
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1194

State of Washington

67th Legislature

2021 Regular Session

By House Appropriations (originally sponsored by Representatives Ortiz-Self, Senn, Young, Santos, Callan, Morgan, Davis, and Harris-Talley)

READ FIRST TIME 02/19/21.

1 AN ACT Relating to strengthening parent-child visitation during
2 child welfare proceedings; amending RCW 13.34.065, 13.34.136, and
3 13.34.138; and creating a new section.

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

5 **Sec. 1.** RCW 13.34.065 and 2019 c 172 s 11 are each amended to
6 read as follows:

7 (1)(a) When a child is taken into custody, the court shall hold a
8 shelter care hearing within (~~seventy-two~~) 72 hours, excluding
9 Saturdays, Sundays, and holidays. The primary purpose of the shelter
10 care hearing is to determine whether the child can be immediately and
11 safely returned home while the adjudication of the dependency is
12 pending.

13 (b) Any parent, guardian, or legal custodian who for good cause
14 is unable to attend the shelter care hearing may request that a
15 subsequent shelter care hearing be scheduled. The request shall be
16 made to the clerk of the court where the petition is filed prior to
17 the initial shelter care hearing. Upon the request of the parent, the
18 court shall schedule the hearing within (~~seventy-two~~) 72 hours of
19 the request, excluding Saturdays, Sundays, and holidays. The clerk
20 shall notify all other parties of the hearing by any reasonable
21 means.

1 (2) (a) If it is likely that the child will remain in shelter care
2 longer than ((~~seventy-two~~)) 72 hours, the department shall submit a
3 recommendation to the court as to the further need for shelter care
4 in all cases in which the child will remain in shelter care longer
5 than the ((~~seventy-two~~)) 72 hour period. In all other cases, the
6 recommendation shall be submitted by the juvenile court probation
7 counselor.

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

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

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

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

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

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

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

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

38 (a) Whether the notice required under RCW 13.34.062 was given to
39 all known parents, guardians, or legal custodians of the child. The
40 court shall make an express finding as to whether the notice required

1 under RCW 13.34.062 was given to the parent, guardian, or legal
2 custodian. If actual notice was not given to the parent, guardian, or
3 legal custodian and the whereabouts of such person is known or can be
4 ascertained, the court shall order the department to make reasonable
5 efforts to advise the parent, guardian, or legal custodian of the
6 status of the case, including the date and time of any subsequent
7 hearings, and their rights under RCW 13.34.090;

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

10 (c) What efforts have been made to place the child with a
11 relative. The court shall ask the parents whether the department
12 discussed with them the placement of the child with a relative or
13 other suitable person described in RCW 13.34.130(1)(b) and shall
14 determine what efforts have been made toward such a placement;

15 (d) What services were provided to the family to prevent or
16 eliminate the need for removal of the child from the child's home. If
17 the dependency petition or other information before the court alleges
18 that homelessness or the lack of suitable housing was a significant
19 factor contributing to the removal of the child, the court shall
20 inquire as to whether housing assistance was provided to the family
21 to prevent or eliminate the need for removal of the child or
22 children;

23 (e) Is the placement proposed by the department the least
24 disruptive and most family-like setting that meets the needs of the
25 child;

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

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

33 (h) Whether the child is or may be an Indian child as defined in
34 RCW 13.38.040, whether the provisions of the federal Indian child
35 welfare act or chapter 13.38 RCW apply, and whether there is
36 compliance with the federal Indian child welfare act and chapter
37 13.38 RCW, including notice to the child's tribe;

38 (i) Whether, as provided in RCW 26.44.063, restraining orders, or
39 orders expelling an allegedly abusive household member from the home

1 of a nonabusive parent, guardian, or legal custodian, will allow the
2 child to safely remain in the home;

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

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

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

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

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

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

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

25 (b) If the court does not release the child to his or her parent,
26 guardian, or legal custodian, the court shall order placement with a
27 relative or other suitable person as described in RCW
28 13.34.130(1)(b), unless there is reasonable cause to believe the
29 health, safety, or welfare of the child would be jeopardized or that
30 the efforts to reunite the parent and child will be hindered. If such
31 relative or other suitable person appears otherwise suitable and
32 competent to provide care and treatment, the fingerprint-based
33 background check need not be completed before placement, but as soon
34 as possible after placement. The court must also determine whether
35 placement with the relative or other suitable person is in the
36 child's best interests. The relative or other suitable person must be
37 willing and available to:

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

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

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

6 (c) If the child was not initially placed with a relative or
7 other suitable person, and the court does not release the child to
8 his or her parent, guardian, or legal custodian, the department shall
9 make reasonable efforts to locate a relative or other suitable person
10 pursuant to RCW 13.34.060(1). In determining placement, the court
11 shall weigh the child's length of stay and attachment to the current
12 provider in determining what is in the best interest of the child.

