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DIVISION OF CHILDREN AND FAMILY SERVICES

CASE SERVICES

POLICY MANUAL

September 1, 1995

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1100 CONTEXT AND PURPOSE OF THIS MANUAL

- ! Policy drives what the agency and its staff must do and is grounded in the Revised Code of Washington (RCW) and federal laws, regulations, and policy interpretations; for example, federal Department of Health and Human Services' (HHS) Administration for Children, Youth, and Families (ACYF) policy interpretations. Where state law is in conflict with federal law or regulation, the federal rule prevails.
- ! Procedure defines how the agency and its staff implement policy.
- ! Practice guidelines identify how the agency and its staff will behave as they implement policy and procedure.

The *Case Services Policy Manual* sets forth the policies with regard to client families and individuals as they progress through six essential functions from Intake to Resolution -- the what the Division of Children and Family Services (DCFS) must do to comply with laws and regulations. The accompanying *Practices and Procedures Guide* sets forth good practice on how the agency and staff will implement policy.

The six essential functions for which DCFS is responsible are:

- | | | | | | |
|---|------------------|---|------------|---|------------|
| ! | Intake | ! | Assessment | ! | Planning |
| ! | Service delivery | ! | Review | ! | Resolution |

These six functions can be arranged linearly and, while clients do not move in a straight line through agency services, each client's case progresses through the six functions. This manual sets forth policy according to functions in the child welfare process.

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In addition, this manual sets forth the policies with regard to providers and ancillary services that may be necessary to assist clients as they progress.

1200 DCFS MISSION AND VALUES

Protecting Children: Our foremost goal is to protect children from abuse and neglect.

- ! We believe children need to grow up in a safe and healthy environment free from abuse and neglect.
- ! We believe protecting children is primarily the responsibility of families, relatives, and communities.
- ! We believe that children should be raised by their own families whenever possible.
- ! We believe it is necessary to intervene to protect children when families are unable to do so.
- ! We believe it is in the best interest of children to implement permanent plans swiftly once it becomes clear that reasonable and concerted efforts toward improving family functioning have failed.

Supporting Families: We believe it is our responsibility to treat families at all times with fairness and respect.

- ! We believe that in most instances the family is the best place for a child to grow. This includes the child's extended family or an adoptive family.

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- ! We believe every family has strengths. We are committed to assisting families to build upon their strengths and ameliorate their shortcomings.
- ! We strive to help families discover their options, make constructive choices, and understand the consequences of their actions.
- ! We strive to be as responsive as we can to the unique needs of each and every family and to exercise our authority with sensitivity and compassion.
- ! We believe it is our responsibility to make reasonable and concerted efforts to help the families we serve to succeed.

Working with Communities: We believe it is our responsibility to engage with our communities at all levels to develop and deliver the best possible services for our clients.

- ! We believe it is important to utilize community resources and expertise in a collaborative effort to improve services and enhance agency coordination.
- ! We strive to be open and responsive to community concerns and to work quickly to resolve differences and improve service delivery whenever possible.
- ! We believe it is important to educate community professionals and the public as to our policies, procedures, resources, and limitations.
- ! We encourage staff involvement in community projects, groups, boards, and committees which focus on the prevention, identification, and treatment of child abuse and neglect.

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- ! We value the cultural diversity of our clients, staff, and community and are committed to furthering communication and understanding among all people.

Encouraging Excellence: We encourage and support a total commitment to excellence in all aspects and at all levels of DCFS employment.

- ! We strive constantly to improve our professional understanding and skills through training, workshops, community consultations, and ongoing evaluation of our policies, procedures, and practices.
- ! We encourage creative problem-solving and professional risk-taking.
- ! We are committed to developing cultural sensitivity and competence and to seeking out staff with diverse backgrounds, perspectives, and cultures.
- ! We strive to support the professional growth and development of staff and to provide opportunities for advancement.
- ! We believe in open communication, teamwork, and a shared decision-making process with an emphasis on accountability.

1300 **SHARED DECISION-MAKING**

Staff are expected to utilize the Shared Decision-Making Matrix in Appendix C of this manual as the model for sharing information and decisions with supervisors, regional managers, and headquarters managers. Shared decision-making means systematically employing teams for key decisions, as described in the matrix.

