or parent regarding the proposed adoptive placement of the child, if the court determines that the adoption is in the best interest of the child, and the prospective adoptive parents chosen by the alleged father, birth parent, or parent are properly qualified to adopt in compliance with the standards in this chapter and chapter 26.33 RCW. If the ((department)) supervising agency has filed a termination petition, an alleged father's, birth parent's, or parent's preferences regarding the proposed adoptive placement of the child shall be given consideration.

Sec. 24. RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

(c) The court finds, by clear, cogent, and convincing evidence, a
manifest danger exists that the child will suffer serious abuse or
neglect if the child is not removed from the home and an order under
RCW 26.44.063 would not protect the child from danger.
(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

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

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

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

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

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

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

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

Sec. 25. RCW 13.34.136 and 2008 c 267 s 3 and 2008 c 152 s 2 are each reenacted and amended to read as follows:

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

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

The permanency plan shall include:

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

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

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

(ii) Visitation is the right of the family, including the child and
the parent, in cases in which visitation is in the best interest of the
child. Early, consistent, and frequent visitation is crucial for
maintaining parent-child relationships and making it possible for
parents and children to safely reunify. The supervising agency shall
encourage the maximum parent and child and sibling contact possible,
when it is in the best interest of the child, including regular
visitation and participation by the parents in the care of the child
while the child is in placement. Visitation shall not be limited as a
sanction for a parent's failure to comply with court orders or services
where the health, safety, or welfare of the child is not at risk as a
result of the visitation. Visitation may be limited or denied only if
the court determines that such limitation or denial is necessary to
protect the child's health, safety, or welfare. The court and the
supervising agency should rely upon community resources, relatives,
foster parents, and other appropriate persons to provide transportation
and supervision for visitation to the extent that such resources are
available, and appropriate, and the child's safety would not be
compromised.

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

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

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

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

(c) If the court has ordered, pursuant to RCW 13.34.130(5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The supervising agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, the court shall require the supervising agency to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.
(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

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

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:
   (a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.
   (b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.
   (c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 26. RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are each reenacted and amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

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

   (b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (1)(a) or 13.34.134.
(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision by the supervising agency shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the supervising agency must complete the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.
(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

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

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

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

(i) Noncompliance by the parents with the supervising agency's case plan or court order;

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

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

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

(4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).
Sec. 27. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

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

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

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or
(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

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

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

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

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

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(5), and 13.34.096.

(4) In all cases, at the permanency planning hearing, the court shall:
(a)(i) Order the permanency plan prepared by the supervising agency to be implemented; or

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

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

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

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

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

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

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

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.
(10) Nothing in this chapter may be construed to limit the ability of the supervising agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the supervising agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

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

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

Sec. 28. RCW 13.34.155 and 2000 c 135 s 1 are each amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to chapter 26.10 RCW in a dependency proceeding as necessary to facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish a permanent custody order. This agreed order may have the concurrence of the other parties to the dependency including the supervising agency, the guardian ad litem of the child, and the child if age twelve or older, and must also be in the best interests of the child. If the petitioner for a custody order under chapter 26.10 RCW is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a custody order. Once an order is entered under chapter 26.10 RCW, and the dependency petition
dismissed, the supervising agency shall not continue to supervise the placement.

(2) Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.

(3) Any order entered in the dependency court establishing or modifying a permanent legal custody order under chapter 26.10 RCW shall also be filed in the chapter 26.10 RCW action by the prevailing party. Once filed, any order establishing or modifying permanent legal custody shall survive dismissal of the dependency proceeding.

Sec. 29. RCW 13.34.174 and 2000 c 122 s 23 are each amended to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

(a) Type of treatment;
(b) Nature of treatment;
(c) Length of treatment;
(d) A treatment time schedule; and
(e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate treatment plan. The treatment plan must be signed by the treatment provider and the affected person. The initial written progress report based on the treatment plan shall be sent to the appropriate persons six weeks after initiation of treatment. Subsequent progress reports shall be provided after three months, six months, twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed with the court in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.
Each report shall also be filed with the court and a copy given to
the person evaluated and the person's counsel. A copy of the treatment
plan shall also be given to the department's or supervising agency's
caseworker and to the guardian ad litem. Any program for chemical
dependency shall meet the program requirements contained in chapter
70.96A RCW.

(3) If the court has ordered treatment pursuant to a dependency
proceeding it shall also require the treatment program to provide, in
the reports required by subsection (2) of this section, status reports
to the court, the department, the supervising ((child-placing)) agency
((if any)), and the person or person's counsel regarding the person's
cooperation with the treatment plan proposed and the person's progress
in treatment.

(4) If a person subject to this section fails or neglects to carry
out and fulfill any term or condition of the treatment plan, the
program or agency administering the treatment shall report such breach
to the court, the department, the guardian ad litem, the supervising
((child-placing)) agency if any, and the person or person's counsel,
within twenty-four hours, together with its recommendation. These
reports shall be made as a declaration by the person who is personally
responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court
to require the department to pay for the cost of any alcohol or
substance abuse evaluation or treatment program.

Sec. 30. RCW 13.34.176 and 2000 c 122 s 24 are each amended to
read as follows:

(1) The court, upon receiving a report under RCW 13.34.174(4) or at
the ((department's)) supervising agency's request, may schedule a show
cause hearing to determine whether the person is in violation of the
treatment conditions. All parties shall be given notice of the
hearing. The court shall hold the hearing within ten days of the
request for a hearing. At the hearing, testimony, declarations,
reports, or other relevant information may be presented on the person's
alleged failure to comply with the treatment plan and the person shall
have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the
treatment conditions it shall modify the dependency order, as
necessary, to ensure the safety of the child. The modified order shall
remain in effect until the party is in full compliance with the
treatment requirements.

Sec. 31. RCW 13.34.180 and 2001 c 332 s 4 are each amended to read
as follows:

(1) A petition seeking termination of a parent and child
relationship may be filed in juvenile court by any party, including the
supervising agency, to the dependency proceedings concerning that
child. Such petition shall conform to the requirements of RCW
13.34.040, shall be served upon the parties as provided in RCW
13.34.070(8), and shall allege all of the following unless subsection
(2) or (3) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to
RCW 13.34.130;

(c) That the child has been removed or will, at the time of the
hearing, have been removed from the custody of the parent for a period
of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been
expressly and understandably offered or provided and all necessary
services, reasonably available, capable of correcting the parental
deficiencies within the foreseeable future have been expressly and
understandably offered or provided;

(e) That there is little likelihood that conditions will be
remedied so that the child can be returned to the parent in the near
future. A parent's failure to substantially improve parental
deficiencies within twelve months following entry of the dispositional
order shall give rise to a rebuttable presumption that there is little
likelihood that conditions will be remedied so that the child can be
returned to the parent in the near future. The presumption shall not
arise unless the petitioner makes a showing that all necessary services
reasonably capable of correcting the parental deficiencies within the
foreseeable future have been clearly offered or provided. In
determining whether the conditions will be remedied the court may
consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render
the parent incapable of providing proper care for the child for
extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed
against you. You have important legal rights and you must take
steps to protect your interests. This petition could result in
permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before
a judge.

2. You have the right to have a lawyer represent you at
the hearing. A lawyer can look at the files in your case, talk
to the ((department of social and health services) supervising
agency and other agencies, tell you about the
law, help you understand your rights, and help
you at hearings. If you cannot afford a lawyer,
the court will appoint one to represent you. To
get a court-appointed lawyer you must contact:
(explain local procedure).

3. At the hearing, you have the right to speak on your
own behalf, to introduce evidence, to examine witnesses, and to
receive a decision based solely on the evidence presented to
the judge.

You should be present at this hearing.
You may call (insert agency) for more information
about your child. The agency's name and telephone number are
(insert name and telephone number)."

Sec. 32. RCW 13.34.210 and 2003 c 227 s 8 are each amended to read
as follows:

If, upon entering an order terminating the parental rights of a
parent, there remains no parent having parental rights, the court shall
commit the child to the custody of ((the department or to)) a
(licensed child-placing) supervising agency willing to accept custody
for the purpose of placing the child for adoption. If an adoptive home
has not been identified, the ((department or)) supervising agency shall
place the child in a licensed foster home, or take other suitable
measures for the care and welfare of the child. The custodian shall
have authority to consent to the adoption of the child consistent with
chapter 26.33 RCW, the marriage of the child, the enlistment of the
child in the armed forces of the United States, necessary surgical and
other medical treatment for the child, and to consent to such other
matters as might normally be required of the parent of the child.
If a child has not been adopted within six months after the date of the order and a guardianship of the child under RCW 13.34.231 or chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW, has not been entered by the court, the court shall review the case every six months until a decree of adoption is entered except for those cases which are reviewed by a citizen review board under chapter 13.70 RCW. The supervising agency shall take reasonable steps to ensure that the child maintains relationships with siblings as provided in RCW 13.34.130(3) and shall report to the court the status and extent of such relationships.