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

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

28 (f) If the child is placed in a qualified residential treatment
29 program as defined in this chapter, the court shall, within (~~sixty~~)
30 60 days of placement, hold a hearing to:

31 (i) Consider the assessment required under RCW 13.34.420 and
32 submitted as part of the department's social study, and any related
33 documentation;

34 (ii) Determine whether placement in foster care can meet the
35 child's needs or if placement in another available placement setting
36 best meets the child's needs in the least restrictive environment;
37 and

38 (iii) Approve or disapprove the child's placement in the
39 qualified residential treatment program.

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

8 (6) (a) A shelter care order issued pursuant to this section shall
9 include the requirement for a case conference as provided in RCW
10 13.34.067. However, if the parent is not present at the shelter care
11 hearing, or does not agree to the case conference, the court shall
12 not include the requirement for the case conference in the shelter
13 care order.

14 (b) If the court orders a case conference, the shelter care order
15 shall include notice to all parties and establish the date, time, and
16 location of the case conference which shall be no later than
17 (~~thirty~~) 30 days before the fact-finding hearing.

18 (c) The court may order another conference, case staffing, or
19 hearing as an alternative to the case conference required under RCW
20 13.34.067 so long as the conference, case staffing, or hearing
21 ordered by the court meets all requirements under RCW 13.34.067,
22 including the requirement of a written agreement specifying the
23 services to be provided to the parent.

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

30 (ii) If the court previously ordered that visitation between a
31 parent and child be supervised or monitored, there shall be a
32 presumption that such supervision or monitoring will no longer be
33 necessary following a continued shelter care order under (a)(i) of
34 this subsection. To overcome this presumption, a party must provide a
35 report to the court including evidence establishing that removing
36 visit supervision or monitoring would create a risk to the child's
37 safety, and the court shall make a determination as to whether visit
38 supervision or monitoring must continue.

39 (b) (i) An order releasing the child on any conditions specified
40 in this section may at any time be amended, with notice and hearing

1 thereon, so as to return the child to shelter care for failure of the
2 parties to conform to the conditions originally imposed.

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

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

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

13 (9)(a) If a child is placed out of the home of a parent,
14 guardian, or legal custodian following a shelter care hearing, the
15 court shall order the petitioner to provide regular visitation with
16 the parent, guardian, or legal custodian, and siblings. Early,
17 consistent, and frequent visitation is crucial for maintaining
18 parent-child relationships and allowing family reunification. The
19 court shall order a visitation plan individualized to the needs of
20 the family with a goal of providing the maximum parent, child, and
21 sibling contact possible.

22 (b) Visitation under this subsection shall not be limited as a
23 sanction for a parent's failure to comply with recommended services
24 during shelter care.

25 (c) Visitation under this subsection may only be limited where
26 necessary to ensure the health, safety, or welfare of the child.

27 (d) The first visit must take place within 72 hours of the
28 child's removal, unless the court finds that extraordinary
29 circumstances require delay.

30 (e) If the first visit under (d) of this subsection occurs in an
31 in-person format, this first visit must be supervised unless the
32 department determines that visit supervision is not necessary.

33 **Sec. 2.** RCW 13.34.136 and 2020 c 312 s 117 are each amended to
34 read as follows:

35 (1) Whenever a child is ordered to be removed from the home, a
36 permanency plan shall be developed no later than ~~((sixty))~~ 60 days
37 from the time the department assumes responsibility for providing
38 services, including placing the child, or at the time of a hearing
39 under RCW 13.34.130, whichever occurs first. The permanency planning

1 process continues until a permanency planning goal is achieved or
2 dependency is dismissed. The planning process shall include
3 reasonable efforts to return the child to the parent's home.

4 (2) The department shall submit a written permanency plan to all
5 parties and the court not less than (~~fourteen~~) 14 days prior to the
6 scheduled hearing. Responsive reports of parties not in agreement
7 with the department's proposed permanency plan must be provided to
8 the department, all other parties, and the court at least seven days
9 prior to the hearing.