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1400 DECLARATIONS OF PURPOSE

The following declarations of purpose are expressions of legislative intent or purpose and are intended as goals to be pursued by DCFS.

1410 CHILDREN AND FAMILY SERVICES - Revised Code of Washington (RCW) 74.14A

The family unit is the fundamental resource of American life which should be nurtured. The family unit should remain intact in the absence of compelling evidence to the contrary. The legislature declares that the goal of serving emotionally disturbed and mentally ill children, potentially dependent children, and families-in-conflict is to provide services to them in their own homes and to avoid out-of-home placement of the child, when that form of care is premature, unnecessary, or inappropriate.

1420 FAMILY PRESERVATION SERVICES - RCW 74.14C

It is the intent of the legislature to make accessible, within available funds, intensive services to children and families that are designed to prevent the unnecessary imminent placement of children in foster care, and are designed to facilitate the reunification of the children with their families. These services are known as family preservation services and are characterized by the following values, beliefs, and goals:

- A. Safety of the child is always the first concern;
- B. Children need their families and should be raised by their own families whenever possible;
- C. Interventions should focus on family strengths and be responsive to individual family needs; and

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- D. Improvement of family functioning is essential in order to promote the child's health, safety and welfare, thereby allowing the family to remain intact and children to remain at home.

1430 PROTECTION OF CHILDREN - RCW 13.34 and 26.44

The bond between a child and his or her parent, custodian or guardian is of paramount importance, and any intervention in the life of a child is also an intervention in the life of the parent, custodian, or guardian; however, instances of non-accidental injury, neglect, death, sexual abuse and cruelty to children by their parents, custodians or guardians have occurred, and in the instance where a child is deprived of his or her right to conditions of minimal nurture, health, and safety, the state is justified in emergency intervention based upon verified information; and therefore, the Washington State Legislature hereby provides for the reporting of such cases to the appropriate public authorities.

It is the intent of the legislature that, as a result of such reports, protective services shall be made available in an effort to prevent further abuses, and to safeguard the general welfare of such children: Provided, That such reports shall be maintained and disseminated with strictest regard for the privacy of the subjects of such reports and so as to safeguard against arbitrary, malicious or erroneous information or actions: Provided further, That this chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare and safety.

The goal or purpose of Children's Protective Services (CPS) shall be to protect children from child abuse and/or neglect (CA/N) while preserving the families' integrity to the maximum extent possible consistent with the safety and permanency needs of the child.

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CPS shall be made available to safeguard the general welfare of children by providing services to ameliorate conditions which endanger the welfare of children and to coordinate necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect.

CPS is a priority program which is available in all geographic areas of the state of Washington.

1440 FAMILIES IN CONFLICT - RCW 13.32A

The family unit is the fundamental resource of American life which should be nurtured and should remain intact in the absence of compelling evidence to the contrary. Within any group of people there exists a need for guidelines for acceptable behavior. Experience and maturity of parents make them better qualified to establish guidelines beneficial to and protective of their children. It is the right and responsibility of adults to establish laws for the benefit and protection of society; and in the same manner, the right and responsibility for establishing reasonable guidelines for the family unit belongs to the adults within that unit. Further, absent abuse or neglect, parents should have the right to exercise control over their children.

Family Reconciliation Services (FRS) are offered on a voluntary basis to families in conflict or with runaway children. The services are designed to develop skills and supports within families to resolve problems related to at-risk youth or family conflicts and may include, but are not limited to, referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and family. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible.

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1450 CHILD WELFARE SERVICES - RCW 74.13

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

1460 JUVENILE DEPENDENCY/RIGHTS OF CHILDREN AND FAMILIES - RCW 13.34

The family is a fundamental resource of American life which should be nurtured. Toward the continuance of this principle, the family unit should remain intact unless a child's right to conditions of basic nurture, health or safety is jeopardized. When the rights of basic nurture, physical and mental health, and safety of the child and the legal rights of the parents are in conflict, the rights and safety of the child should prevail. The right of a child to basic nurturing includes the right to a safe, stable, and permanent home and a speedy resolution of any court proceeding.

