
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-1635.2/05 2nd draft

ATTY/TYPIST: SCG:rmh

BRIEF DESCRIPTION: Increasing child safety by requiring transition services in child placement matters.

1 AN ACT Relating to safety in children's placement services;
2 amending RCW 13.34.132, 13.34.136, 13.34.260, and 74.13.250; adding new
3 sections to chapter 13.34 RCW; creating a new section; and prescribing
4 penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that when families and
7 children are provided statutorily required transition services based on
8 an evidence-based model, the safe reunification of their children is
9 more likely. The legislature further finds that consequences should
10 apply, as authorized by law or collective bargaining agreement, when
11 social workers and supervisors fail to follow policies and protocols in
12 practice manuals, policy, laws, and rules.

13 The legislature finds in reviewing the deaths of five very young
14 children in the care of the state since 1995, that transition plans
15 should include activities that are proven effective in addressing the
16 needs of children to attach to new caregivers even if those caregivers
17 are their own parents. Children, particularly those placed at birth,
18 need activities and services over time to successfully attach to their

1 new caregiver and separate from their last caregiver. Biological and
2 foster parents must be provided services to accomplish this goal.

3 The legislature finds that the federal government requires the
4 state to make reasonable efforts to safely reunify children with their
5 parents or to find permanent homes for dependent children within one
6 year and the department needs to do more to achieve this goal.
7 Children need consistent contact with parents. While this cannot
8 always be achieved through face-to-face contact, there are many ways
9 for parents to keep in touch with their children that give children a
10 sense of belonging and consistent attention. Evidence shows that there
11 are stressors related to the reunification of all children with their
12 parents or the placement of children in permanent homes and that there
13 are services including individual child specific parenting classes that
14 will help to ameliorate those stressors.

15 The legislature finds that all children, but particularly the
16 youngest children, are harmed by multiple placements and the lack of a
17 permanent home. Therefore, the legislature finds that when children
18 are in out-of-home placement and subsequently returned to their parents
19 more than three times, a petition for termination of parental rights
20 must be filed, if in the best interests of the child.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.34 RCW
22 to read as follows:

23 (1) Transition services means a greater level of casework support
24 before and after the return of the child to his or her family or into
25 a permanent home. The type of services and the length of these
26 services shall be determined by evidence-based best practices, which
27 means intervention services for which there is consistent scientific
28 evidence showing that the interventions improve client outcomes. When
29 developing the transition services plan, the department must identify
30 components that will enable the department to measure the performance
31 of the case management team in safely placing a child into a safe,
32 stable, and permanent home and hold those who do not adhere to the
33 components accountable, in accordance with applicable laws and
34 collective bargaining agreements.

35 (2) An individual case management team shall be put in place to
36 monitor and measure the progress a family and child are making toward
37 attachment and bonding. Transition services must be made available to

1 all families reunifying with their biological or adoptive children who
2 have been in out-of-home care since birth or for an extended period of
3 time, or any family providing a permanent home to a child who has been
4 in out-of-home care including guardians or legal custodians; adoptive
5 homes; guardianships; permanent legal custodians; and long-term
6 relative or foster care, until the child is age eighteen. If the child
7 has been in foster care, the foster parent, if willing, must be
8 involved in this case management team to the fullest feasible extent.
9 The plan must include regular and substantial visits between the child
10 and the child's foster parents for at least six months after
11 reunification with the child's parents. The child's family and friends
12 of the family must be involved in this plan to ensure the safety and
13 well-being of the child.

14 (3) The transition services plan must include activities and
15 services that consider:

16 (a) The length of time that the child or children have been in
17 out-of-home care and the age of the children;

18 (b) The parents' history in its entirety, the child's history in
19 its entirety, and the level of attachment and bonding between the
20 parent and child;

21 (c) The level of participation in services offered to the parent
22 during the time the child was out of the parent's care and how services
23 have impacted the risk and protective factors with regard to the
24 parent's ability to care for his or her child and his or her attachment
25 and bonding to the child;

26 (d) A thorough exploration and assessment of parent-child
27 ambivalence toward reunification;

28 (e) A recognition with the family that reunification is typically
29 accompanied by increased stressors;

30 (f) A continued assessment of risk and protective factors, which
31 must include contacts with foster parents, family, and friends who are
32 part of the transition case management team;

33 (g) An assessment of problems that might develop and planning of
34 ways to address them;

35 (h) An assessment of risk and protective factors that, based on
36 national practice standards, are recognized as useful in appropriately
37 reducing required services and contacts with the case management team

1 based on family readiness and competencies rather than an arbitrary
2 time frame; and

3 (i) The quality and extent of services that must be in place during
4 the transition period both before the child is returned and after the
5 child is reunified with his or her parent or placed in a permanent
6 home.

7 **Sec. 3.** RCW 13.34.132 and 2000 c 122 s 16 are each amended to read
8 as follows:

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

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

13 (2) Termination is recommended by the supervising agency and the
14 supervising agency must make the recommendation if a child has been in
15 out-of-home care and subsequently returned home three or more times as
16 a result of abuse or neglect;

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

18 (4) Because of the existence of aggravated circumstances,
19 reasonable efforts to unify the family are not required.
20 Notwithstanding the existence of aggravated circumstances, reasonable
21 efforts may be required if the court or department determines it is in
22 the best interests of the child. In determining whether aggravated
23 circumstances exist by clear, cogent, and convincing evidence, the
24 court shall consider one or more of the following:

25 (a) Conviction of the parent of rape of the child in the first,
26 second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and
27 9A.44.079;

28 (b) Conviction of the parent of criminal mistreatment of the child
29 in the first or second degree as defined in RCW 9A.42.020 and
30 9A.42.030;

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

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

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

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

6 (g) Failure of the parent to complete available treatment ordered
7 under this chapter or the equivalent laws of another state, where such
8 failure has resulted in a prior termination of parental rights to
9 another child and the parent has failed to effect significant change in
10 the interim. In the case of a parent of an Indian child, as defined in
11 the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. Sec. 1903), the
12 court shall also consider tribal efforts to assist the parent in
13 completing treatment and make it possible for the child to return home;

14 (h) ~~((An infant))~~ If a child has been in out-of-home care and
15 subsequently returned home three times as a result of abuse and neglect
16 and it is in the best interests of the child;

17 (i) A minor under ~~((three))~~ six years of age has been abandoned;

18 ~~((+i))~~ (j) Conviction of the parent, when a child has been born of
19 the offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B)
20 incest under RCW 9A.64.020.