Sec. 33. RCW 13.34.215 and 2008 c 267 s 1 are each amended to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:
   (a) The child was previously found to be a dependent child under this chapter;
   (b) The child's parent's rights were terminated in a proceeding under this chapter;
   (c) The child has not achieved his or her permanency plan within three years of a final order of termination; and
   (d) The child must be at least twelve years old at the time the petition is filed. Upon the child's motion for good cause shown, or on its own motion, the court may hear a petition filed by a child younger than twelve years old.

(2) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(3) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(4) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, the court finds by a preponderance of the evidence that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(5) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department or the supervising agency, the child's attorney, and the child. The court
shall also order the department or supervising agency to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(6) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;
(b) The age and maturity of the child, and the ability of the child to express his or her preference;
(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and
(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(7) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department or supervising agency shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(8)(a) If the court conditionally grants the petition under subsection (6) of this section, the case will be continued for six months and a temporary order of reinstatement entered. During this period, the child shall be placed in the custody of the parent. The department or supervising agency shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of
parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(9) After the child has been placed with the parent for six months, the court shall hold a hearing. If the placement with the parent has been successful, the court shall enter a final order of reinstatement of parental rights, which shall restore all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including those relating to custody, control, and support of the child. The court shall dismiss the dependency and direct the clerk's office to provide a certified copy of the final order of reinstatement of parental rights to the parent at no cost.

(10) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(11) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services provided to a child for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(12) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

(13) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

(14) The state, the department, the supervising agency, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none
exists. This section does not create a cause of action against the state, the department, the supervising agency, or its employees concerning the original termination.

Sec. 34. RCW 13.34.230 and 1981 c 195 s 1 are each amended to read as follows:

Any party to a dependency proceeding, including the supervising agency, may file a petition in juvenile court requesting that guardianship be created as to a dependent child. The department (or social and health services) or supervising agency shall receive notice of any guardianship proceedings and have the right to intervene in the proceedings.

Sec. 35. RCW 13.34.233 and 2000 c 122 s 30 are each amended to read as follows:

(1) Any party may request the court under RCW 13.34.150 to modify or terminate a dependency guardianship order. Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice in all cases shall be served upon the department. If the department or supervising agency was not previously a party to the guardianship proceeding, the department or supervising agency shall nevertheless have the right to: (a) Initiate a proceeding to modify or terminate a guardianship; and (b) intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party (or the department, or the supervising agency if the court finds by a preponderance of the evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. The court shall hold a hearing on the motion before modifying or terminating a guardianship.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child.
The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of ((the department or)) a ((licensed child-placing)) supervising agency for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that reasons for removal as set forth in RCW 13.34.130 no longer exist and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34.138 and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

Sec. 36. RCW 13.34.245 and 1997 c 386 s 18 are each amended to read as follows:

(1) Where any parent or Indian custodian voluntarily consents to foster care placement of an Indian child and a petition for dependency has not been filed regarding the child, such consent shall not be valid unless executed in writing before the court and filed with the court. The consent shall be accompanied by the written certification of the court that the terms and consequences of the consent were fully explained in detail to the parent or Indian custodian during the court proceeding and were fully understood by the parent or Indian custodian. The court shall also certify in writing either that the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, the birth of the Indian child shall not be valid.

(2) To obtain court validation of a voluntary consent to foster care placement, any person may file a petition for validation alleging that there is located or residing within the county an Indian child whose parent or Indian custodian wishes to voluntarily consent to foster care placement of the child and requesting that the court validate the consent as provided in this section. The petition shall
contain the name, date of birth, and residence of the child, the names and residences of the consenting parent or Indian custodian, and the name and location of the Indian tribe in which the child is a member or eligible for membership. The petition shall state whether the placement preferences of 25 U.S.C. Sec. 1915 (b) or (c) will be followed. Reasonable attempts shall be made by the petitioner to ascertain and set forth in the petition the identity, location, and custodial status of any parent or Indian custodian who has not consented to foster care placement and why that parent or Indian custodian cannot assume custody of the child.

(3) Upon filing of the petition for validation, the clerk of the court shall schedule the petition for a hearing on the court validation of the voluntary consent no later than forty-eight hours after the petition has been filed, excluding Saturdays, Sundays, and holidays. Notification of time, date, location, and purpose of the validation hearing shall be provided as soon as possible to the consenting parent or Indian custodian, the supervising agency which is to assume responsibility for the child's placement and care pursuant to the consent to foster care placement, and the Indian tribe in which the child is enrolled or eligible for enrollment as a member. If the identity and location of any nonconsenting parent or Indian custodian is known, reasonable attempts shall be made to notify the parent or Indian custodian of the consent to placement and the validation hearing. Notification under this subsection may be given by the most expedient means, including, but not limited to, mail, personal service, telephone, and telegraph.

(4) Any parent or Indian custodian may withdraw consent to a voluntary foster care placement, made under this section, at any time. Unless the Indian child has been taken in custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the Indian child shall be returned to the parent or Indian custodian upon withdrawal of consent to foster care placement of the child.

(5) Upon termination of the voluntary foster care placement and return of the child to the parent or Indian custodian, the department or supervising agency which had assumed responsibility for the child's placement and care pursuant to the consent to foster care placement shall file with the court written
notification of the child's return and shall also send such
notification to the Indian tribe in which the child is enrolled or
eligible for enrollment as a member and to any other party to the
validation proceeding including any noncustodial parent.

Sec. 37. RCW 13.34.320 and 1999 c 188 s 2 are each amended to read
as follows:
The ((department)) supervising agency shall obtain the prior
consent of a child's parent, legal guardian, or legal custodian before
a dependent child is admitted into an inpatient mental health treatment
facility. If the child's parent, legal guardian, or legal custodian is
unavailable or does not agree with the proposed admission, the
((department)) supervising agency shall request a hearing and provide
notice to all interested parties to seek prior approval of the juvenile
court before such admission. In the event that an emergent situation
creating a risk of substantial harm to the health and welfare of a
child in the custody of the ((department)) supervising agency does not
allow time for the ((department)) supervising agency to obtain prior
approval or to request a court hearing before consenting to the
admission of the child into an inpatient mental health hospital, the
((department)) supervising agency shall seek court approval by
requesting that a hearing be set on the first available court date.

Sec. 38. RCW 13.34.330 and 1999 c 188 s 3 are each amended to read
as follows:
A dependent child who is admitted to an inpatient mental health
facility shall be placed in a facility, with available treatment space,
that is closest to the family home, unless the ((department))
supervising agency, in consultation with the admitting authority finds
that admission in the facility closest to the child's home would
jeopardize the health or safety of the child.

Sec. 39. RCW 13.34.340 and 2000 c 122 s 35 are each amended to
read as follows:
For minors who cannot consent to the release of their records with
the ((department)) supervising agency because they are not old enough
to consent to treatment, or, if old enough, lack the capacity to
consent, or if the minor is receiving treatment involuntarily with a
provider the \((\text{department})\)\ supervising agency has authorized to provide mental health treatment under RCW 13.34.320, the \((\text{department})\)\ supervising agency shall disclose, upon the treating physician's request, all relevant records, including the minor's passport as established under RCW 74.13.285, in the \((\text{department's})\) supervising agency's possession that the treating physician determines contain information required for treatment of the minor. The treating physician shall maintain all records received from the \((\text{department})\) supervising agency in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the \((\text{department})\) supervising agency records may not be disclosed by the treating physician to any other person or entity absent a court order except that, for medical purposes only, a treating physician may disclose the \((\text{department})\) supervising agency records to another treating physician.

Sec. 40. RCW 13.34.350 and 2001 c 52 s 2 are each amended to read as follows:

In order to facilitate communication of information needed to serve the best interest of any child who is the subject of a dependency case filed under this chapter, the department \((\text{of social and health services})\) shall, consistent with state and federal law governing the release of confidential information, establish guidelines, and shall use those guidelines for the facilitation of communication of relevant information among divisions, providers, the courts, the family, caregivers, caseworkers, and others.

