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HOUSE BILL 1808

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State of Washington

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2023 Regular Session

By Representatives Doglio and Griffey

1 AN ACT Relating to proceedings to preclude establishment of  
2 parentage when a parent alleges that a person committed a sexual  
3 assault that resulted in the parent becoming pregnant and  
4 subsequently giving birth to a child; amending RCW 26.26A.465,  
5 13.34.136, and 13.34.155; reenacting and amending RCW 13.34.030 and  
6 13.34.065; adding a new section to chapter 2.53 RCW; and adding a new  
7 section to chapter 13.34 RCW.

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

9 **Sec. 1.** RCW 26.26A.465 and 2019 c 46 s 4001 are each amended to  
10 read as follows:

11 (1) For the purposes of this section, "sexual assault" means  
12 nonconsensual sexual penetration that results in pregnancy.

13 (2) In a proceeding in which a parent alleges that a person  
14 committed a sexual assault that resulted in the parent becoming  
15 pregnant and subsequently giving birth to a child, the parent may  
16 seek to preclude the person from establishing or maintaining the  
17 person's parentage of the child. A parent who alleges that a child  
18 was born as a result of sexual assault may also seek additional  
19 relief as described in this section.

20 (3) This section does not apply if the person described in  
21 subsection (2) of this section has previously been adjudicated in a

1 proceeding brought under RCW 26.26A.400 to be a parent of the child,  
2 except as may be specifically permitted under subsection (4) of this  
3 section.

4 (4) Unless RCW 26.26A.240 or 26.26A.430 applies, a parent must  
5 file a pleading making an allegation under subsection (2) of this  
6 section not later than (~~four~~) 10 years after the birth of the  
7 child, except that for a period of one year after January 1, 2019, a  
8 court may waive the time bar in cases in which a presumed,  
9 acknowledged, or adjudicated parent was found in a criminal or  
10 separate civil proceeding to have committed a sexual assault against  
11 the parent alleging that the child was born as a result of the sexual  
12 assault.

13 (5) If a parent makes an allegation under subsection (2) of this  
14 section and subsection (3) of this section does not apply, the court  
15 must conduct a fact-finding hearing on the allegation within 75 days  
16 of the filing of the petition, unless exceptional circumstances  
17 require additional time.

18 (a) The court may not enter any temporary orders providing  
19 residential time or decision making to the alleged perpetrator prior  
20 to the fact-finding hearing on the sexual assault allegation unless  
21 both of the following criteria are satisfied: (i) The alleged  
22 perpetrator has a bonded and dependent relationship with the child  
23 that is parental in nature; and (ii) the court specifically finds  
24 that it would be in the best interest of the child if such temporary  
25 orders are entered.

26 (b) Prior to the fact-finding hearing, the court may order  
27 genetic testing to determine whether the alleged perpetrator is  
28 biologically related to the child. If genetic testing reveals that  
29 the alleged perpetrator is not biologically related to the child, the  
30 fact-finding hearing must be stricken.

31 (c) Fourteen days prior to the fact-finding hearing, the parent  
32 alleging that the child was born as a result of a sexual assault  
33 shall submit affidavits setting forth facts supporting the allegation  
34 and shall give notice, together with a copy of the affidavit, to  
35 other parties to the proceedings, who may file opposing affidavits.  
36 Opposing affidavits must be submitted and served to other parties to  
37 the proceeding five days prior to the fact-finding hearing.

38 (d) The court shall determine on the record whether affidavits  
39 and documents submitted for the fact-finding hearing should be  
40 sealed.

1 (6) An allegation under subsection (2) of this section may be  
2 proved by:

3 (a) Evidence that the person was convicted of or pleaded guilty  
4 to a sexual assault under RCW 9A.44.040, 9A.44.050, or 9A.44.060, or  
5 a comparable crime of sexual assault, including child rape of any  
6 degree, in this state or any other jurisdiction, against the child's  
7 parent and the child was born within three hundred twenty days after  
8 the sexual assault; or

9 (b) Clear, cogent, and convincing evidence that the person  
10 committed sexual assault, as defined in this section, against the  
11 child's parent and the child was born within three hundred twenty  
12 days after the sexual assault.

13 (7) Subject to subsections (1) through (5) of this section, if  
14 the court determines that an allegation has been proved under  
15 subsection (6) of this section at the fact-finding hearing or after a  
16 bench trial, the court shall:

17 (a) Adjudicate that the person described in subsection (2) of  
18 this section is not a parent of the child, has no right to  
19 residential time or decision-making responsibilities for the child,  
20 has no right to inheritance from the child, and has no right to  
21 notification of, or standing to object to, the adoption of the child.  
22 If the parent who was the victim of the sexual assault expressly  
23 consents in writing for the court to decline to enter one or more of  
24 these restrictions or limitations, the court may do so;

25 (b) Require the state registrar of vital statistics to amend the  
26 birth record if requested by the parent and the court determines that  
27 the amendment is in the best interest of the child; and

28 (c) Require the person pay to child support, birth-related costs,  
29 or both, unless the parent requests otherwise and the court  
30 determines that granting the request is in the best interest of the  
31 child.