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1470 ADOPTION - RCW 26.33

The purpose of adoption is to provide stable homes for children. Adoptions should be handled efficiently, but the rights of all parties must be protected. The guiding principle must be determining what is in the best interest of the child. It is the intent of the legislature that the adoption chapter should be used only as a means for placing children in adoptive homes and not as a means for parents to avoid responsibility for their children unless the department, an agency, or a prospective adoptive parent is willing to assume the responsibility for the child.

The department's adoption program is intended to meet the needs of children who are in the department's care and custody. The purpose is to provide opportunities for children to achieve permanent, nurturing families, when the child has no legal parent and to provide stable homes for children.

1480 CARETAKERS: LICENSED FOSTER FAMILY HOMES AND RELATIVES RCW 74.15

The purposes of licensing include the following:

- A. To safeguard the health, safety, and well-being of children and developmentally disabled persons receiving care away from their own homes, which is paramount over the right of any person to provide care.
- B. To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care.

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- C. To promote the development of a sufficient number and variety of adequate child-care facilities, both public and private, through the cooperative efforts of public and voluntary agencies and related groups.
- D. To provide consultation to agencies caring for children or developmentally disabled persons in order to help them to improve their methods of and facilities for care.
- E. To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children and developmentally disabled persons.

RCW 74.15.010

- F. To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children and developmentally disabled persons prior to authorizing that person to care for children and developmentally disabled persons.

However, if a child is placed with a relative under RCW 13.34.060 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement.

RCW 74.15.030(3)

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1490 ADOPTION SUPPORT RCW 74.13

- A. To encourage, within the limits of available funds, the adoption of certain hard-to-place children in order to make it possible for children living in, or likely to be placed in, foster homes or institutions to benefit from the stability and security of permanent homes in which such children can receive continuous parental care, guidance, protection, and love, and to reduce the number of such children who must be placed or remain in foster homes or institutions until they become adults.
- B. To try, by means of the program of adoption support authorized in RCW 26.33.320 and 74.13.100 through 74.13.145, to reduce the total cost to the state of foster home and institutional care.

RCW 74.13.100

1500 INDIAN CHILD WELFARE

All actions involving children and families of North American Indian descent shall follow policies and procedures outlined in the DCFS *Indian Child Welfare (ICW) Manual*. Included in the ICW manual are federal Indian Child Welfare Act of 1978, The Tribal - Washington State Indian Child Welfare Agreement of 1987, and the Tribal - State Accord. Social workers are expected to adhere to them in the course of providing ICW services.

**25 United State Code (USC) 1901 et. seq.; RCW 13.04.030
RCW 13.34; RCW 13.70.150; RCW 26.33.090 et. seq.
RCW 74.13.031 and 74.13.080; RCW 74.15.020 and 74.15.090**

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1600 CULTURAL DIVERSITY AND NON-DISCRIMINATION

The department shall respect and support the ethnic identity and cultural diversity of the children and families it serves, shall provide culturally competent services, and shall prevent discrimination on the basis of race, color, creed, national origin, sex, religion, marital status, age, or presence of any sensory, mental, or physical disability in every aspect of service delivery. **42 USC 2000d, Section 601: Civil Rights Act of 1964, Titles VI and VII; RCW 49.60.030**

1610 CULTURALLY APPROPRIATE SERVICES

Services will be provided in the primary language of the family, will be culturally appropriate, will be based on the best interests of the child, and will be family focused. **42 USC 2000d, Section 601; RCW 74.14A.020; RCW 74.14A.025**

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2100 CHILD PROTECTIVE SERVICES (CPS)

2110 MANDATES TO REPORT ABUSE

A. A.—When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social services counselor, psychologist, pharmacist, licensed or certified child care provider or their employees, employee of the department, or juvenile probation officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department. The report shall be made at the first opportunity, but in no case longer than forty-eight (48) hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

— **RCW 26.44.030(1)**

B. The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered severe abuse, and is able or capable of making a report. For thee purposes of this subsection, "severe abuse" means any of thee following:

1. Any singlee act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death;
2. Any singlee act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or

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3. More than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

RCW 26.44.030(1)(bb)

- C. Any other person who has reasonable cause to believe that a child or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the Department of Social and Health Services as provided in RCW 26.44.040. **RCW 26.44.030(3)**
- D. CPS shall report to law enforcement any reported incident of child death, sexual abuse, non-accidental physical injury of a child or incident where the investigation reveals reasonable cause to believe that a crime against a child may have been committed. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four (24) hours after the report has been received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two (72) hours after a report has been received.