10 The permanency plan shall include:

11 (a) A permanency plan of care that shall identify one of the
12 following outcomes as a primary goal and may identify additional
13 outcomes as alternative goals: Return of the child to the home of the
14 child's parent, guardian, or legal custodian; adoption, including a
15 tribal customary adoption as defined in RCW 13.38.040; guardianship
16 pursuant to chapter 13.36 RCW; guardianship of a minor pursuant to
17 RCW 11.130.215; long-term relative or foster care, if the child is
18 between ages (~~sixteen~~) 16 and (~~eighteen~~) 18, with a written
19 agreement between the parties and the care provider; successful
20 completion of a responsible living skills program; or independent
21 living, if appropriate and if the child is age (~~sixteen~~) 16 or
22 older. Although a permanency plan of care may only identify long-term
23 relative or foster care for children between ages (~~sixteen~~) 16 and
24 (~~eighteen~~) 18, children under (~~sixteen~~) 16 may remain placed with
25 relatives or in foster care. The department shall not discharge a
26 child to an independent living situation before the child is
27 (~~eighteen~~) 18 years of age unless the child becomes emancipated
28 pursuant to chapter 13.64 RCW;

29 (b) Unless the court has ordered, pursuant to RCW 13.34.130(8),
30 that a termination petition be filed, a specific plan as to where the
31 child will be placed, what steps will be taken to return the child
32 home, what steps the department will take to promote existing
33 appropriate sibling relationships and/or facilitate placement
34 together or contact in accordance with the best interests of each
35 child, and what actions the department will take to maintain parent-
36 child ties. All aspects of the plan shall include the goal of
37 achieving permanence for the child.

38 (i) The department's plan shall specify what services the parents
39 will be offered to enable them to resume custody, what requirements

1 the parents must meet to resume custody, and a time limit for each
2 service plan and parental requirement.

3 (A) If the parent is incarcerated, the plan must address how the
4 parent will participate in the case conference and permanency
5 planning meetings and, where possible, must include treatment that
6 reflects the resources available at the facility where the parent is
7 confined. The plan must provide for visitation opportunities, unless
8 visitation is not in the best interests of the child.

9 (B) If a parent has a developmental disability according to the
10 definition provided in RCW 71A.10.020, and that individual is
11 eligible for services provided by the department of social and health
12 services developmental disabilities administration, the department
13 shall make reasonable efforts to consult with the department of
14 social and health services developmental disabilities administration
15 to create an appropriate plan for services. For individuals who meet
16 the definition of developmental disability provided in RCW 71A.10.020
17 and who are eligible for services through the developmental
18 disabilities administration, the plan for services must be tailored
19 to correct the parental deficiency taking into consideration the
20 parent's disability and the department shall also determine an
21 appropriate method to offer those services based on the parent's
22 disability.

23 (ii)(A) Visitation is the right of the family, including the
24 child and the parent, in cases in which visitation is in the best
25 interest of the child. Early, consistent, and frequent visitation is
26 crucial for maintaining parent-child relationships and making it
27 possible for parents and children to safely reunify. The department
28 shall encourage the maximum parent and child and sibling contact
29 possible, when it is in the best interest of the child, including
30 regular visitation and participation by the parents in the care of
31 the child while the child is in placement.

32 (B) Visitation shall not be limited as a sanction for a parent's
33 failure to comply with court orders or services where the health,
34 safety, or welfare of the child is not at risk as a result of the
35 visitation.

36 (C) Visitation may be limited or denied only if the court
37 determines that such limitation or denial is necessary to protect the
38 child's health, safety, or welfare. Visitation must occur in the
39 least restrictive setting and be unsupervised unless the presence of
40 threats or danger to the child requires the constant presence of an

1 adult to ensure the safety of the child. When a parent or sibling has
2 been identified as a suspect in an active criminal investigation for
3 a violent crime that, if the allegations are true, would impact the
4 safety of the child, the department shall make a concerted effort to
5 consult with the assigned law enforcement officer in the criminal
6 case before recommending any changes in parent/child or child/sibling
7 contact. In the event that the law enforcement officer has
8 information pertaining to the criminal case that may have serious
9 implications for child safety or well-being, the law enforcement
10 officer shall provide this information to the department during the
11 consultation. The department may only use the information provided by
12 law enforcement during the consultation to inform family visitation
13 plans and may not share or otherwise distribute the information to
14 any person or entity. Any information provided to the department by
15 law enforcement during the consultation is considered investigative
16 information and is exempt from public inspection pursuant to RCW
17 42.56.240. The results of the consultation shall be communicated to
18 the court.