32 (8) The child's parent or guardian may decline an order for child  
33 support or birth-related costs. If the child's parent or guardian  
34 declines an order for child support, and is either currently  
35 receiving public assistance or later applies for it for the child  
36 born as a result of the sexual assault, support enforcement agencies  
37 as defined in this chapter shall not file administrative or court  
38 proceedings to establish or collect child support, including medical  
39 support, from the person described in subsection (2) of this section.

1 (9) If the court enters an order under subsection (8) of this  
2 section providing that no child support obligation may be established  
3 or collected from the person described in subsection (2) of this  
4 section, the court shall forward a copy of the order to the  
5 Washington state support registry.

6 (10) The court may order an award of attorneys' fees under this  
7 section on the same basis as attorneys' fees are awarded under RCW  
8 26.09.140.

9 (11) Any party may move to close the fact-finding hearing and any  
10 related proceedings under this section to the public. If no party  
11 files such a motion, the court shall determine on its own initiative  
12 whether the fact-finding hearing and any related proceedings under  
13 this section should be closed to the public. Upon finding good cause  
14 for closing the proceeding, and if consistent with Article I, section  
15 10 of the state Constitution, the court may:

16 (a) Restrict admission to only those persons whom the court finds  
17 to have a direct interest in the case or in the work of the court,  
18 including witnesses deemed necessary to the disposition of the case;  
19 and

20 (b) Restrict persons who are admitted from disclosing any  
21 information obtained at the hearing that would identify the parties  
22 involved or the child.

23 (12) The court must appoint an attorney for an indigent  
24 petitioner and respondent in a proceeding under this section. The  
25 office of civil legal aid is responsible for implementing this  
26 subsection, and the state shall pay the costs of legal services  
27 provided by an attorney appointed under this subsection. For the  
28 purposes of this subsection, "indigent" means any person who, at any  
29 stage of a court proceeding, is:

30 (a) Receiving one of the following types of public assistance:

31 (i) Temporary assistance for needy families;

32 (ii) Aged, blind, or disabled assistance benefits;

33 (iii) Medical care services under RCW 74.09.035;

34 (iv) Pregnant women assistance benefits;

35 (v) Poverty-related veterans' benefits;

36 (vi) Food stamps or food stamp benefits transferred  
37 electronically;

38 (vii) Refugee resettlement benefits;

39 (viii) Medicaid; or

40 (ix) Supplemental security income; or

1        (b) Receiving an annual income, after taxes, of 200 percent or  
2 less of the current federally established poverty level.

3        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 2.53 RCW  
4 to read as follows:

5        Moneys appropriated by the legislature for legal services  
6 provided by an attorney appointed pursuant to RCW 26.26A.465 must be  
7 administered by the office of civil legal aid created under RCW  
8 2.53.020. The office of civil legal aid must enter into contracts  
9 with attorneys and agencies for the provision of legal services under  
10 RCW 26.26A.465 to remain within appropriated amounts.

11        **Sec. 3.**    RCW 13.34.030 and 2021 c 304 s 1 and 2021 c 67 s 2 are  
12 each reenacted and amended to read as follows:

13        The definitions in this section apply throughout this chapter  
14 unless the context clearly requires otherwise.

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

24        (2) "Child," "juvenile," and "youth" mean:

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

26        (b) Any individual age eighteen to twenty-one years who is  
27 eligible to receive and who elects to receive the extended foster  
28 care services authorized under RCW 74.13.031. A youth who remains  
29 dependent and who receives extended foster care services under RCW  
30 74.13.031 shall not be considered a "child" under any other statute  
31 or for any other purpose.

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

1 (4) "Department" means the department of children, youth, and  
2 families.

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

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

8 (a) Has been abandoned;

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

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

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

17 (7) "Developmental disability" means a disability attributable to  
18 intellectual disability, cerebral palsy, epilepsy, autism, or another  
19 neurological or other condition of an individual found by the  
20 secretary of the department of social and health services to be  
21 closely related to an intellectual disability or to require treatment  
22 similar to that required for individuals with intellectual  
23 disabilities, which disability originates before the individual  
24 attains age eighteen, which has continued or can be expected to  
25 continue indefinitely, and which constitutes a substantial limitation  
26 to the individual.

27 (8) "Educational liaison" means a person who has been appointed  
28 by the court to fulfill responsibilities outlined in RCW 13.34.046.

29 (9) "Experiencing homelessness" means lacking a fixed, regular,  
30 and adequate nighttime residence, including circumstances such as  
31 sharing the housing of other persons due to loss of housing, economic  
32 hardship, fleeing domestic violence, or a similar reason as described  
33 in the federal McKinney-Vento homeless assistance act (Title 42  
34 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

35 (10) "Extended foster care services" means residential and other  
36 support services the department is authorized to provide under RCW  
37 74.13.031. These services may include placement in licensed,  
38 relative, or otherwise approved care, or supervised independent  
39 living settings; assistance in meeting basic needs; independent  
40 living services; medical assistance; and counseling or treatment.