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If an oral report is made to law enforcement, a written report shall also be made within five (5) days. A law enforcement agency shall notify the department of all reports received and their disposition.

RCW 26.44.030 (4); RCW 26.44.030(5); RCW 74.13.031(3)

2120 IMMUNITY FROM LIABILITY

Referents reporting or testifying in good faith as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this state or its political subdivisions. **RCW 26.44.060**

2130 ELIGIBILITY FOR CHILD PROTECTIVE SERVICES

A. DCFS will provide intake services to any child who is alleged to have been abandoned, abused or neglected, by a person legally responsible for their care, or to a child who has no parent, guardian, or custodian capable of adequately caring for him (her) or a child with developmental disabilities.

RCW 26.44.020(18); RCW 26.44.030(12); RCW 74.13.031(3)

B. CPS shall be provided by the department on behalf of any child who is reported to be abused, neglected or exploited by the child's parent, legal custodian, care-giver, or persons licensed or certified by DSHS.

RCW 26.44.020(18); RCW 26.44.050; RCW 74.15.030

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- C. CPS shall investigate alleged incidents of medical neglect in a health care facility including the withholding of medically indicated treatment from any disabled infant with a life-threatening condition. **Child Abuse Prevention and Treatment Act of 1978 - USC 5101.107G**

2140 LIMITS OF AUTHORITY

The department is not authorized to interfere with child-raising practices, including reasonable parental discipline, which are not injurious to a child's health, welfare, and safety. Reasonable use of corporal punishment as a means of discipline is not prohibited.

RCW 26.44.015

2150 RECORDS AND REVIEWS

- A. The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. **RCW 26.44.030(12)**

- B. CPS shall maintain a log of screened-out non-abusive cases.

RCW 26.44.030(12)

~~A.~~B. The department shall make as soon as practicable a written record and shall maintain records of incidents of suspected child abuse reported to the agency.

RCW 26.44.035

- D. Records retained or produced are confidential. The records may be disclosed for purposes directly related to the administration of the program or as otherwise provided by law. Records may be released to other juvenile justice or care agencies only when an investigation or case involving the juvenile is being pursued by the other agency or when that agency is assigned the responsibility of supervising the juvenile.

RCW 13.50.100(3)

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- E. A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by the agency which pertain to the juvenile except:
1. If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: Provided, that if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or
 2. If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or
 3. That the department may delete the name and identifying information regarding persons or organizations who have reported suspected child abuse or neglect.

RCW 13.50.100(4)

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2200 FAMILY RECONCILIATION SERVICES (FRS)

2210 INTAKE ELIGIBILITY FOR FRS

Families who are in conflict or who are experiencing problems with at-risk youth or a child who may be in need of services may request FRS from the department, which may involve a local multi-disciplinary team in its response in determining the services to be provided and in providing those services.

RCW 13.32A.040

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3100 REQUIREMENT FOR ALL ASSESSMENTS

3110 LIMITED ENGLISH PROFICIENCY (LEP)

When assessing cases, a LEP assessment shall be initiated and appropriate services provided from the entry level of service throughout the continuum of care. **RCW 49.60.030; RCW 74.04.025; 42 USC 2000d, Sec. 601: Civil Rights Act of 1964, Title VI**