Sec. 41. RCW 13.34.370 and 2004 c 146 s 2 are each amended to read as follows:

The court may order expert evaluations of parties to obtain information regarding visitation issues or other issues in a case. These evaluations shall be performed by appointed evaluators who are mutually agreed upon by the court, the \((\text{state})\) supervising agency, and the parents' counsel, and, if the child is to be evaluated, by the representative for the child. If no agreement can be reached, the court shall select the expert evaluator.
Sec. 42. RCW 13.34.380 and 2004 c 146 s 3 are each amended to read as follows:

The department ((of social and health services)) shall develop consistent policies and protocols, based on current relevant research, concerning visitation for dependent children to be implemented consistently throughout the state. The department shall develop the policies and protocols in consultation with researchers in the field, community-based agencies, court-appointed special advocates, parents' representatives, and court representatives. The policies and protocols shall include, but not be limited to: The structure and quality of visitations; and training for department and supervising agency caseworkers, visitation supervisors, and foster parents related to visitation.

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

Sec. 43. RCW 13.34.385 and 2008 c 259 s 1 are each amended to read as follows:

(1) A relative of a dependent child may petition the juvenile court for reasonable visitation with the child if:

(a) The child has been found to be a dependent child under this chapter;

(b) The parental rights of both of the child's parents have been terminated;

(c) The child is in the custody of the department or another public ((or private)) agency or a supervising agency; and

(d) The child has not been adopted and is not in a preadoptive home or other permanent placement at the time the petition for visitation is filed.

(2) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department or public ((or private)) agency or supervising agency having custody of the child, the child's attorney or guardian ad litem if applicable, and the child. The court shall also order the custodial agency to give prior notice of any hearing to the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.
(3) The juvenile court may grant the petition for visitation if it finds that the requirements of subsection (1) of this section have been met, and that unsupervised visitation between the child and the relative does not present a risk to the child's safety or well-being and that the visitation is in the best interests of the child. In determining the best interests of the child the court shall consider, but is not limited to, the following:

(a) The love, affection, and strength of the relationship between the child and the relative;

(b) The length and quality of the prior relationship between the child and the relative;

(c) Any criminal convictions for or founded history of abuse or neglect of a child by the relative;

(d) Whether the visitation will present a risk to the child's health, welfare, or safety;

(e) The child's reasonable preference, if the court considers the child to be of sufficient age to express a preference;

(f) Any other factor relevant to the child's best interest.

(4) The visitation order may be modified at any time upon a showing that the visitation poses a risk to the child's safety or well-being. The visitation order shall state that visitation will automatically terminate upon the child's placement in a preadoptive home, if the child is adopted, or if there is a subsequent founded abuse or neglect allegation against the relative.

(5) The granting of the petition under this section does not grant the relative the right to participate in the dependency action and does not grant any rights to the relative not otherwise specified in the visitation order.

(6) This section is retroactive and applies to any eligible dependent child at the time of the filing of the petition for visitation, regardless of the date parental rights were terminated.

(7) For the purpose of this section, "relative" means a relative as defined in RCW 74.15.020(2)(a), except parents.

(8) This section is intended to provide an additional procedure by which a relative may request visitation with a dependent child. It is not intended to impair or alter the ability a court currently has to order visitation with a relative under the dependency statutes.
Sec. 44. RCW 13.34.390 and 2005 c 504 s 303 are each amended to read as follows:

The department ((of social and health services)) and the department of health shall develop and expand comprehensive services for drug-affected and alcohol-affected mothers and infants. Subject to funds appropriated for this purpose, the expansion shall be in evidence-based, research-based, or consensus-based practices, ((as those terms are defined in section 603 of this act,)) and shall expand capacity in underserved regions of the state.

Sec. 45. RCW 13.34.400 and 2007 c 411 s 2 are each amended to read as follows:

In any proceeding under this chapter, if the ((department)) supervising agency submits a report to the court in which the department is recommending a new placement or a change in placement, the ((department)) supervising agency shall include the documents relevant to persons in the home in which a child will be placed and listed in subsections (1) through (5) of this section to the report. The ((department)) supervising agency shall include only these relevant documents and shall not attach the entire history of the subject of the report.

(1) If the report contains a recommendation, opinion, or assertion by the ((department)) supervising agency relating to substance abuse treatment, mental health treatment, anger management classes, or domestic violence classes, the ((department)) supervising agency shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report or evaluation submitted by the provider, but may not include the entire history with the provider.

(2) If the report contains a recommendation, opinion, or assertion by the ((department)) supervising agency relating to visitation with a child, the ((department)) supervising agency shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the most recent visitation report, a visitation report referencing a specific incident alleged in the report, or summary of the visitation prepared by the person who supervised the visitation. The documentation attached to the report shall not include the entire visitation history.
(3) If the report contains a recommendation, opinion, or assertion by the supervising agency relating to the psychological status of a person, the supervising agency shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report, evaluation, or summary submitted by the provider, but shall not include the entire history of the person.

(4) If the report contains a recommendation, opinion, or assertion by the supervising agency relating to injuries to a child, the supervising agency shall attach a summary of the physician's report, prepared by the physician or the physician's designee, relating to the recommendation, opinion, or assertion by the department.

(5) If the report contains a recommendation, opinion, or assertion by the supervising agency relating to a home study, licensing action, or background check information, the supervising agency shall attach the document or documents upon which that recommendation, opinion, or assertion is based.

Sec. 46. RCW 41.06.142 and 2008 c 267 s 9 are each amended to read as follows:

(1) Any department, agency, or institution of higher education may purchase services, including services that have been customarily and historically provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

(b) Employees in the classified service whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection (4) of this section;

(c) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract;
(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has determined that the contract results in savings or efficiency improvements. The contracting agency must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on July 1, 2005, is not effective beyond the expiration date of the agreement.

(3) Contracting for services that is expressly mandated by the legislature or was authorized by law prior to July 1, 2005, including contracts and agreements between public entities, shall not be subject to the processes set forth in subsections (1), (4), and (5) of this section.

(4) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the contracting agency requests bids from private entities for a contract for services provided by classified employees, the contracting agency shall notify the classified employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The director of personnel, with the advice and assistance of the department of general administration, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of general administration, with the advice and assistance of the department of personnel, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the
service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of general administration to conduct the bidding process.

(5) As used in this section:

(a) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection (4) of this section.

(b) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

(c) "Competitive contracting" means the process by which classified employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

(6) The requirements of this section do not apply to RCW 74.13.031(5) or section 3 of this act.
Sec. 47. RCW 74.13.010 and 1965 c 30 s 2 are each amended to read as follows:

The purpose of this chapter is to safeguard, protect, and contribute to the welfare of the children of the state, through a comprehensive and coordinated program of ((public)) child welfare services provided by both the department and supervising agencies providing for: Social services and facilities for children who require guidance, care, control, protection, treatment, or rehabilitation; setting of standards for social services and facilities for children; cooperation with public and voluntary agencies, organizations, and citizen groups in the development and coordination of programs and activities in behalf of children; and promotion of community conditions and resources that help parents to discharge their responsibilities for the care, development, and well-being of their children.

NEW SECTION. Sec. 48. A new section is added to chapter 74.13 RCW to read as follows:

The department's duty to provide services to homeless families with children is set forth in RCW 43.20A.790 and in appropriations provided by the legislature for implementation of the comprehensive plan for homeless families with children.

Sec. 49. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

((The department shall have the duty to provide child welfare services and shall:))

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

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

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

(4) Supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month.

((a)) The supervising agencies shall conduct the monthly visits with children and caregivers unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department...
1 with a written report of the visits within fifteen days of completing
2 the visits.

(b) In cases where the monthly visits required under this subsection
3 are being conducted by a private agency, the department shall conduct
4 a face-to-face health and safety visit with the child at least once
5 every ninety days) to whom it is providing child welfare services.

(6) Supervising agencies shall have authority to accept custody of
7 children from parents and to accept custody of children from juvenile
8 courts, where authorized to do so under law, to provide child welfare
9 services including placement for adoption, to provide for the routine
10 and necessary medical, dental, and mental health care, or necessary
11 emergency care of the children, and to provide for the physical care of
12 such children and make payment of maintenance costs if needed. Except
13 where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private
14 adoption agency which receives children for adoption from the
15 department shall discriminate on the basis of race, creed, or color
16 when considering applications in their placement for adoption.