1 (11) "Guardian" means the person or agency that: (a) Has been  
2 appointed as the guardian of a child in a legal proceeding, including  
3 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the  
4 legal right to custody of the child pursuant to such appointment. The  
5 term "guardian" does not include a "dependency guardian" appointed  
6 pursuant to a proceeding under this chapter.

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

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

22 (14) "Guardianship" means a guardianship pursuant to chapter  
23 13.36 RCW or a limited guardianship of a minor pursuant to RCW  
24 11.130.215 or equivalent laws of another state or a federally  
25 recognized Indian tribe.

26 (15) "Housing assistance" means appropriate referrals by the  
27 department or other agencies to federal, state, local, or private  
28 agencies or organizations, assistance with forms, applications, or  
29 financial subsidies or other monetary assistance for housing. For  
30 purposes of this chapter, "housing assistance" is not a remedial  
31 service or family reunification service as described in RCW  
32 13.34.025(2).

33 (16) "Indigent" means a person who, at any stage of a court  
34 proceeding, is:

35 (a) Receiving one of the following types of public assistance:  
36 Temporary assistance for needy families, aged, blind, or disabled  
37 assistance benefits, medical care services under RCW 74.09.035,  
38 pregnant women assistance benefits, poverty-related veterans'  
39 benefits, food stamps or food stamp benefits transferred

1 electronically, refugee resettlement benefits, medicaid, or  
2 supplemental security income; or

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

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

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

11 (17) "Nonminor dependent" means any individual age eighteen to  
12 twenty-one years who is participating in extended foster care  
13 services authorized under RCW 74.13.031.

14 (18) "Out-of-home care" means placement in a foster family home  
15 or group care facility licensed pursuant to chapter 74.15 RCW or  
16 placement in a home, other than that of the child's parent, guardian,  
17 or legal custodian, not required to be licensed pursuant to chapter  
18 74.15 RCW.

19 (19) "Parent" means the biological or adoptive parents of a  
20 child, or an individual who has established a parent-child  
21 relationship under RCW 26.26A.100, unless ~~((the))~~;

22 (a) The legal rights of that person have been terminated by a  
23 judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or  
24 the equivalent laws of another state or a federally recognized Indian  
25 tribe; or

26 (b) A court has entered a final order precluding the person from  
27 establishing or maintaining the person's parentage of the child  
28 entered under RCW 26.26A.465.

29 (20) "Prevention and family services and programs" means specific  
30 mental health prevention and treatment services, substance abuse  
31 prevention and treatment services, and in-home parent skill-based  
32 programs that qualify for federal funding under the federal family  
33 first prevention services act, P.L. 115-123. For purposes of this  
34 chapter, prevention and family services and programs are not remedial  
35 services or family reunification services as described in RCW  
36 13.34.025(2).

37 (21) "Prevention services" means preservation services, as  
38 defined in chapter 74.14C RCW, and other reasonably available  
39 services, including housing assistance, capable of preventing the  
40 need for out-of-home placement while protecting the child. Prevention



1 services include, but are not limited to, prevention and family  
2 services and programs as defined in this section.

3 (22) "Qualified residential treatment program" means a program  
4 that meets the requirements provided in RCW 13.34.420, qualifies for  
5 funding under the family first prevention services act under 42  
6 U.S.C. Sec. 672(k), and, if located within Washington state, is  
7 licensed as a group care facility under chapter 74.15 RCW.

8 (23) "Relative" includes persons related to a child in the  
9 following ways:

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

14 (b) Stepfather, stepmother, stepbrother, and stepsister;

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

19 (d) Spouses of any persons named in (a), (b), or (c) of this  
20 subsection, even after the marriage is terminated;

21 (e) Relatives, as named in (a), (b), (c), or (d) of this  
22 subsection, of any half sibling of the child; or

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

30 (24) "Shelter care" means temporary physical care in a facility  
31 licensed pursuant to RCW 74.15.030 or in a home not required to be  
32 licensed pursuant to RCW 74.15.030.

33 (25) "Sibling" means a child's birth brother, birth sister,  
34 adoptive brother, adoptive sister, half-brother, or half-sister, or  
35 as defined by the law or custom of the Indian child's tribe for an  
36 Indian child as defined in RCW 13.38.040.

37 (26) "Social study" means a written evaluation of matters  
38 relevant to the disposition of the case that contains the information  
39 required by RCW 13.34.430.

1 (27) "Supervised independent living" includes, but is not limited  
2 to, apartment living, room and board arrangements, college or  
3 university dormitories, and shared roommate settings. Supervised  
4 independent living settings must be approved by the department or the  
5 court.

6 (28) "Voluntary placement agreement" means, for the purposes of  
7 extended foster care services, a written voluntary agreement between  
8 a nonminor dependent who agrees to submit to the care and authority  
9 of the department for the purposes of participating in the extended  
10 foster care program.