3200 CHILD PROTECTIVE SERVICES (CPS)

3210 INVESTIGATION

- A. Investigate (assess) referrals which allege child abuse and neglect (CA/N) or the risk of CA/N to determine the existence or absence of CA/N.
RCW 26.44.030; RCW 26.44.050
- B. The department shall arrange for legal intervention when needed.
RCW 13.34.040
- C. DCFS workers are responsible for informing parents of their legal rights and responsibilities as set forth in RCW 13.34.060(2).
RCW 13.34.060; RCW 13.34.090; RCW 26.44.105
- D. CPS may interview children outside the presence of the parents but must notify parent(s) of the interview at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation.
RCW 26.44.030(10)
- E. CPS may photograph any child on whom a CPS referral has been made for the purposes of providing documentary evidence of the physical condition of the child.
RCW 26.44.050

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3220 CPS CASE ASSESSMENT

- A. CPS shall use a risk assessment process when investigating child abuse and neglect referrals. **RCW 26.44.030**
- B. CPS shall assess risk of abuse and neglect to children and provide or refer to early prevention, intervention, and treatment services to advise parents about services to strengthen families and prevent serious or continuing CA/N. **RCW 26.44.020(18); RCW 74.14A.020**
- C. DCFS shall make a full family-focused case assessment, which includes an examination of the family's entire situation to identify problems experienced by children and their families early and provide services which are adequate in availability, appropriate to the situation, and effective. **RCW 74.14A.020**

3230 ASSESSMENT FOR OUT-OF-HOME PLACEMENT

- A. DCFS shall serve children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child. **RCW 74.14A.020**
- B. Through an expression of intent, the legislature, recognizing that a child's removal from his/her home is often traumatic to the child, efforts should be made to arrange for the alleged offender, rather than the child, to leave the home if the child can be protected from further abuse while remaining in the home. If necessary, a restraining order to prevent further contact between the alleged offender and the child shall be pursued. **RCW 26.44.063**

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- C. Out-of-home placement shall be utilized as a last resort when either a child cannot be protected from risk of imminent harm in his/her home or when reasonable efforts to remedy CA/N have failed.

RCW 74.14A.020(4)(c)

- D. Placements will be made only after all reasonable efforts have been made and documented to stabilize the family and assure the welfare of the child residing in the home. After placing a child temporarily, reasonable efforts will be made to reunify the family.

RCW.13.34.060(8)(a)

- ~~E.~~ E.—The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue.

RCW 26.44.030

3240 ELIGIBILITY FOR OUT-OF-HOME PLACEMENT

One of the following must exist to constitute legal authority for out-of-home placement:

- A. Police hold.
- B. Court order, including a Child in ~~Need~~ of Services (CHINS) petition.
- C. Hospital/Medical Administrator/Physician Hold.
- D. Voluntary placement of children in foster care in cooperation with the family's decision to place the child outside the home.

RCW 13.34.050; RCW 13.70.100; RCW 26.44.050; RCW 26.44.056

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3300 FAMILY RECONCILIATION SERVICES (FRS)

3310 FRS CASE ASSESSMENT

Intake and assessment services, which may involve a local multi-disciplinary team in its response in determining the services to be provided and in providing those services, for FRS shall include:

- A. Exploration of the seriousness of the situation that triggered the crisis.
RCW 13.32A.040; RCW 74.14A.025
- B. Determination of family strengths. **RCW 13.32A.040**
- C. Assessment of the need for CPS services, including reporting of all cases of suspected child abuse.
RCW 13.32A.090(2)(c)

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4100 REQUIREMENTS FOR ALL CASE PLANNING

4110 DEVELOPING A PLAN AND ONGOING CASE PLANNING

- A. The case plan is developed by the agency legally responsible for custody and supervision of the child. The department may conduct ongoing case planning and consultation with those persons or agencies required to report CA/N, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving CPS or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report CA/N if the department determines it is in the best interest of the child or disabled person. As an integral part of the foster care team, foster parents shall, if appropriate and they desire to, participate in the service plan of the child and the child's family.

RCW 13.34.120; RCW 26.44.030(7); RCW 74.13.280; RCW 74.13.330

- B. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

RCW 74.13.280(1)

4120 CONFIDENTIALITY

- A. Except as provided in RCW 70.24.105 regarding confidentiality and HIV information, DCFS and child placing agencies may share information about the child and the child's family with out-of-home care providers regarding developing, monitoring, and revising a child's case plan. These providers include foster parents, relative care providers, and group home staff.

