
HOUSE BILL 1815

State of Washington

65th Legislature

2017 Regular Session

By Representatives Kilduff, Rodne, Senn, Muri, Lovick, Ortiz-Self, Orwall, and Frame; by request of Department of Social and Health Services

1 AN ACT Relating to the rights of an alleged parent in dependency
2 proceedings; amending RCW 13.04.011; and reenacting and amending RCW
3 13.34.030.

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

5 **Sec. 1.** RCW 13.04.011 and 2011 c 330 s 2 are each amended to
6 read as follows:

7 For purposes of this title:

8 (1) "Adjudication" has the same meaning as "conviction" in RCW
9 9.94A.030, but only for the purposes of sentencing under chapter
10 9.94A RCW;

11 (2) Except as specifically provided in RCW 13.40.020 and chapters
12 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any
13 individual who is under the chronological age of eighteen years;

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

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

18 (5) "Parent" or "parents," except as used in chapter 13.34 RCW,
19 means that parent or parents who have the right of legal custody of
20 the child(~~(. "Parent" or "parents" as used in chapter 13.34 RCW,~~

1 ~~means the biological or adoptive parents of a child unless the legal~~
2 ~~rights of that person have been terminated by judicial proceedings));~~

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

5 **Sec. 2.** RCW 13.34.030 and 2013 c 332 s 2 and 2013 c 182 s 2 are
6 each reenacted and amended to read as follows:

7 For purposes of this chapter:

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

17 (2) "Child," "juvenile," and "youth" means:

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

19 (b) Any individual age eighteen to twenty-one years who is
20 eligible to receive and who elects to receive the extended foster
21 care services authorized under RCW 74.13.031. A youth who remains
22 dependent and who receives extended foster care services under RCW
23 74.13.031 shall not be considered a "child" under any other statute
24 or for any other purpose.

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

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

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

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

39 (a) Has been abandoned;

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

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

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

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

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

20 (9) "Extended foster care services" means residential and other
21 support services the department is authorized to provide under RCW
22 74.13.031. These services may include placement in licensed,
23 relative, or otherwise approved care, or supervised independent
24 living settings; assistance in meeting basic needs; independent
25 living services; medical assistance; and counseling or treatment.

26 (10) "Guardian" means the person or agency that: (a) Has been
27 appointed as the guardian of a child in a legal proceeding, including
28 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
29 legal right to custody of the child pursuant to such appointment. The
30 term "guardian" does not include a "dependency guardian" appointed
31 pursuant to a proceeding under this chapter.

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

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

8 (13) "Housing assistance" means appropriate referrals by the
9 department or other supervising agencies to federal, state, local, or
10 private agencies or organizations, assistance with forms,
11 applications, or financial subsidies or other monetary assistance for
12 housing. For purposes of this chapter, "housing assistance" is not a
13 remedial service or time-limited family reunification service as
14 described in RCW 13.34.025(2).

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

17 (a) Receiving one of the following types of public assistance:
18 Temporary assistance for needy families, aged, blind, or disabled
19 assistance benefits, medical care services under RCW 74.09.035,
20 pregnant women assistance benefits, poverty-related veterans'
21 benefits, food stamps or food stamp benefits transferred
22 electronically, refugee resettlement benefits, medicaid, or
23 supplemental security income; or

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

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

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

32 (15) "Nonminor dependent" means any individual age eighteen to
33 twenty-one years who is participating in extended foster care
34 services authorized under RCW 74.13.031.

35 (16) "Out-of-home care" means placement in a foster family home
36 or group care facility licensed pursuant to chapter 74.15 RCW or
37 placement in a home, other than that of the child's parent, guardian,
38 or legal custodian, not required to be licensed pursuant to chapter
39 74.15 RCW.

1 (17) "Parent" means an individual who has established a parent-
2 child relationship under RCW 26.26.101, unless the legal rights of
3 that person have been terminated by a judicial proceeding pursuant to
4 this chapter, chapter 26.33 RCW, or the equivalent laws of another
5 state or a federally recognized Indian tribe.

6 (18) "Preventive services" means preservation services, as
7 defined in chapter 74.14C RCW, and other reasonably available
8 services, including housing assistance, capable of preventing the
9 need for out-of-home placement while protecting the child.

10 (~~(18)~~) (19) "Shelter care" means temporary physical care in a
11 facility licensed pursuant to RCW 74.15.030 or in a home not required
12 to be licensed pursuant to RCW 74.15.030.

13 (~~(19)~~) (20) "Sibling" means a child's birth brother, birth
14 sister, adoptive brother, adoptive sister, half-brother, or half-
15 sister, or as defined by the law or custom of the Indian child's
16 tribe for an Indian child as defined in RCW 13.38.040.

17 (~~(20)~~) (21) "Social study" means a written evaluation of
18 matters relevant to the disposition of the case and shall contain the
19 following information:

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

22 (b) A description of the specific services and activities, for
23 both the parents and child, that are needed in order to prevent
24 serious harm to the child; the reasons why such services and
25 activities are likely to be useful; the availability of any proposed
26 services; and the agency's overall plan for ensuring that the
27 services will be delivered. The description shall identify the
28 services chosen and approved by the parent;

29 (c) If removal is recommended, a full description of the reasons
30 why the child cannot be protected adequately in the home, including a
31 description of any previous efforts to work with the parents and the
32 child in the home; the in-home treatment programs that have been
33 considered and rejected; the preventive services, including housing
34 assistance, that have been offered or provided and have failed to
35 prevent the need for out-of-home placement, unless the health,
36 safety, and welfare of the child cannot be protected adequately in
37 the home; and the parents' attitude toward placement of the child;

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

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

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

8 ~~((+21+))~~ (22) "Supervised independent living" includes, but is
9 not limited to, apartment living, room and board arrangements,
10 college or university dormitories, and shared roommate settings.
11 Supervised independent living settings must be approved by the
12 children's administration or the court.

13 ~~((+22+))~~ (23) "Supervising agency" means an agency licensed by
14 the state under RCW 74.15.090, or licensed by a federally recognized
15 Indian tribe located in this state under RCW 74.15.190, that has
16 entered into a performance-based contract with the department to
17 provide case management for the delivery and documentation of child
18 welfare services as defined in RCW 74.13.020.

19 ~~((+23+))~~ (24) "Voluntary placement agreement" means, for the
20 purposes of extended foster care services, a written voluntary
21 agreement between a nonminor dependent who agrees to submit to the
22 care and authority of the department for the purposes of
23 participating in the extended foster care program.

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