(7) The department and supervising agency shall have authority to
17 provide temporary shelter to children who have run away from home and
18 who are admitted to crisis residential centers.

(8) The department and supervising agency shall have authority to
19 purchase care for children and shall follow in general the policy of
20 using properly approved private agency services for the actual care and
21 supervision of such children insofar as they are available, paying for
22 care of such children as are accepted by the department as eligible for
23 support at reasonable rates established by the department).

(9) The department shall establish a children's services advisory
25 committee with sufficient members representing supervising agencies
26 which shall assist the secretary in the development of a partnership
27 plan for utilizing resources of the public and private sectors, and
28 advise on all matters pertaining to child welfare, licensing of child
29 care agencies, adoption, and services related thereto. At least one
30 member shall represent the adoption community.

(10) (a) The supervising agencies shall have authority to provide
32 continued foster care or group care as needed to participate in or
33 complete a high school or vocational school program.

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

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

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

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

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

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

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

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

(15) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department (i.e.) and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

Sec. 50. RCW 74.13.0311 and 2002 c 219 s 13 are each amended to read as follows:

The department or (its contractors) supervising agencies may provide child welfare services pursuant to a deferred prosecution plan ordered under chapter 10.05 RCW. Child welfare services provided under this chapter pursuant to a deferred prosecution order may not be construed to prohibit the department or supervising agencies from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

Sec. 51. RCW 74.13.032 and 1998 c 296 s 4 are each amended to read as follows:

(1) The department shall establish, (by) through performance-based contracts with (private or) supervising agencies or public vendors, regional crisis residential centers with semi-secure facilities. These facilities shall be structured group care facilities licensed under rules adopted by the department and shall have an average of at least four adult staff members and in no event less than three adult staff members to every eight children.
(2) Within available funds appropriated for this purpose, the department shall establish, through performance-based contracts with supervising agencies, regional crisis residential centers with secure facilities. These facilities shall be facilities licensed under rules adopted by the department. These centers may also include semi-secure facilities and to such extent shall be subject to subsection (1) of this section.

(3) The department shall, in addition to the facilities established under subsections (1) and (2) of this section, establish additional crisis residential centers pursuant to performance-based contracts with licensed private group care facilities.

(4) The staff at the facilities established under this section shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles that recognize the need for support and the varying circumstances that cause children to leave their families, and carry out the responsibilities stated in RCW 13.32A.090. (The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.)

(5) The secure facilities located within crisis residential centers shall be operated to conform with the definition in RCW 13.32A.030. The facilities shall have an average of no less than one adult staff member to every ten children. The staffing ratio shall continue to ensure the safety of the children.

(6) If a secure crisis residential center is located in or adjacent to a secure juvenile detention facility, the center shall be operated in a manner that prevents in-person contact between the residents of the center and the persons held in such facility.

Sec. 52. RCW 74.13.036 and 2003 c 207 s 2 are each amended to read as follows:

(1) The department shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities
to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall develop a plan and procedures, in cooperation with the statewide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the child in need of services placement process;

(b) Procedures for designating (department) supervising agency staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

(a) Identify and evaluate resource needs in each region of the state;

(b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

(4) The department shall provide an annual report to the legislature not later than December 1 of each year only when it has declined to accept custody of a child from a law enforcement agency or
it has received a report of a child being released without placement. The report shall indicate the number of times it has declined to accept custody of a child from a law enforcement agency under chapter 13.32A RCW and the number of times it has received a report of a child being released without placement under RCW 13.32A.060(1)(c). The report shall include the dates, places, and reasons the department declined to accept custody and the dates and places children are released without placement.

Sec. 53. RCW 74.13.037 and 1997 c 146 s 9 are each amended to read as follows:

Within available funds appropriated for this purpose, the department shall establish, through performance-based contracts with private vendors, transitional living programs for youth who are being assisted by the department in being emancipated as part of their permanency plan under chapter 13.34 RCW. These programs shall be licensed under rules adopted by the department.

Sec. 54. RCW 74.13.042 and 1995 c 311 s 14 are each amended to read as follows:

If the department or supervising agency is denied lawful access to records or information, or requested records or information is not provided in a timely manner, the department or supervising agency may petition the court for an order compelling disclosure.

(1) The petition shall be filed in the juvenile court for the county in which the record or information is located or the county in which the person who is the subject of the record or information resides. If the person who is the subject of the record or information is a party to or the subject of a pending proceeding under chapter 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

(2) Except as otherwise provided in this section, the persons from whom and about whom the record or information is sought shall be served with a summons and a petition at least seven calendar days prior to a hearing on the petition. The court may order disclosure upon ex parte application of the department or supervising agency, without prior notice to any person, if the court finds there is reason to believe access to the record or information is necessary to determine whether the child is in imminent danger and in need of immediate protection.
(3) The court shall grant the petition upon a showing that there is reason to believe that the record or information sought is necessary for the health, safety, or welfare of the child who is currently receiving child welfare services.

Sec. 55. RCW 74.13.045 and 1998 c 245 s 146 are each amended to read as follows:

The department shall develop and implement an informal, nonadversarial complaint resolution process to be used by clients of the department or supervising agency, foster parents, and other affected individuals who have complaints regarding a department policy or procedure, the application of such a policy or procedure, or the performance of an entity that has entered into a performance-based contract with the department, related to programs administered under this chapter. The process shall not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

Nothing in this section shall be construed to create substantive or procedural rights in any person. Participation in the complaint resolution process shall not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review. Participation in the process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

The department shall develop procedures to assure that clients and foster parents are informed of the availability of the complaint resolution process and how to access it. The department shall incorporate information regarding the complaint resolution process into the training for foster parents and department and supervising agency caseworkers.

The department shall compile complaint resolution data including the nature of the complaint and the outcome of the process.

Sec. 56. RCW 74.13.055 and 1998 c 245 s 147 are each amended to read as follows:

The department shall adopt rules pursuant to chapter 34.05 RCW which establish goals as to the maximum number of children who will remain in foster care for a period of longer than twenty-four months.
The department shall also work cooperatively with (the major private child-care providers) supervising agencies to assure that a partnership plan for utilizing the resources of the public and private sector in all matters pertaining to child welfare is developed and implemented.

Sec. 57. RCW 74.13.060 and 1971 ex.s. c 169 s 7 are each amended to read as follows:

(1) The secretary or his or her designees or delegatees shall be the custodian without compensation of such moneys and other funds of any person which may come into the possession of the secretary during the period such person is placed with the department (of social and health services) or an entity with which it has entered into a performance-based contract pursuant to chapter 74.13 RCW. As such custodian, the secretary shall have authority to disburse moneys from the person's funds for the following purposes only and subject to the following limitations:

((1) The secretary may disburse any of the funds belonging to such person) (a) For such personal needs of such person as the secretary may deem proper and necessary.

((2) The secretary may apply such funds) (b) Against the amount of public assistance otherwise payable to such person. This includes applying, as reimbursement, any benefits, payments, funds, or accrual paid to or on behalf of said person from any source against the amount of public assistance expended on behalf of said person during the period for which the benefits, payments, funds or accruals were paid.

((3)) (2) All funds held by the secretary as custodian may be deposited in a single fund, the receipts and expenditures therefrom to be accurately accounted for by him or her on an individual basis. Whenever, the funds belonging to any one person exceed the sum of five hundred dollars, the secretary may deposit said funds in a savings and loan association account on behalf of that particular person.

((4)) (3) When the conditions of placement no longer exist and public assistance is no longer being provided for such person, upon a showing of legal competency and proper authority, the secretary shall deliver to such person, or the parent, person, or agency legally responsible for such person, all funds belonging to the person.
remaining in his or her possession as custodian, together with a full and final accounting of all receipts and expenditures made therefrom.

((5)) (4) The appointment of a guardian for the estate of such person shall terminate the secretary's authority as custodian of said funds upon receipt by the secretary of a certified copy of letters of guardianship. Upon the guardian's request, the secretary shall immediately forward to such guardian any funds of such person remaining in the secretary's possession together with full and final accounting of all receipts and expenditures made therefrom.

Sec. 58. RCW 74.13.065 and 2002 c 52 s 8 are each amended to read as follows:

(1) The ((department, or)) supervising agency ((responsible for supervising a child in out-of-home care,)) shall conduct a social study whenever a child is placed in out-of-home care under the supervision of the ((department or other)) supervising agency. The study shall be conducted prior to placement, or, if it is not feasible to conduct the study prior to placement due to the circumstances of the case, the study shall be conducted as soon as possible following placement.