11 **Sec. 4.** RCW 13.34.065 and 2021 c 211 s 9, 2021 c 208 s 1, and  
12 2021 c 67 s 4 are each reenacted and amended to read as follows:

13 (1)(a) When a child is removed or when the petitioner is seeking  
14 the removal of a child from the child's parent, guardian, or legal  
15 custodian, the court shall hold a shelter care hearing within 72  
16 hours, excluding Saturdays, Sundays, and holidays. The primary  
17 purpose of the shelter care hearing is to determine whether the child  
18 can be immediately and safely returned home while the adjudication of  
19 the dependency is pending. The court shall hold an additional shelter  
20 care hearing within 72 hours, excluding Saturdays, Sundays, and  
21 holidays if the child is removed from the care of a parent, guardian,  
22 or legal custodian at any time after an initial shelter care hearing  
23 under this section.

24 (b) Any child's attorney, parent, guardian, or legal custodian  
25 who for good cause is unable to attend or adequately prepare for the  
26 shelter care hearing may request that the initial shelter care  
27 hearing be continued or that a subsequent shelter care hearing be  
28 scheduled. The request shall be made to the clerk of the court where  
29 the petition is filed prior to the initial shelter care hearing. Upon  
30 the request of the child's attorney, parent, guardian, or legal  
31 custodian, the court shall schedule the hearing within 72 hours of  
32 the request, excluding Saturdays, Sundays, and holidays. The clerk  
33 shall notify all other parties of the hearing by any reasonable  
34 means. If the parent, guardian, or legal custodian is not represented  
35 by counsel, the clerk shall provide information to the parent,  
36 guardian, or legal custodian regarding how to obtain counsel.

37 (2)(a) If it is likely that the child will remain in shelter care  
38 longer than 72 hours, the department shall submit a recommendation to  
39 the court as to the further need for shelter care in all cases in

1 which the child will remain in shelter care longer than the 72 hour  
2 period. In all other cases, the recommendation shall be submitted by  
3 the juvenile court probation counselor.

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

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

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

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

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

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

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

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

34 (a) Whether the notice required under RCW 13.34.062 was given to  
35 all known parents, guardians, or legal custodians of the child. The  
36 court shall make an express finding as to whether the notice required  
37 under RCW 13.34.062 was given to the parent, guardian, or legal  
38 custodian. If actual notice was not given to the parent, guardian, or  
39 legal custodian and the whereabouts of such person is known or can be  
40 ascertained, the court shall order the department to make diligent

1 efforts to advise the parent, guardian, or legal custodian of the  
2 status of the case, including the date and time of any subsequent  
3 hearings, and their rights under RCW 13.34.090;

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

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

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

19 (e) Is the placement proposed by the department the least  
20 disruptive and most family-like setting that meets the needs of the  
21 child;

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

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

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

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

38 (j) Whether any orders for examinations, evaluations, or  
39 immediate services are needed. The court may not order a parent to  
40 undergo examinations, evaluation, or services at the shelter care

1 hearing unless the parent agrees to the examination, evaluation, or  
2 service;

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

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

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

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

15 (B) (I) Removal of the child is necessary to prevent imminent  
16 physical harm due to child abuse or neglect, including that which  
17 results from sexual abuse, sexual exploitation, or a pattern of  
18 severe neglect, notwithstanding an order entered pursuant to RCW  
19 26.44.063. The evidence must show a causal relationship between the  
20 particular conditions in the home and imminent physical harm to the  
21 child. The existence of community or family poverty, isolation,  
22 single parenthood, age of the parent, crowded or inadequate housing,  
23 substance abuse, prenatal drug or alcohol exposure, mental illness,  
24 disability or special needs of the parent or child, or nonconforming  
25 social behavior does not by itself constitute imminent physical harm;

26 (II) It is contrary to the welfare of the child to be returned  
27 home; and

28 (III) After considering the particular circumstances of the  
29 child, any imminent physical harm to the child outweighs the harm the  
30 child will experience as a result of removal; or

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

33 (b) If the court finds that the elements of (a) (ii) (B) of this  
34 subsection require removal of the child, the court shall further  
35 consider:

36 (i) Whether participation by the parents, guardians, or legal  
37 custodians in any prevention services would prevent or eliminate the  
38 need for removal and, if so, shall inquire of the parent whether they  
39 are willing to participate in such services. If the parent agrees to  
40 participate in the prevention services identified by the court that

1 would prevent or eliminate the need for removal, the court shall  
2 place the child with the parent. The court shall not order a parent  
3 to participate in prevention services over the objection of the  
4 parent, however, parents shall have the opportunity to consult with  
5 counsel prior to deciding whether to agree to proposed prevention  
6 services as a condition of having the child return to or remain in  
7 the care of the parent; and

8 (ii) Whether the issuance of a temporary order of protection  
9 directing the removal of a person or persons from the child's  
10 residence would prevent the need for removal of the child.

11 (c)(i) If the court does not release the child to his or her  
12 parent, guardian, or legal custodian, the court shall order placement  
13 with a relative or other suitable person as described in RCW  
14 13.34.130(1)(b), unless the petitioner establishes that there is  
15 reasonable cause to believe that:

16 (A) Placement in licensed foster care is necessary to prevent  
17 imminent physical harm to the child due to child abuse or neglect,  
18 including that which results from sexual abuse, sexual exploitation,  
19 or a pattern of severe neglect, because no relative or other suitable  
20 person is capable of ensuring the basic safety of the child; or

21 (B) The efforts to reunite the parent and child will be hindered.