RCW 26.44.030(7); RCW 74.13.280

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- B. If the department conducts case planning and consultation upon the request of a mandated reporter, information considered privileged by statute and not directly related to reports required by RCW 26.44.030(7) shall not be divulged without a valid written waiver of the privilege.

- C. Whenever information is shared with a child's out-of-home care provider, all persons receiving such information shall keep the information confidential and not disclose or disseminate the information except as authorized by law.

RCW 26.44.030(7); RCW 74.13.280

4130 PERMANENCY PLANNING

It is an expression of legislative intent that the family unit is a fundamental resource to be nurtured. The family unit should remain intact unless a child's right to conditions of basic nurture, physical and mental health, or safety is jeopardized and should remain intact in the absence of compelling evidence to the contrary. When this right of basic well-being is in conflict with the legal rights of the parents, the rights and safety of the child should prevail.

RCW 74.14A.010; RCW 74.14A.020; RCW 13.34.020

- A. A permanency plan shall be developed no later than sixty (60) days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home. **RCW 13.34.145(1)**

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- B. Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; or long-term relative or foster care, until the child is age eighteen (18), with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen (16) or older. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and non-financial affairs. The department shall not discharge a child to an independent living situation before the child is 18 years of age unless the child becomes emancipated pursuant to Chapter 13.64 RCW.

RCW 13.34.130(3)(a) and 13.34.145(1)(a)

- C. The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under RCW 13.34, intended to effectuate the return of the child to the parent, including, but not limited to, visitation rights. **RCW 13.34.145(10)**

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- D. Nothing in Chapter RCW 13.34 may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with Chapter 13.34 RCW unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter. **RCW 13.34.145(9)**

4200 COURT CASE PLANS

4210 WRITTEN CASE PLANS

4211 Court-Involved Cases

Written case plans for court-involved cases shall include:

- A. The child's name, age, date of birth, ethnicity and primary language.
- B. The parents' name, ethnicity and primary languages.
- C. A description of all reasonable efforts that have or are being made to prevent or eliminate the need for removal of the child from the home.
- D. A statement of the specific harms to the child that the interventions are designed to alleviate.
- E. A description of the risk assessment completed as a result of any child abuse investigation.
- F. A discussion of why, without services, the child would be a candidate for out-of-home placement.

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- G. A description of the specific programs for both the parents and the child that are needed in order to prevent serious harm to the child.
- H. The reasons such programs are likely to be useful.
- I. A discussion of how the services offered are culturally appropriate.
- J. The availability of any proposed services.
- K. The agency's plan for ensuring that the services will be delivered.
- L. A description of the time frames and goals for each service intervention provided.
- M. Behavior that will be expected before determination that supervision of the family will no longer be necessary.

RCW 13.34.120(2); RCW 74.14A.025; 42 USC 675, Sec. 475

4212 Additional Considerations for Recommendation to Remove the Child From Their Home

- A. A description of why the child cannot be adequately protected at home. **RCW 13.34.120(2)(c)**
- B. The in-home services considered and why they have been rejected as options.
RCW 13.34.120(2)(c)
- C. The preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home. **RCW 13.34.120(2)(c)**

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- D. The parent's attitude towards placement of the child. **RCW 13.34.120(2)(c)**
- E. A statement of the likely harms that the child will suffer as a result of removal from the home. **RCW 13.34.120(2)(d)**
- F. A description of the nature of the parent-child attachment and the meaning of separation and loss to the parent and the child. **RCW 13.34.120(2)(d)**
- G. A description of steps that will be taken to minimize harms caused by placement to the child. **RCW 13.34.120(2)(e)**
- H. A description of behaviors expected before DCFS determines that supervision or placement is no longer necessary. **RCW 13.34.120(2)(f)**

4213 Additional Information if the Child Has Been Removed From Their Home

If removal of the child from the home has occurred, additionally the case plan shall include:

- A. A description of the type of home or institution in which the child is placed. **RCW 13.34.130(3)(b); 42 USC 675, Sec. 475**
- B. A discussion of the appropriateness of the placement. **RCW 13.34.130(3)(b); 42 USC 675, Sec. 475**
- C. A discussion of why the type of placement selected is the closest proximity to the parents home that meets the special needs of the child. **RCW 13.34.130(3)(b)(iii)**
- D. A description of the biological parents' wishes regarding the characteristics of the type of home selected. **RCW 13.34.260**