(2) The social study shall include, but not be limited to, an assessment of the following factors:

(a) The physical and emotional strengths and needs of the child;
(b) Emotional bonds with siblings and the need to maintain regular sibling contacts;
(c) The proximity of the child's placement to the child's family to aid reunification;
(d) The possibility of placement with the child's relatives or extended family;
(e) The racial, ethnic, cultural, and religious background of the child;
(f) The least-restrictive, most family-like placement reasonably available and capable of meeting the child's needs; and
(g) Compliance with RCW 13.34.260 regarding parental preferences for placement of their children.

Sec. 59. RCW 74.13.075 and 1994 c 169 s 1 are each amended to read as follows:
(1) For the purposes of funds appropriated for the treatment of sexually aggressive youth, the term "sexually aggressive youth" means those juveniles who:

(a) Have been abused and have committed a sexually aggressive act or other violent act that is sexual in nature; and

(i) Are in the care and custody of the state or a federally recognized Indian tribe located within the state; or

(ii) Are the subject of a proceeding under chapter 13.34 RCW or a child welfare proceeding held before a tribal court located within the state; or

(b) Cannot be detained under the juvenile justice system due to being under age twelve and incompetent to stand trial for acts that could be prosecuted as sex offenses as defined by RCW 9.94A.030 if the juvenile was over twelve years of age, or competent to stand trial if under twelve years of age.

(2) In expending these funds, the department (of social and health services) shall establish in each region a case review committee to review all cases for which the funds are used. In determining whether to use these funds in a particular case, the committee shall consider:

(a) The age of the juvenile;

(b) The extent and type of abuse to which the juvenile has been subjected;

(c) The juvenile's past conduct;

(d) The benefits that can be expected from the treatment;

(e) The cost of the treatment; and

(f) The ability of the juvenile's parent or guardian to pay for the treatment.

(3) The department may provide funds, under this section, for youth in the care and custody of a tribe or through a tribal court, for the treatment of sexually aggressive youth only if: (a) The tribe uses the same or equivalent definitions and standards for determining which youth are sexually aggressive; and (b) the department seeks to recover any federal funds available for the treatment of youth.

Sec. 60. RCW 74.13.077 and 1993 c 402 s 4 are each amended to read as follows:

The secretary (of the department of social and health services) is authorized to transfer surplus, unused treatment funds from the
civil commitment center operated under chapter 71.09 RCW to the
division of children and family services to provide treatment services
for sexually aggressive youth.

Sec. 61. RCW 74.13.096 and 2007 c 465 s 2 are each amended to read
as follows:

(1) The secretary (of the department of social and health
services) shall convene an advisory committee to analyze and make
recommendations on the disproportionate representation of children of
color in Washington's child welfare system. The department shall
collaborate with the Washington institute for public policy and private
sector entities to develop a methodology for the advisory committee to
follow in conducting a baseline analysis of data from the child welfare
system to determine whether racial disproportionality and racial
disparity exist in this system. The Washington institute for public
policy shall serve as technical staff for the advisory committee. In
determining whether racial disproportionality or racial disparity
exists, the committee shall utilize existing research and evaluations
conducted within Washington state, nationally, and in other states and
localities that have similarly analyzed the prevalence of racial
disproportionality and disparity in child welfare.

(2) At a minimum, the advisory committee shall examine and analyze:
(a) The level of involvement of children of color at each stage in the
state's child welfare system, including the points of entry and exit,
and each point at which a treatment decision is made; (b) the number of
children of color in low-income or single-parent families involved in
the state's child welfare system; (c) the family structures of families
involved in the state's child welfare system; and (d) the outcomes for
children in the existing child welfare system. This analysis shall be
disaggregated by racial and ethnic group, and by geographic region.

(3) The committee of not more than fifteen individuals shall
consist of experts in social work, law, child welfare, psychology, or
related fields, at least two tribal representatives, a representative
of the governor's juvenile justice advisory committee, a representative
of a community-based organization involved with child welfare issues,
a representative of the department (of social and health services),
a current or former foster care youth, a current or former foster care
parent, and a parent previously involved with Washington's child
welfare system. Committee members shall be selected as follows: (a) Five members selected by the senate majority leader; (b) five members selected by the speaker of the house of representatives; and (c) five members selected by the secretary of the department ((of social and health services)). The secretary, the senate majority leader, and the speaker of the house of representatives shall coordinate appointments to ensure the representation specified in this subsection is achieved. After the advisory committee appointments are finalized, the committee shall select two individuals to serve as cochairs of the committee, one of whom shall be a representative from a nongovernmental entity.

(4) The secretary shall make reasonable efforts to seek public and private funding for the advisory committee.

(5) Not later than June 1, 2008, the advisory committee created in subsection (1) of this section shall report to the secretary of the department ((of social and health services)) on the results of the analysis. If the results of the analysis indicate disproportionality or disparity exists for any racial or ethnic group in any region of the state, the committee, in conjunction with the secretary of the department ((of social and health services)), shall develop a plan for remedying the disproportionality or disparity. The remediation plan shall include: (a) Recommendations for administrative and legislative actions related to appropriate programs and services to reduce and eliminate disparities in the system and improve the long-term outcomes for children of color who are served by the system; and (b) performance measures for implementing the remediation plan. To the extent possible and appropriate, the remediation plan shall be developed to integrate the recommendations required in this subsection with the department's existing compliance plans, training efforts, and other practice improvement and reform initiatives in progress. The advisory committee shall be responsible for ongoing evaluation of current and prospective policies and procedures for their contribution to or effect on racial disproportionality and disparity.

(6) Not later than December 1, 2008, the secretary shall report the results of the analysis conducted under subsection (2) of this section and shall describe the remediation plan required under subsection (5) of this section to the appropriate committees of the legislature with jurisdiction over policy and fiscal matters relating to children, families, and human services. Beginning January 1, 2010, the secretary...
shall report annually to the appropriate committees of the legislature
on the implementation of the remediation plan, including any measurable
progress made in reducing and eliminating racial disproportionality and
disparity in the state's child welfare system.

Sec. 62. RCW 74.13.103 and 1971 ex.s. c 63 s 2 are each amended to
read as follows:
   When a child proposed for adoption is placed with a prospective
adoptive parent the department may charge such parent a fee in payment
or part payment of such adoptive parent's part of the cost of the
adoption services rendered and to be rendered by the department.
   In charging such fees the department shall treat a husband and wife
as a single prospective adoptive parent.
   Each such fee shall be fixed according to a sliding scale based on
the ability to pay of the prospective adoptive parent or parents.
   Such fee scale shall be annually fixed by the secretary after
considering the recommendations of the committee designated by the
secretary to advise him or her on child welfare and pursuant to the
regulations to be issued by the secretary in accordance with the
provisions of Title 34 RCW.
   The secretary may waive, defer, or provide for payment in
installments without interest of, any such fee whenever in his or her
judgment payment or immediate payment would cause economic hardship to
such adoptive parent or parents.
   Nothing in this section shall require the payment of a fee to the
state of Washington in a case in which an adoption results from
independent placement or placement by a ((licensed child-placing))
supervising agency.

Sec. 63. RCW 74.13.106 and 1985 c 7 s 134 are each amended to read
as follows:
   All fees paid for adoption services pursuant to RCW 26.33.320 and
74.13.100 through 74.13.145 (as recodified by this act) shall be
credited to the general fund. Expenses incurred in connection with
supporting the adoption of hard to place children shall be paid by
warrants drawn against such appropriations as may be available. The
secretary may for such purposes, contract with any public agency or
(licensed child placing) supervising agency and/or adoptive parent and is authorized to accept funds from other sources including federal, private, and other public funding sources to carry out such purposes.

The secretary shall actively seek, where consistent with the policies and programs of the department, and shall make maximum use of, such federal funds as are or may be made available to the department for the purpose of supporting the adoption of hard to place children. The secretary may, if permitted by federal law, deposit federal funds for adoption support, aid to adoptions, or subsidized adoption in the general fund and may use such funds, subject to such limitations as may be imposed by federal or state law, to carry out the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act).

Sec. 64. RCW 74.13.109 and 1990 c 285 s 7 are each amended to read as follows:

The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act).

Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

Such agreements shall meet the following criteria:

(1) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

(2) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

(3) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need
support((, provided that)). If the secretary ((shall)) finds that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) the secretary may do so, subject to all the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act), including annual review of the amount of such support.