22 (ii) In making the determination in (c)(i) of this subsection,  
23 the court shall:

24 (A) Inquire of the petitioner and any other person present at the  
25 hearing for the child whether there are any relatives or other  
26 suitable persons who are willing to care for the child. This inquiry  
27 must include whether any relative or other suitable person:

28 (I) Has expressed an interest in becoming a caregiver for the  
29 child;

30 (II) Is able to meet any special needs of the child;

31 (III) Is willing to facilitate the child's sibling and parent  
32 visitation if such visitation is ordered by the court; and

33 (IV) Supports reunification of the parent and child once  
34 reunification can safely occur; and

35 (B) Give great weight to the stated preference of the parent,  
36 guardian, or legal custodian, and the child.

37 (iii) If a relative or other suitable person expressed an  
38 interest in caring for the child, can meet the child's special needs,  
39 can support parent-child reunification, and will facilitate court-

1 ordered sibling or parent visitation, the following must not prevent  
2 the child's placement with such relative or other suitable person:

3 (A) An incomplete department or fingerprint-based background  
4 check, if such relative or other suitable person appears otherwise  
5 suitable and competent to provide care and treatment, but the  
6 background checks must be completed as soon as possible after  
7 placement;

8 (B) Uncertainty on the part of the relative or other suitable  
9 person regarding potential adoption of the child;

10 (C) Disbelief on the part of the relative or other suitable  
11 person that the parent, guardian, or legal custodian presents a  
12 danger to the child, provided the caregiver will protect the safety  
13 of the child and comply with court orders regarding contact with a  
14 parent, guardian, or legal custodian; or

15 (D) The conditions of the relative or other suitable person's  
16 home are not sufficient to satisfy the requirements of a licensed  
17 foster home. The court may order the department to provide financial  
18 or other support to the relative or other suitable person necessary  
19 to ensure safe conditions in the home.

20 (d) If the child was not initially placed with a relative or  
21 other suitable person, and the court does not release the child to  
22 his or her parent, guardian, or legal custodian, the department shall  
23 make reasonable efforts to locate a relative or other suitable person  
24 pursuant to RCW 13.34.060(1).

25 (e) If the court does not order placement with a relative or  
26 other suitable person, the court shall place the child in licensed  
27 foster care and shall set forth its reasons for the order. If the  
28 court orders placement of the child with a person not related to the  
29 child and not licensed to provide foster care, the placement is  
30 subject to all terms and conditions of this section that apply to  
31 relative placements.

32 (f) Any placement with a relative, or other suitable person  
33 approved by the court pursuant to this section, shall be contingent  
34 upon cooperation with the department's or agency's case plan and  
35 compliance with court orders related to the care and supervision of  
36 the child including, but not limited to, court orders regarding  
37 parent-child contacts, sibling contacts, and any other conditions  
38 imposed by the court. Noncompliance with the case plan or court order  
39 is grounds for removal of the child from the home of the relative or  
40 other suitable person, subject to review by the court.

1 (g) If the child is placed in a qualified residential treatment  
2 program as defined in this chapter, the court shall, within 60 days  
3 of placement, hold a hearing to:

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

7 (ii) Determine whether placement in foster care can meet the  
8 child's needs or if placement in another available placement setting  
9 best meets the child's needs in the least restrictive environment;  
10 and

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

13 (h) Uncertainty by a parent, guardian, legal custodian, relative,  
14 or other suitable person that the alleged abuser has in fact abused  
15 the child shall not, alone, be the basis upon which a child is  
16 removed from the care of a parent, guardian, or legal custodian under  
17 (a) of this subsection, nor shall it be a basis, alone, to preclude  
18 placement with a relative or other suitable person under (c) of this  
19 subsection.

20 (i) If the court places with a relative or other suitable person,  
21 and that person has indicated a desire to become a licensed foster  
22 parent, the court shall order the department to commence an  
23 assessment of the home of such relative or other suitable person  
24 within 10 days and thereafter issue an initial license as provided  
25 under RCW 74.15.120 for such relative or other suitable person, if  
26 qualified, as a foster parent. The relative or other suitable person  
27 shall receive a foster care maintenance payment, starting on the date  
28 the department approves the initial license. If such home is found to  
29 be unqualified for licensure, the department shall report such fact  
30 to the court within one week of that determination. The department  
31 shall report on the status of the licensure process during the entry  
32 of any dispositional orders in the case.