19 (D) The court and the department should rely upon community
20 resources, relatives, foster parents, and other appropriate persons
21 to provide transportation and supervision for visitation to the
22 extent that such resources are available, and appropriate, and the
23 child's safety would not be compromised.

24 (E) If the court previously ordered that visitation between a
25 parent and child be supervised or monitored, there shall be a
26 presumption that such supervision or monitoring will no longer be
27 necessary when the permanency plan is entered. To overcome this
28 presumption, a party must provide a report to the court including
29 evidence establishing that removing visit supervision or monitoring
30 would create a risk to the child's safety, and the court shall make a
31 determination as to whether visit supervision or monitoring must
32 continue.

33 (F) The court shall advise the petitioner that the failure to
34 provide court-ordered visitation may result in a finding that the
35 petitioner failed to make reasonable efforts to finalize the
36 permanency plan. The lack of sufficient contracted visitation
37 providers will not excuse the failure to provide court-ordered
38 visitation.

39 (iii)(A) The department, court, or caregiver in the out-of-home
40 placement may not limit visitation or contact between a child and

1 sibling as a sanction for a child's behavior or as an incentive to
2 the child to change his or her behavior.

3 (B) Any exceptions, limitation, or denial of contacts or
4 visitation must be approved by the supervisor of the department
5 caseworker and documented. The child, parent, department, guardian ad
6 litem, or court-appointed special advocate may challenge the denial
7 of visits in court.

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

12 (v) The plan shall state whether both in-state and, where
13 appropriate, out-of-state placement options have been considered by
14 the department.

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

19 (vii) The department shall provide all reasonable services that
20 are available within the department, or within the community, or
21 those services which the department has existing contracts to
22 purchase. It shall report to the court if it is unable to provide
23 such services; and

24 (c) If the court has ordered, pursuant to RCW 13.34.130(9), that
25 a termination petition be filed, a specific plan as to where the
26 child will be placed, what steps will be taken to achieve permanency
27 for the child, services to be offered or provided to the child, and,
28 if visitation would be in the best interests of the child, a
29 recommendation to the court regarding visitation between parent and
30 child pending a fact-finding hearing on the termination petition. The
31 department shall not be required to develop a plan of services for
32 the parents or provide services to the parents if the court orders a
33 termination petition be filed. However, reasonable efforts to ensure
34 visitation and contact between siblings shall be made unless there is
35 reasonable cause to believe the best interests of the child or
36 siblings would be jeopardized.

37 (3) Permanency planning goals should be achieved at the earliest
38 possible date. If the child has been in out-of-home care for
39 (~~fifteen~~) 15 of the most recent (~~twenty-two~~) 22 months, and the
40 court has not made a good cause exception, the court shall require

1 the department to file a petition seeking termination of parental
2 rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where
3 parental rights have been terminated, the child is legally free for
4 adoption, and adoption has been identified as the primary permanency
5 planning goal, it shall be a goal to complete the adoption within six
6 months following entry of the termination order.

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

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

16 (6) The court shall consider the child's relationships with the
17 child's siblings in accordance with RCW 13.34.130(7). Whenever the
18 permanency plan for a child is adoption, the court shall encourage
19 the prospective adoptive parents, birth parents, foster parents,
20 kinship caregivers, and the department or other agency to seriously
21 consider the long-term benefits to the child adoptee and his or her
22 siblings of providing for and facilitating continuing postadoption
23 contact between the siblings. To the extent that it is feasible, and
24 when it is in the best interests of the child adoptee and his or her
25 siblings, contact between the siblings should be frequent and of a
26 similar nature as that which existed prior to the adoption. If the
27 child adoptee or his or her siblings are represented by an attorney
28 or guardian ad litem in a proceeding under this chapter or in any
29 other child custody proceeding, the court shall inquire of each
30 attorney and guardian ad litem regarding the potential benefits of
31 continuing contact between the siblings and the potential detriments
32 of severing contact. This section does not require the department or
33 other agency to agree to any specific provisions in an open adoption
34 agreement and does not create a new obligation for the department to
35 provide supervision or transportation for visits between siblings
36 separated by adoption from foster care.