(4) Any prospective parent who is to be a party to such agreement shall be a person who has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child.

Sec. 65. RCW 74.13.124 and 1985 c 7 s 140 are each amended to read as follows:

An agreement for adoption support made ((pursuant to RCW 26.32.115)) before January 1, 1985, or pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act), although subject to review and adjustment as provided for herein, shall, as to the standard used by the secretary in making such review or reviews and any such adjustment, constitutes a contract within the meaning of section 10, Article I of the United States Constitution and section 23, Article I of the state Constitution. For that reason once such an agreement has been made any review of and adjustment under such agreement shall as to the standards used by the secretary, be made only subject to the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) and such rules and regulations relating thereto as they exist on the date of the initial determination in connection with such agreement or such more generous standard or parts of such standard as may hereafter be provided for by law or regulation. Once made such an agreement shall constitute a solemn undertaking by the state of Washington with such adoptive parent or parents. The termination of the effective period of RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) or a decision by the state or federal government to discontinue or reduce general appropriations made available for the purposes to be served by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act), shall not affect the state's specific continuing obligations to support
such adoptions, subject to such annual review and adjustment for all such agreements as have theretofore been entered into by the state.

The purpose of this section is to assure any such parent that, upon his or her consenting to assume the burdens of adopting a hard to place child, the state will not in future so act by way of general reduction of appropriations for the program authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) or ratable reductions, to impair the trust and confidence necessarily reposed by such parent in the state as a condition of such parent taking upon himself or herself the obligations of parenthood of a difficult to place child.

Should the secretary and any such adoptive parent differ as to whether any standard or part of a standard adopted by the secretary after the date of an initial agreement, which standard or part is used by the secretary in making any review and adjustment, is more generous than the standard in effect as of the date of the initial determination with respect to such agreement such adoptive parent may invoke his or her rights, including all rights of appeal under the fair hearing provisions, available to him or her under RCW 74.13.127 (as recodified by this act).

Sec. 66. RCW 74.13.136 and 1985 c 7 s 144 are each amended to read as follows:

Any supervising agency or person having a child in foster care or institutional care and wishing to recommend to the secretary support of the adoption of such child as provided for in RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) may do so, and may include in its or his or her recommendation advice as to the appropriate level of support and any other information likely to assist the secretary in carrying out the functions vested in the secretary by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act). Such agency may, but is not required to, be retained by the secretary to make the required preplacement study of the prospective adoptive parent or parents.

Sec. 67. RCW 74.13.165 and 1997 c 272 s 4 are each amended to read as follows:

The secretary or the secretary's designee (may) shall purchase
services from nonprofit agencies for the purpose of conducting home
studies for legally free children who have been awaiting adoption
finalization for more than ((ninety)) sixty days. The home studies
selected to be done under this section shall be for the children who
have been legally free and awaiting adoption finalization the longest
period of time.

This section expires June 30, 2011.

Sec. 68. RCW 74.13.170 and 1991 c 326 s 2 are each amended to read
as follows:

The department ((of social and health services)) may, through
performance-based contracts with supervising agencies, implement a
therapeutic family home program for up to fifteen youth in the custody
of the department under chapter 13.34 RCW. The program shall strive to
develop and maintain a mutually reinforcing relationship between the
youth and the therapeutic staff associated with the program.

Sec. 69. RCW 74.13.250 and 1990 c 284 s 2 are each amended to read
as follows:

(1) Preservice training is recognized as a valuable tool to reduce
placement disruptions, the length of time children are in care, and
foster parent turnover rates. Preservice training also assists
potential foster parents in making their final decisions about foster
parenting and assists social service agencies in obtaining information
about whether to approve potential foster parents.

(2) Foster parent preservice training shall include information
about the potential impact of placement on foster children; social
service agency administrative processes; the requirements,
responsibilities, expectations, and skills needed to be a foster
parent; attachment, separation, and loss issues faced by birth parents,
foster children, and foster parents; child management and discipline;
birth family relationships; and helping children leave foster care.
Preservice training shall assist applicants in making informed
decisions about whether they want to be foster parents. Preservice
training shall be designed to enable the agency to assess the ability,
readiness, and appropriateness of families to be foster parents. As a
decision tool, effective preservice training provides potential foster
parents with enough information to make an appropriate decision,
affords potential foster parents an opportunity to discuss their
decision with others and consider its implications for their family,
clarifies foster family expectations, presents a realistic picture of
what foster parenting involves, and allows potential foster parents to
consider and explore the different types of children they might serve.

(3) Foster parents shall complete preservice training ((shall be
completed prior to)) before the issuance of a foster care license,
except that the department may, on a case by case basis, issue a
written waiver that allows the foster parent to complete the training
after licensure, so long as the training is completed within ninety
days following licensure.

Sec. 70. RCW 74.13.280 and 2007 c 409 s 6 and 2007 c 220 s 4 are
each reenacted and amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed
in out-of-home care by the department or a ((child-placing))
supervising agency, the department or agency shall share information
known to the department or agency about the child and the child's
family with the care provider and shall consult with the care provider
regarding the child's case plan. If the child is dependent pursuant to
a proceeding under chapter 13.34 RCW, the ((department or)) supervising
agency shall keep the care provider informed regarding the dates and
location of dependency review and permanency planning hearings
pertaining to the child.

(2) Information about the child and the child's family shall
include information known to the department or agency as to whether the
child is a sexually reactive child, has exhibited high-risk behaviors,
or is physically assaultive or physically aggressive, as defined in
this section.

(3) Information about the child shall also include information
known to the department or agency that the child:

(a) Has received a medical diagnosis of fetal alcohol syndrome or
fetal alcohol effect;

(b) Has been diagnosed by a qualified mental health professional as
having a mental health disorder;

(c) Has witnessed a death or substantial physical violence in the
past or recent past; or
(d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. Care providers shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

(5) Nothing in this section shall be construed to limit the authority of the department or supervising agencies to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:
   (i) Suicide attempts or suicidal behavior or ideation;
   (ii) Self-mutilation or similar self-destructive behavior;
   (iii) Fire-setting or a developmentally inappropriate fascination with fire;
   (iv) Animal torture;
   (v) Property destruction; or
   (vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:
   (i) Observed assaultive behavior;
   (ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or
   (iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.
Sec. 71. RCW 74.13.283 and 2008 c 267 s 7 are each amended to read as follows:

(1) For the purpose of assisting foster youth in obtaining a Washington state identicard, submission of the information and materials listed in this subsection from the department or supervising agency to the department of licensing is sufficient proof of identity and residency and shall serve as the necessary authorization for the youth to apply for and obtain a Washington state identicard:

(a) A written signed statement prepared on department or supervising agency letterhead, verifying the following:

(i) The youth is a minor who resides in Washington;

(ii) Pursuant to a court order, the youth is dependent and the department or other supervising agency is the legal custodian of the youth under chapter 13.34 RCW or under the interstate compact on the placement of children;

(iii) The youth's full name and date of birth;

(iv) The youth's social security number, if available;

(v) A brief physical description of the youth;

(vi) The appropriate address to be listed on the youth's identicard; and

(vii) Contact information for the appropriate person with the department or supervising agency.

(b) A photograph of the youth, which may be digitized and integrated into the statement.

(2) The department or supervising agency may provide the statement and the photograph via any of the following methods, whichever is most efficient or convenient:

(a) Delivered via first-class mail or electronically to the headquarters office of the department of licensing; or

(b) Hand-delivered to a local office of the department of licensing by a department or supervising agency case worker.

(3) A copy of the statement shall be provided to the youth who shall provide the copy to the department of licensing when making an in-person application for a Washington state identicard.

(4) To the extent other identifying information is readily available, the department or supervising agency shall include the additional information with the submission of information required under subsection (1) of this section.
Sec. 72. RCW 74.13.285 and 2007 c 409 s 7 are each amended to read as follows:

(1) Within available resources, the ((department)) supervising agency shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall contain education records obtained pursuant to RCW 28A.150.510. The passport shall be provided to a foster parent at any placement of a child covered by this section. The ((department)) supervising agency shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.

New placements ((after July 1, 1997,)) shall have first priority in the preparation of passports. ((Within available resources, the department may prepare passports for any child in a foster home on July 1, 1997, provided that no time spent in a foster home before July 1, 1997, shall be included in the computation of the ninety days.))

(2) In addition to the requirements of subsection (1) of this section, the ((department)) supervising agency shall, within available resources, notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others.