33 (j) If the court places the child in licensed foster care:

34 (i) The petitioner shall report to the court, at the shelter care  
35 hearing, the location of the licensed foster placement the petitioner  
36 has identified for the child and the court shall inquire as to  
37 whether:

38 (A) The identified placement is the least restrictive placement  
39 necessary to meet the needs of the child;



1 (B) The child will be able to remain in the same school and  
2 whether any orders of the court are necessary to ensure educational  
3 stability for the child;

4 (C) The child will be placed with a sibling or siblings, and  
5 whether court-ordered sibling contact would promote the well-being of  
6 the child;

7 (D) The licensed foster placement is able to meet the special  
8 needs of the child;

9 (E) The location of the proposed foster placement will impede  
10 visitation with the child's parent or parents;

11 (ii) The court may order the department to:

12 (A) Place the child in a less restrictive placement;

13 (B) Place the child in a location in closer proximity to the  
14 child's parent, home, or school;

15 (C) Place the child with the child's sibling or siblings;

16 (D) Take any other necessary steps to ensure the child's health,  
17 safety, and well-being;

18 (iii) The court shall advise the petitioner that:

19 (A) Failure to comply with court orders while a child is in  
20 shelter care will be considered when determining whether reasonable  
21 efforts have been made by the department during a hearing under RCW  
22 13.34.110; and

23 (B) Placement moves while a child is in shelter care will be  
24 considered when determining whether reasonable efforts have been made  
25 by the department during a hearing under RCW 13.34.110.

26 (6) (a) A shelter care order issued pursuant to this section shall  
27 include the requirement for a case conference as provided in RCW  
28 13.34.067. However, if the parent is not present at the shelter care  
29 hearing, or does not agree to the case conference, the court shall  
30 not include the requirement for the case conference in the shelter  
31 care order.

32 (b) If the court orders a case conference, the shelter care order  
33 shall include notice to all parties and establish the date, time, and  
34 location of the case conference which shall be no later than 30 days  
35 before the fact-finding hearing.

36 (c) The court may order another conference, case staffing, or  
37 hearing as an alternative to the case conference required under RCW  
38 13.34.067 so long as the conference, case staffing, or hearing  
39 ordered by the court meets all requirements under RCW 13.34.067,

1 including the requirement of a written agreement specifying the  
2 services to be provided to the parent.

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

9 (ii) If the court previously ordered that visitation between a  
10 parent and child be supervised or monitored, there shall be a  
11 presumption that such supervision or monitoring will no longer be  
12 necessary following a continued shelter care order under (a) (i) of  
13 this subsection. To overcome this presumption, a party must provide a  
14 report to the court including evidence establishing that removing  
15 visit supervision or monitoring would create a risk to the child's  
16 safety, and the court shall make a determination as to whether visit  
17 supervision or monitoring must continue.

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

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

26 (8) The department and its employees shall not be held liable in  
27 any civil action for complying with an order issued under this  
28 section for placement: With a parent who has agreed to accept  
29 services, a relative, or a suitable person.

30 (9) (a) If a child is placed out of the home of a parent,  
31 guardian, or legal custodian following a shelter care hearing, the  
32 court shall order the petitioner to provide regular visitation with  
33 the parent, guardian, or legal custodian, and siblings. Early,  
34 consistent, and frequent visitation is crucial for maintaining  
35 parent-child relationships and allowing family reunification. The  
36 court shall order a visitation plan individualized to the needs of  
37 the family with a goal of providing the maximum parent, child, and  
38 sibling contact possible.

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

4 (c) (~~Visitation~~) Except as provided under (f) of this  
5 subsection, visitation under this subsection may only be limited  
6 where necessary to ensure the health, safety, or welfare of the  
7 child.

8 (d) The first visit must take place within 72 hours of the child  
9 being delivered into the custody of the department, unless the court  
10 finds that extraordinary circumstances require delay.

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

14 (f) Visitation may not be provided to an alleged perpetrator of  
15 sexual assault that resulted in the parent becoming pregnant and  
16 subsequently giving birth to a child following the filing of a  
17 petition under RCW 26.26A.465 before a fact-finding hearing has  
18 occurred on that petition or the petition has been dismissed unless  
19 both of the following criteria are satisfied: (i) The alleged  
20 perpetrator has a bonded and dependent relationship with the child  
21 that is parental in nature; and (ii) the court finds that it would be  
22 in the best interest of the child for such visitation to occur.

23 **Sec. 5.** RCW 13.34.136 and 2021 c 208 s 2 are each amended to  
24 read as follows:

25 (1) Whenever a child is ordered to be removed from the home, a  
26 permanency plan shall be developed no later than 60 days from the  
27 time the department assumes responsibility for providing services,  
28 including placing the child, or at the time of a hearing under RCW  
29 13.34.130, whichever occurs first. The permanency planning process  
30 continues until a permanency planning goal is achieved or dependency  
31 is dismissed. The planning process shall include reasonable efforts  
32 to return the child to the parent's home.

33 (2) The department shall submit a written permanency plan to all  
34 parties and the court not less than 14 days prior to the scheduled  
35 hearing. Responsive reports of parties not in agreement with the  
36 department's proposed permanency plan must be provided to the  
37 department, all other parties, and the court at least seven days  
38 prior to the hearing.

39 The permanency plan shall include:

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

17 (b) Unless the court has ordered, pursuant to RCW 13.34.130(8),  
18 that a termination petition be filed, a specific plan as to where the  
19 child will be placed, what steps will be taken to return the child  
20 home, what steps the department will take to promote existing  
21 appropriate sibling relationships and/or facilitate placement  
22 together or contact in accordance with the best interests of each  
23 child, and what actions the department will take to maintain parent-  
24 child ties. All aspects of the plan shall include the goal of  
25 achieving permanence for the child.