37 (7) For purposes related to permanency planning, "guardianship"
38 means a guardianship pursuant to chapter 13.36 RCW or a guardianship
39 of a minor pursuant to RCW 11.130.215, or equivalent laws of another
40 state or a federally recognized Indian tribe.

1 **Sec. 3.** RCW 13.34.138 and 2019 c 172 s 13 are each amended to
2 read as follows:

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

9 (a) The initial review hearing shall be an in-court review and
10 shall be set six months from the beginning date of the placement
11 episode or no more than (~~ninety~~) 90 days from the entry of the
12 disposition order, whichever comes first. The requirements for the
13 initial review hearing, including the in-court review requirement,
14 shall be accomplished within existing resources.

15 (b) The initial review hearing may be a permanency planning
16 hearing when necessary to meet the time frames set forth in RCW
17 13.34.145(1)(a) or 13.34.134.

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

26 (b) Prior to the child returning home, the department must
27 complete the following:

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

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

1 with the recommended services, the department must promptly notify
2 the court; and

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

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

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

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

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

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

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

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

38 (vi) Within (~~sixty~~) 60 days of the placement of a child in a
39 qualified residential treatment program as defined in this chapter,

1 and at each review hearing thereafter if the child remains in such a
2 program, the following:

3 (A) Whether ongoing assessment of the child's strengths and needs
4 continues to support the determination that the child's needs cannot
5 be met through placement in a foster family home;

6 (B) Whether the child's placement provides the most effective and
7 appropriate level of care in the least restrictive environment;

8 (C) Whether the placement is consistent with the child's
9 permanency plan;

10 (D) What specific treatment or service needs will be met in the
11 placement, and how long the child is expected to need the treatment
12 or services; and

13 (E) What efforts the department has made to prepare the child to
14 return home or be placed with a fit and willing relative as defined
15 in RCW 13.34.030, a Title 13 RCW legal guardian, an adoptive parent,
16 or in a foster family home.

17 (vii) Whether a parent's homelessness or lack of suitable housing
18 is a significant factor delaying permanency for the child by
19 preventing the return of the child to the home of the child's parent
20 and whether housing assistance should be provided by the department;

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

23 (ix) Whether preference has been given to placement with the
24 child's relatives if such placement is in the child's best interests;

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

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

29 (xii) Whether terms of visitation need to be modified. If the
30 court previously ordered that visitation between a parent and child
31 must be supervised or monitored, there shall be a presumption that
32 such supervision or monitoring will no longer be necessary after the
33 review hearing. To overcome this presumption, a party must provide a
34 report to the court including evidence establishing that removing
35 visit supervision or monitoring would create a risk to the child's
36 safety, and the court shall make a determination as to whether visit
37 supervision or monitoring must continue;

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

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

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

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

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

10 (i) The compliance of the parents with court orders related to
11 the care and supervision of the child, including compliance with the
12 department's case plan; and

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

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

19 (i) Noncompliance by the parents with the department's case plan
20 or court order;

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

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

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

36 (4) The court's authority to order housing assistance under this
37 chapter is: (a) Limited to cases in which a parent's homelessness or
38 lack of suitable housing is a significant factor delaying permanency
39 for the child and housing assistance would aid the parent in
40 providing an appropriate home for the child; and (b) subject to the

1 availability of funds appropriated for this specific purpose. Nothing
2 in this chapter shall be construed to create an entitlement to
3 housing assistance nor to create judicial authority to order the
4 provision of such assistance to any person or family if the
5 assistance or funding are unavailable or the child or family are not
6 eligible for such assistance.

7 (5) The court shall consider the child's relationship with
8 siblings in accordance with RCW 13.34.130(~~(+6)~~) (7).

9 (6) The court shall advise the petitioner that the failure to
10 provide court-ordered visitation may result in a finding that the
11 petitioner failed to make reasonable efforts to finalize the
12 permanency plan. The lack of sufficient contracted visitation
13 providers will not excuse the failure to provide court-ordered
14 visitation.

15 NEW SECTION. Sec. 4. If specific funding for the purposes of
16 this act, referencing this act by bill or chapter number, is not
17 provided by June 30, 2021, in the omnibus appropriations act, this
18 act is null and void.

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