(3) The department shall hold harmless the provider including supervising agencies for any unauthorized disclosures caused by the department.

(4) Any foster parent who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information, except as authorized by law. Such individuals shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

Sec. 73. RCW 74.13.288 and 2004 c 40 s 2 are each amended to read as follows:

((1))) The department of health shall develop recommendations concerning evidence-based practices for testing for blood-borne
pathogens of children under one year of age who have been placed in
out-of-home care and shall identify the specific pathogens for which
testing is recommended.

((2) The department shall report to the appropriate committees of
the legislature on the recommendations developed in accordance with
subsection (1) of this section by January 1, 2005.)

Sec. 74. RCW 74.13.289 and 2004 c 40 s 3 are each amended to read
as follows:

(1) Upon any placement, the ((department of social and health
services)) supervising agency shall inform each out-of-home care
provider if the child to be placed in that provider's care is infected
with a blood-borne pathogen, and shall identify the specific blood-
borne pathogen for which the child was tested if known by the
((department)) supervising agency.

(2) All out-of-home care providers licensed by the department shall
receive training related to blood-borne pathogens, including
prevention, transmission, infection control, treatment, testing, and
confidentiality.

(3) Any disclosure of information related to HIV must be in
accordance with RCW 70.24.105.

(4) The department of health shall identify by rule the term
"blood-borne pathogen" as used in this section.

Sec. 75. RCW 74.13.300 and 1990 c 284 s 12 are each amended to
read as follows:

(1) Whenever a child has been placed in a foster family home by the
((department or a child-placing)) supervising agency and the child has
thereafter resided in the home for at least ninety consecutive days,
the ((department or child-placing)) supervising agency shall notify the
foster family at least five days prior to moving the child to another
placement, unless:

(a) A court order has been entered requiring an immediate change in
placement;

(b) The child is being returned home;

(c) The child's safety is in jeopardy; or

(d) The child is residing in a receiving home or a group home.
(2) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the supervising agency shall notify the foster family of proposed placement changes as soon as reasonably possible.

(3) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's foster care placement nor to create any substantive custody rights in the foster parents.

Sec. 76. RCW 74.13.310 and 1990 c 284 s 13 are each amended to read as follows:

Adequate foster parent training has been identified as directly associated with increasing the length of time foster parents are willing to provide foster care and reducing the number of placement disruptions for children. Placement disruptions can be harmful to children by denying them consistent and nurturing support. Foster parents have expressed the desire to receive training in addition to the foster parent (SCOPE) training currently offered. Foster parents who care for more demanding children, such as children with severe emotional, mental, or physical handicaps, would especially benefit from additional training. The department and supervising agency shall develop additional training for foster parents that focuses on skills to assist foster parents in caring for emotionally, mentally, or physically handicapped children.

Sec. 77. RCW 74.13.315 and 1997 c 272 s 6 are each amended to read as follows:

The department or supervising agency may provide child care for all foster parents who are required to attend department-sponsored or supervising agency-sponsored meetings or training sessions. If the department or supervising agency does not provide such child care, the department or supervising agency, where feasible, shall conduct the activities covered by this section in the foster parent's home or other location acceptable to the foster parent.
Sec. 78. RCW 74.13.320 and 1990 c 284 s 15 are each amended to read as follows:

((The legislature finds that during the fiscal years 1987 to 1989 the number of children in foster care has risen by 14.3 percent. At the same time there has been a 31 percent turnover rate in foster homes because many foster parents have declined to continue to care for foster children. This situation has caused a dangerously critical shortage of foster homes.

The department of social and health services shall develop and implement a project to recruit more foster homes and adoptive homes for special needs children by developing a request for proposal to licensed private foster care, licensed adoption agencies, and other organizations qualified to provide this service.

The project shall consist of one statewide administrator of recruitment programs, and one or more licensed foster care or adoption agency contracts in each of the six departmental regions. These contracts shall enhance currently provided services and may not replace services currently funded by the agencies. No more than sixty thousand dollars may be spent annually to fund the administrator position.

The agencies shall recruit foster care homes and adoptive homes for children classified as special needs children under chapter 74.08 RCW. The agencies shall utilize their own network of contacts and shall also develop programs similar to those used effectively in other states. The department shall expand the foster-adopt program statewide to encourage stable placements for foster children for whom permanent out-of-home placement is a likelihood. The department shall carefully consider existing programs to eliminate duplication of services.))

The department shall assist ((the private contractors)) supervising agencies by providing printing services for informational brochures and other necessary recruitment materials. No more than fifty thousand dollars of the funds provided for this section may be expended annually for recruitment materials.

Sec. 79. RCW 74.13.325 and 1997 c 272 s 3 are each amended to read as follows:

Within available resources, the department and supervising agencies shall increase the number of adoptive and foster families available to accept children through an intensive recruitment and retention program.
The department shall ((contract with a private agency to)) enter into performance-based contracts with supervising agencies, under which the agencies will coordinate all foster care and adoptive home recruitment activities ((for the department and private agencies)).

Sec. 80. RCW 74.13.333 and 2004 c 181 s 1 are each amended to read as follows:
A foster parent who believes that a department or supervising agency employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:
(1) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, ((or))) the department, or the supervising agency, provided information, or otherwise cooperated with the investigation of such a complaint;
(2) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;
(3) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;
(4) The foster parent has advocated for services on behalf of the foster child;
(5) The foster parent has sought to adopt a foster child in the foster parent's care; or
(6) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombudsman. The office of the family and children's ombudsman shall include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department or supervising agency and foster parents.

Sec. 81. RCW 74.13.334 and 2004 c 181 s 2 are each amended to read as follows:
The department and supervising agency shall develop procedures for
responding to recommendations of the office of the family and
children's ombudsman as a result of any and all complaints filed by
foster parents under RCW 74.13.333.

Sec. 82. RCW 74.13.500 and 2005 c 274 s 351 are each amended to
read as follows:

(1) Consistent with the provisions of chapter 42.56 RCW and
applicable federal law, the secretary, or the secretary's designee,
shall disclose information regarding the abuse or neglect of a child,
the investigation of the abuse, neglect, or near fatality of a child,
and any services related to the abuse or neglect of a child if any one
of the following factors is present:

(a) The subject of the report has been charged in an accusatory
instrument with committing a crime related to a report maintained by
the department in its case and management information system;

(b) The investigation of the abuse or neglect of the child by the
department or the provision of services by the department or a
supervising agency has been publicly disclosed in a report required to
be disclosed in the course of their official duties, by a law
enforcement agency or official, a prosecuting attorney, any other state
or local investigative agency or official, or by a judge of the
superior court;

(c) There has been a prior knowing, voluntary public disclosure by
an individual concerning a report of child abuse or neglect in which
such individual is named as the subject of the report; or

(d) The child named in the report has died and the child's death
resulted from abuse or neglect or the child was in the care of, or
receiving services from the department or a supervising agency at the
time of death or within twelve months before death.

(2) The secretary is not required to disclose information if the
factors in subsection (1) of this section are present if he or she
specifically determines the disclosure is contrary to the best
interests of the child, the child's siblings, or other children in the
household.

(3) Except for cases in subsection (1)(d) of this section, requests
for information under this section shall specifically identify the case
about which information is sought and the facts that support a
determination that one of the factors specified in subsection (1) of this section is present.

(4) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. The secretary is under no obligation to have an act certified by a physician in order to comply with this section.

Sec. 83. RCW 74.13.515 and 2005 c 274 s 352 are each amended to read as follows:

For purposes of RCW 74.13.500(1)(d), the secretary must make the fullest possible disclosure consistent with chapter 42.56 RCW and applicable federal law in cases of all fatalities of children who were in the care of, or receiving services from, the department or a supervising agency at the time of their death or within the twelve months previous to their death.

If the secretary specifically determines that disclosure of the name of the deceased child is contrary to the best interests of the child's siblings or other children in the household, the secretary may remove personally identifying information.

For the purposes of this section, "personally identifying information" means the name, street address, social security number, and day of birth of the child who died and of private persons who are relatives of the child named in child welfare records. "Personally identifying information" shall not include the month or year of birth of the child who has died. Once this personally identifying information is removed, the remainder of the records pertaining to a child who has died must be released regardless of whether the remaining facts in the records are embarrassing to the unidentifiable other private parties or to identifiable public workers who handled the case.