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- E. A discussion of how the placement is the least restrictive (most family like) placement available to meet the special needs of the child.
RCW 74.14A.020(1); 42 USC 675, Sec. 475
- F. A description of the long-term permanent plan for the child.
RCW 13.34.130
- G. A description of how the supervising agency intends to carry out judicial determinations.
RCW 13.34.130(5); 42 USC 675, Sec. 475
- H. A description of how the agency will attempt to ensure the child receives proper care.
RCW 13.34.120; RCW 74.14A.020(3); RCW 74.14A.025(3)
- I. A description of how all services provided to parent, child, and foster parents will facilitate the timely return of the child to the home of the parents.
RCW 13.34.120; RCW 13.34.130(3)(b)(i); 42 USC 675, Sec. 475
- J. A discussion of the appropriateness of the services provided to the child while in care to meet the special needs (educational, cultural, religious) of the child.
RCW 13.34.130; RCW 74.14A.025; 42 USC 675, Sec. 475
- K. In the case of a child who has attained age 16, a discussion of the services needed to assist the child to prepare for or make the transition from foster care to independent living.
42 USC 675, Sec. 475; RCW 13.34.130; RCW 13.34.145
- L. A discussion of what progress and compliance with the case plan has been made.
RCW 13.34.130(5)

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- M. A description of the visitation plan between the child and parents.
RCW 13.34.130(5)
- N. A list of dates the parent was notified of changes in the placement or visitation plan.
RCW 13.34.130(3)
- O. A list of the requirements the parents must complete before resuming custody of the child.
RCW 13.34.130(3)
- P. A list of the health providers for the child, the school the child is attending and any special health or educational needs of the child, including descriptions of any medications taken by the child, and the child's immunization records.
RCW 13.34.130(3); 42 USC 675, Sec. 475
- Q. A list of the steps that need to be taken before the permanency plan is completed. **RCW 13.34.130(3)**
- R. The expected completion date for the permanent plan.
RCW 13.34.130(5)(viii)

4220 DISSEMINATION OF CASE PLANS

The written case plan is provided to all parents whose location is known. **RCW 13.34.120(1)**

4230 OUT-OF-HOME CASE PLANS

- A. The case plan shall be updated at six (6) months from the current placement episode date.
42 USC 675, Section 475

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- B. The Health and Education section of the written case plan is provided to all out-of-home care providers at the time of each new placement and is sent to the provider following six (6) month updates of the case plan.

RCW 74.13.280; 42 USC 675, Sec. 475

4300 FAMILY RECONCILIATION SERVICES

FRS shall be designed to develop skills and supports within families to resolve family conflicts and may include, but are not limited to, referral to services for suicide prevention, psychiatric or other medical care, or psychological, mental health, drug or alcohol treatment, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

RCW 13.32A.040

4400 OUT-OF-HOME CASE PLANNING

4410 CASE PLANS

- A. DCFS, or the agency responsible for supervising a child in out-of-home care, shall conduct a social study whenever a child is placed in out-of-home care under the supervision of the department or other agency. The study shall be conducted prior to placement, or, if it is not feasible to conduct the study prior to placement due to the circumstances of the case, the study shall be conducted as soon as possible following placement.
- B. The social study shall include, but not be limited to, an assessment of the following factors:
1. The physical and emotional strengths and needs of the child;

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2. The proximity of the child's placement to the child's family to aid reunification;
3. The possibility of placement with the child's relatives or extended family;
4. The racial, ethnic, cultural, and religious background of the child;
5. The least restrictive, most family-like placement reasonably available and capable of meeting the child's needs; and
6. Compliance with RCW 13.34.260 regarding parental preferences for placement of their children.