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

30 (A) If the parent is incarcerated, the plan must address how the  
31 parent will participate in the case conference and permanency  
32 planning meetings and, where possible, must include treatment that  
33 reflects the resources available at the facility where the parent is  
34 confined. The plan must provide for visitation opportunities, unless  
35 visitation is not in the best interests of the child.

36 (B) If a parent has a developmental disability according to the  
37 definition provided in RCW 71A.10.020, and that individual is  
38 eligible for services provided by the department of social and health  
39 services developmental disabilities administration, the department  
40 shall make reasonable efforts to consult with the department of

1 social and health services developmental disabilities administration  
2 to create an appropriate plan for services. For individuals who meet  
3 the definition of developmental disability provided in RCW 71A.10.020  
4 and who are eligible for services through the developmental  
5 disabilities administration, the plan for services must be tailored  
6 to correct the parental deficiency taking into consideration the  
7 parent's disability and the department shall also determine an  
8 appropriate method to offer those services based on the parent's  
9 disability.

10 (ii)(A) Visitation is the right of the family, including the  
11 child and the parent, in cases in which visitation is in the best  
12 interest of the child. Early, consistent, and frequent visitation is  
13 crucial for maintaining parent-child relationships and making it  
14 possible for parents and children to safely reunify. The department  
15 shall encourage the maximum parent and child and sibling contact  
16 possible, when it is in the best interest of the child, including  
17 regular visitation and participation by the parents in the care of  
18 the child while the child is in placement.

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

23 (C) (~~Visitation~~) Except as provided in (b)(ii)(G) of this  
24 subsection, visitation may be limited or denied only if the court  
25 determines that such limitation or denial is necessary to protect the  
26 child's health, safety, or welfare. Visitation must occur in the  
27 least restrictive setting and be unsupervised unless the presence of  
28 threats or danger to the child requires the constant presence of an  
29 adult to ensure the safety of the child. When a parent or sibling has  
30 been identified as a suspect in an active criminal investigation for  
31 a violent crime that, if the allegations are true, would impact the  
32 safety of the child, the department shall make a concerted effort to  
33 consult with the assigned law enforcement officer in the criminal  
34 case before recommending any changes in parent/child or child/sibling  
35 contact. In the event that the law enforcement officer has  
36 information pertaining to the criminal case that may have serious  
37 implications for child safety or well-being, the law enforcement  
38 officer shall provide this information to the department during the  
39 consultation. The department may only use the information provided by  
40 law enforcement during the consultation to inform family visitation

1 plans and may not share or otherwise distribute the information to  
2 any person or entity. Any information provided to the department by  
3 law enforcement during the consultation is considered investigative  
4 information and is exempt from public inspection pursuant to RCW  
5 42.56.240. The results of the consultation shall be communicated to  
6 the court.

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

12 (E) If the court previously ordered that visitation between a  
13 parent and child be supervised or monitored, there shall be a  
14 presumption that such supervision or monitoring will no longer be  
15 necessary when the permanency plan is entered. To overcome this  
16 presumption, a party must provide a report to the court including  
17 evidence establishing that removing visit supervision or monitoring  
18 would create a risk to the child's safety, and the court shall make a  
19 determination as to whether visit supervision or monitoring must  
20 continue.

21 (F) The court shall advise the petitioner that the failure to  
22 provide court-ordered visitation may result in a finding that the  
23 petitioner failed to make reasonable efforts to finalize the  
24 permanency plan. The lack of sufficient contracted visitation  
25 providers will not excuse the failure to provide court-ordered  
26 visitation.

27 (G) Visitation may not be provided to an alleged perpetrator of  
28 sexual assault that resulted in the parent becoming pregnant and  
29 subsequently giving birth to a child following the filing of a  
30 petition under RCW 26.26A.465 before a fact-finding hearing has  
31 occurred on that petition or the petition has been dismissed unless  
32 both of the following criteria are satisfied: (I) The alleged  
33 perpetrator has a bonded and dependent relationship with the child  
34 that is parental in nature; and (II) the court finds that it would be  
35 in the best interest of the child for such visitation to occur.

36 (iii)(A) The department, court, or caregiver in the out-of-home  
37 placement may not limit visitation or contact between a child and  
38 sibling as a sanction for a child's behavior or as an incentive to  
39 the child to change his or her behavior.

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

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

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

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

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

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

35 (3) Permanency planning goals should be achieved at the earliest  
36 possible date. If the child has been in out-of-home care for 15 of  
37 the most recent 22 months, and the court has not made a good cause  
38 exception, the court shall require the department to file a petition  
39 seeking termination of parental rights in accordance with RCW  
40 13.34.145(4)(b)(vi). In cases where parental rights have been

1 terminated, the child is legally free for adoption, and adoption has  
2 been identified as the primary permanency planning goal, it shall be  
3 a goal to complete the adoption within six months following entry of  
4 the termination order.