Sec. 84. RCW 74.13.525 and 2005 c 274 s 353 are each amended to read as follows:

The department or supervising agency, when acting in good faith, is immune from any criminal or civil liability, except as provided under RCW 42.56.550, for any action taken under RCW 74.13.500 through 74.13.520.
Sec. 85. RCW 74.13.530 and 2001 c 318 s 4 are each amended to read as follows:

(1) No child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:

(a) There is an adult in the home who, as a result of: (i) His or her employment; and (ii) an allegation of abuse or neglect of the child, conducts or has conducted an investigation of the allegation; or

(b) The child has been, is, or is likely to be a witness in any pending cause of action against any adult in the home when the cause includes: (i) An allegation of abuse or neglect against the child or any sibling of the child; or (ii) a claim of damages resulting from wrongful interference with the parent-child relationship of the child and his or her biological or adoptive parent.

(2) For purposes of this section, "investigation" means the exercise of professional judgment in the review of allegations of abuse or neglect by: (a) Law enforcement personnel; (b) persons employed by, or under contract with, the state; (c) persons licensed to practice law and their employees; and (d) mental health professionals as defined in chapter 71.05 RCW.

(3) The prohibition set forth in subsection (1) of this section may not be waived or deferred by the department or a supervising agency under any circumstance or at the request of any person, regardless of who has made the request or the length of time of the requested placement.

Sec. 86. RCW 74.13.560 and 2003 c 112 s 3 are each amended to read as follows:

The administrative regions of the department and the supervising agencies shall develop protocols with the respective school districts in their regions specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of foster children placed in the region, in order to maximize the educational continuity and achievement for foster children. The protocols shall include methods to assure effective sharing of information consistent with RCW 28A.225.330.
Sec. 87. RCW 74.13.590 and 2003 c 112 s 6 are each amended to read as follows:

The department and supervising agencies shall perform the tasks provided in RCW 74.13.550 through 74.13.580 based on available resources.

Sec. 88. RCW 74.13.600 and 2003 c 284 s 1 are each amended to read as follows:

(1) For the purposes of this section, "kin" means persons eighteen years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been dissolved, and means:

(a) Any person denoted by the prefix "grand" or "great"; (b) sibling, whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or (e) first cousin.

(2) The department and supervising agencies shall plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required.

These strategies must include at least the following:

(a) Development of standardized, statewide procedures to be used by supervising agencies when searching for kin of children prior to out-of-home placement. The procedures must include a requirement that documentation be maintained in the child's case record that identifies kin, and documentation that identifies the assessment criteria and procedures that were followed during all kin searches. The procedures must be used when a child is placed in out-of-home care under authority of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or when a child is placed under a voluntary placement agreement. To assist with implementation of the procedures, the ((department)) supervising agencies shall request that the juvenile court require parents to disclose to the ((department)) agencies all contact information for available and appropriate kin within two weeks of an entered order. For placements under signed voluntary agreements, the department and supervising agencies shall encourage the parents to disclose to the department and agencies all contact information for available and appropriate kin within two weeks of the date the parent signs the voluntary placement agreement.

(b) Development of procedures for conducting active outreach
efforts to identify and locate kin during all searches. The procedures must include at least the following elements:

(i) Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have knowledge of the child's kin, within sixty days of the child entering out-of-home care;

(ii) Increased use of those procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions;

(iii) Contacts with kin identified through outreach efforts and interviews under this subsection as part of permanency planning activities and change of placement discussions;

(iv) Establishment of a process for ongoing contact with kin who express interest in being considered as a placement resource for the child; and

(v) A requirement that when the decision is made to not place the child with any kin, the department or supervising agency provides documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the decision and corrective action or actions the kin must take to be considered as a viable placement option.

(3) Nothing in this section shall be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or the child or family is not eligible for such services.

Sec. 89. RCW 74.13.640 and 2008 c 211 s 1 are each amended to read as follows:

(1) The department (of social and health services) shall conduct a child fatality review in the event of an unexpected death of a minor in the state who is in the care of or receiving services described in chapter 74.13 RCW from the department or a supervising agency or who has been in the care of or received services described in chapter 74.13 RCW from the department or a supervising agency within one year preceding the minor's death.

(2) Upon conclusion of a child fatality review required pursuant to subsection (1) of this section, the department shall within one hundred eighty days following the fatality issue a report on the results of the
review, unless an extension has been granted by the governor. Reports shall be distributed to the appropriate committees of the legislature, and the department shall create a public web site where all child fatality review reports required under this section shall be posted and maintained.

(3) The department shall develop and implement procedures to carry out the requirements of subsections (1) and (2) of this section.

(4) In the event a child fatality is the result of apparent abuse or neglect by the child's parent or caregiver, the department shall ensure that the fatality review team is comprised of individuals who had no previous involvement in the case and whose professional expertise is pertinent to the dynamics of the case.

(5) In the event of a near-fatality of a child who is in the care of or receiving services described in this chapter from the department or who has been in the care of or received services described in this chapter from the department within one year preceding the near-fatality, the department shall promptly notify the office of the family and children's ombudsman.

Sec. 90. RCW 74.13.650 and 2007 c 220 s 7 are each amended to read as follows:

A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. The department shall enter into performance-based contracts with supervising agencies to provide this program.

Sec. 91. RCW 74.13.670 and 2007 c 220 s 5 are each amended to read as follows:

(1) A care provider may not be found to have abused or neglected a
child under chapter 26.44 RCW or be denied a license pursuant to
chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to
supervise (wherein) in which:

(a) The allegations arise from the child's conduct that is
substantially similar to prior behavior of the child, and:

(i) The child is a sexually reactive youth, exhibits high-risk
behaviors, or is physically assaultive or physically aggressive as
defined in RCW 74.13.280, and this information and the child's prior
behavior was not disclosed to the care provider as required by RCW
74.13.280; and

(ii) The care provider did not know or have reason to know that the
child needed supervision as a sexually reactive or physically
assaultive or physically aggressive youth, or because of a documented
history of high-risk behaviors, as a result of the care provider's
involvement with or independent knowledge of the child or training and
experience; or

(b) The child was not within the reasonable control of the care
provider at the time of the incident that is the subject of the
allegation, and the care provider was acting in good faith and did not
know or have reason to know that reasonable control or supervision of
the child was necessary to prevent harm or risk of harm to the child or
other persons.

(2) Allegations of child abuse or neglect that meet the provisions
of this section shall be designated as "unfounded" as defined in RCW
26.44.020.

NEW SECTION. Sec. 92. RCW 74.13.085, 74.13.0902, 74.13.095, and
74.15.031 are each recodified as new sections in chapter 43.215 RCW.

NEW SECTION. Sec. 93. RCW 74.13.100, 74.13.103, 74.13.106,
74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121,
74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139,
74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155,
74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170
are each recodified as a new chapter in Title 74 RCW.

NEW SECTION. Sec. 94. Section 61 of this act expires June 30,
2014.
NEW SECTION. Sec. 95. The following acts or parts of acts are each repealed:

(1) RCW 13.34.803 (Drug-affected and alcohol-affected infants--Comprehensive plan--Report) and 1998 c 314 s 40;
(2) RCW 13.34.805 (Drug-affected infants--Study) and 1998 c 314 s 31;
(3) RCW 13.34.8051 (Drug-affected infants--Study--Alcohol-affected infants to be included) and 1998 c 314 s 32;
(4) RCW 13.34.810 (Implementation of chapter 314, Laws of 1998) and 1998 c 314 s 48;
(5) RCW 26.44.230 (Abuse of adolescents--Reviews and reports) and 2005 c 345 s 2;
(6) RCW 74.13.200 (Demonstration project for protection, care, and treatment of children at-risk of abuse or neglect) and 1979 ex.s. c 248 s 1;
(7) RCW 74.13.210 (Project day care center--Definition) and 1979 ex.s. c 248 s 2;
(8) RCW 74.13.220 (Project services) and 1979 ex.s. c 248 s 3;
(9) RCW 74.13.230 (Project shall utilize community services) and 1979 ex.s. c 248 s 4;
(10) RCW 74.13.340 (Foster parent liaison) and 1997 c 272 s 2;
(11) RCW 74.13.630 (Family decision meetings) and 2004 c 182 s 2; and
(12) RCW 74.13.800 (Intensive resource home pilot) and 2008 c 281 s 2.

NEW SECTION. Sec. 96. (1) Except for sections 1 through 7 of this act, this act takes effect July 1, 2011.
(2) Sections 1 through 6 of this act take effect July 1, 2010.
(3) Section 7 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 97. This act shall be in effect only if funds are specifically appropriated for this purpose.

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