21 **Sec. 4.** RCW 13.34.136 and 2004 c 146 s 1 are each amended to read
22 as follows:

23 (1) Whenever a child is ordered removed from the child's home, the
24 agency charged with his or her care shall provide the court with:

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

36 (b) A permanency plan of care that verifies that all adults
37 residing in the family home from which the child was removed and to

1 which the child may return must participate in education and
2 experiential activities that produce measurable increased competency in
3 parenting, communication, problem solving, coping, and other essential
4 areas of life;

5 (c) Unless the court has ordered, pursuant to RCW 13.34.130(4),
6 that a termination petition be filed, a specific plan as to where the
7 child will be placed, what steps will be taken to return the child
8 home, including the educational and experiential activities for parents
9 and other adults living in the home, a specific transition services
10 plan, what steps the agency will take to promote existing appropriate
11 sibling relationships and/or facilitate placement together or contact
12 in accordance with the best interests of each child, and what actions
13 the agency will take to maintain parent-child ties. All aspects of the
14 plan shall include the goal of achieving ((permanence)) a safe, stable,
15 and permanent home for the child.

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

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

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

5 (iv) The agency charged with supervising a child in placement shall
6 provide all reasonable services that are available within the agency,
7 or within the community, or those services which the department has
8 existing contracts to purchase. It shall report to the court if it is
9 unable to provide such services. However, each child and family that
10 is being reunified after the child has been in out-of-home care shall
11 receive transition services as provided in section 2 of this act; and

12 ((+e)) (d) If the court has ordered, pursuant to RCW 13.34.130(4),
13 that a termination petition be filed, a specific plan as to where the
14 child will be placed, what steps will be taken to achieve permanency
15 for the child, services to be offered or provided to the child, and, if
16 visitation would be in the best interests of the child, a
17 recommendation to the court regarding visitation between parent and
18 child pending a fact-finding hearing on the termination petition. The
19 agency shall not be required to develop a plan of services for the
20 parents or provide services to the parents if the court orders a
21 termination petition be filed. However, reasonable efforts to ensure
22 visitation and contact between siblings shall be made unless there is
23 reasonable cause to believe the best interests of the child or siblings
24 would be jeopardized.

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

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

33 **Sec. 5.** RCW 13.34.260 and 2003 c 226 s 2 are each amended to read
34 as follows:

35 (1) In an attempt to minimize the inherent intrusion in the lives
36 of families involved in the foster care system and to maintain parental
37 authority where appropriate, the department, absent good cause, shall

1 follow the wishes of the natural parent regarding the placement of the
2 child. Preferences such as family constellation, sibling
3 relationships, ethnicity, and religion shall be considered when
4 matching children to foster homes. Parental authority is appropriate
5 in areas that are not connected with the abuse or neglect that resulted
6 in the dependency and shall be integrated through the foster care team.

7 (2) When a child is placed in out-of-home care, the child's
8 caseworker must consult the child's foster parents (~~(are encouraged)~~)
9 at regular intervals to:

10 (a) Provide consultation to the foster care team based upon their
11 experience with the child placed in their care;

12 (b) Assist the birth parents by helping them understand their
13 child's needs and correlating appropriate parenting responses;

14 (c) Participate in educational activities, and enter into
15 community-building activities with birth families and other foster
16 families;

17 (d) Transport children to family time visits with birth families
18 and assist children and their families in maximizing the purposefulness
19 of family time; and

20 (e) Participate in appropriate and applicable transition services
21 as required by the transition plan in section 2 of this act before and
22 after the child is reunified with the biological or adoptive parents
23 including substantial contact at regular intervals for a period of time
24 no shorter than six months after the time of reunification.

25 (3) For purposes of this section, "foster care team" means the
26 foster parent currently providing care, the currently assigned social
27 worker, and the parent or parents; and "birth family" means the persons
28 described in RCW 74.15.020(2)(a).

29 **Sec. 6.** RCW 74.13.250 and 1990 c 284 s 2 are each amended to read
30 as follows:

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

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

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

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

28 (1) If the department fails to comply with the transition services
29 requirements in this chapter, any aggrieved person may institute
30 proceedings for injunctive or other appropriate relief for enforcement
31 of the requirement to provide evidence-based transition services.
32 These proceedings may be instituted in the superior court for the
33 county in which the person resides, or, if the person is not then a
34 resident of this state, in the superior court for Thurston county.

35 (2) In a proceeding under this section, the court shall enforce
36 obedience to the requirement to provide evidence-based transition
37 services by enjoining compliance upon the secretary. The court may

1 issue such writs and processes as are necessary to carry out its orders
2 and may award a penalty of up to one thousand dollars and reasonable
3 attorneys' fees and court costs to the aggrieved person who instituted
4 the proceedings.

5 (3) A proceeding under this section does not preclude other methods
6 of enforcement provided for by law.

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