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

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

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

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



1           **Sec. 6.** RCW 13.34.155 and 2020 c 312 s 119 are each amended to  
2 read as follows:

3           (1) The court hearing the dependency petition may hear and  
4 determine issues related to a guardianship of a minor under RCW  
5 11.130.215 in a dependency proceeding as necessary to facilitate a  
6 permanency plan for the child or children as part of the dependency  
7 disposition order or a dependency review order or as otherwise  
8 necessary to implement a permanency plan of care for a child. Any  
9 modification or establishment of a guardianship of a minor must be  
10 made in conformity with the standards in chapter 11.130 RCW. The  
11 parents, guardians, or legal custodian of the child must agree,  
12 subject to court approval, to establish or modify a guardianship of a  
13 minor, but the court may decide any contested issues implementing the  
14 guardianship. This agreed guardianship of a minor may have the  
15 concurrence of the other parties to the dependency, the guardian ad  
16 litem of the child, and the child if age twelve or older, and must  
17 also be in the best interests of the child. If the petitioner for a  
18 guardianship of a minor order under RCW 11.130.215 is not a party to  
19 the dependency proceeding, he or she must agree on the record or by  
20 the filing of a declaration to the entry of a guardianship of a  
21 minor. Once a guardianship of a minor order is entered under RCW  
22 11.130.215, and the dependency petition dismissed, the department  
23 shall not continue to supervise the placement.

24           (2)(a) The court hearing the dependency petition may establish or  
25 modify a parenting plan under chapter 26.09, 26.26A, or 26.26B RCW as  
26 part of a disposition order or at a review hearing when doing so will  
27 implement a permanent plan of care for the child and result in  
28 dismissal of the dependency.

29           (b) The dependency court shall adhere to procedural requirements  
30 under chapter 26.09 RCW and must make a written finding that the  
31 parenting plan established or modified by the dependency court under  
32 this section is in the child's best interests.

33           (c) Unless the whereabouts of one of the parents is unknown to  
34 either the department or the court, the parents must agree, subject  
35 to court approval, to establish the parenting plan or modify an  
36 existing parenting plan.

37           (d) Whenever the court is asked to establish or modify a  
38 parenting plan, the child's residential schedule, the allocation of  
39 decision-making authority, and dispute resolution under this section,  
40 the dependency court may:

1 (i) Appoint a guardian ad litem to represent the interests of the  
2 child when the court believes the appointment is necessary to protect  
3 the best interests of the child; and

4 (ii) Appoint an attorney to represent the interests of the child  
5 with respect to provisions for the parenting plan.

6 (e) The dependency court must make a written finding that the  
7 parenting plan established or modified by the dependency court under  
8 this section is in the child's best interests.

9 (f) The dependency court may interview the child in chambers to  
10 ascertain the child's wishes as to the child's residential schedule  
11 in a proceeding for the entry or modification of a parenting plan  
12 under this section. The court may permit counsel to be present at the  
13 interview. The court shall cause a record of the interview to be made  
14 and to become part of the court record of the dependency case and the  
15 case under chapter 26.09, 26.26A, or 26.26B RCW.

16 (g) In the absence of agreement by a parent, guardian, or legal  
17 custodian of the child to allow the juvenile court to hear and  
18 determine issues related to the establishment or modification of a  
19 parenting plan under chapter 26.09, 26.26A, or 26.26B RCW, a party  
20 may move the court to transfer such issues to the family law  
21 department of the superior court for further resolution. The court  
22 may only grant the motion upon entry of a written finding that it is  
23 in the best interests of the child.

24 (h) In any parenting plan agreed to by the parents and entered or  
25 modified in juvenile court under this section, all issues pertaining  
26 to child support and the division of marital property shall be  
27 referred to or retained by the family law department of the superior  
28 court.

29 (3) Any order entered in the dependency court establishing or  
30 modifying a guardianship of a minor under RCW 11.130.215, parenting  
31 plan, or residential schedule under chapter 26.09, 26.26A, or 26.26B  
32 RCW shall also be filed in the chapter 11.130, 26.09, 26.26A, or  
33 26.26B RCW action by the moving or prevailing party. If the  
34 petitioning or moving party has been found indigent and appointed  
35 counsel at public expense in the dependency proceeding, no filing  
36 fees shall be imposed by the clerk. Once filed, any guardianship of a  
37 minor order, parenting plan, or residential schedule establishing or  
38 modifying permanent legal custody of a child shall survive dismissal  
39 of the dependency proceeding.

1       (4) The court hearing the dependency petition shall grant any  
2 request for concurrent jurisdiction to allow a parent to file a  
3 petition under RCW 26.26A.465 alleging that a person committed sexual  
4 assault that resulted in the parent becoming pregnant and  
5 subsequently giving birth to a child.

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

8       If a parent filed a petition under RCW 26.26A.465 alleging that a  
9 person committed sexual assault that resulted in the parent becoming  
10 pregnant and subsequently giving birth to a child, the court shall  
11 require the alleged perpetrator to appear remotely in the proceedings  
12 under this chapter to minimize the trauma for the parent who filed  
13 the petition under RCW 26.26A.465 until the court holds a fact-  
14 finding hearing on the petition or the petition is dismissed.

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