RCW 74.13

4420 PLACEMENT PLANNING

- A. To provide stability to children in out-of-home care, placement selection shall be made with a view toward the fewest possible placements for the child. If possible, the initial placement shall be viewed as the only placement for the child. The use of short-term interim placements of thirty (30) days or less, to protect the child's health or safety while the placement of choice is being arranged, is not a violation of this principle. **RCW 74.13.290**
- B. The department may purchase care for children and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available. DCFS shall coordinate placement planning with private agencies. **RCW 74.13.031(8); RCW 74.13.300**

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4421 Considerations Before Placing a Child

Before deciding whether to place a child, DCFS will consider:

- A. The unmet critical needs of the child.
- B. Parental ability and/or availability to meet the child's needs.
- C. Alternatives other than placement -- in-home services are to be explored.
- D. Foster care respite service.

RCW 13.34.130

4422 Most Family-Like Setting

When out-of-home placement is necessary, children will be placed in the most family-like setting which also meets their needs. The following placement resources are ranked in order from least restrictive (most family-like) to most restrictive (least family-like):

- A. Child's biological or adoptive parents.

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- B. Relative placement, including any blood relative, including those of half blood, and including first cousins, nephews, nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great; stepfather, stepmother, stepbrother, and stepsister; brother, sister, uncle or aunt; a person who legally adopts or child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; and spouses of any persons named herein, even if the marriage is terminated. The proposed placement must be a person with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.
- C. Family foster home or group care facility licensed pursuant to RCW 74.15 or not required to be licensed pursuant to RCW 74.15.
- D. Institutional care (medical hospitals, mental health institutions, residential habilitation centers).

RCW 13.32A.030; RCW 13.34.130; RCW 74.150.20(4)

- E. For Native American children, extended family members, as defined by law or custom of the child's tribe or, in the absence of such law or custom, a person who has reached the age of 18 and who is child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a 24-hour basis to a Native American/Indian child as defined in 25 USC Section 1903(4).

RCW 74.15.020(4)

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4423 Preferences for Placement

When out-of-home placement services are necessary:

A. Relative Placement

DCFS will give preference to placement of the child with a relative as defined in RCW 74.15.020(4) and section 4422. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child would be hindered, children shall be placed with relatives.

RCW 13.34.130

Relative searches will be made early in the DCFS involvement with the family and periodically throughout the time of out-of-home placement. **RCW 13.34.130**

B. Parental Placement Wishes

DCFS staff shall, absent good cause, follow the wishes of the natural parent regarding the placement of the child. Preferences such as family constellation, ethnicity, and religion shall be given consideration when matching children to foster homes. Parental authority is appropriate in areas that are not connected with the abuse or neglect that resulted in the dependency and should be integrated through the foster care team.

RCW 13.34.260

4424 Best Interest of the Child

The health, safety, and welfare needs of the child are met by exploring a number of factors when selecting a placement including:

A. Consideration of the long-term permanent plan for the child.

RCW 13.34.130

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- B. The relationship of family to the child. **RCW 74.14A.020**
- C. The child and family's network of social bonds in the community.
RCW 74.14A.020; RCW 74.14A.025
- D. The physical, emotional, developmental and social needs of the child. **RCW 74.14A.020**
- E. The child's age, sex, racial, ethnic, linguistic, religious and cultural background and identity.
RCW 74.14A.020; RCW 74.14A.025
- F. The placement history of the child. **RCW 74.14A.020**
- G. The availability of least restrictive and appropriate placement resources which will facilitate continued interaction between the parent and the child. **RCW 13.34.130**
- H. Continuity of school and special services needed. **RCW 13.34.130**
- I. Proximity to the birth parents' home and the ability to maximize opportunities for parent-child visitation.
RCW 13.34.130; RCW 74.14A.020
- J. The child's siblings' placement status. **RCW 74.14A.020**
- K. Consideration of how this placement resource will help preserve the relationship of the child to his/her family. **RCW 74.14A.020**

4425 Cultural Needs of Child and Family

DCFS will attempt to select placements that meet the cultural needs of the child and family including services such as:

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- A. Training culturally competent foster parents.
- B. Providing interpreters and communication services such as sign language translators for LEP clients.
- C. Selecting culturally responsive home-based and community services.
- D. Providing reasonable foster care maintenance payments.

RCW 74.13.031; RCW 74.13.250; RCW 74.13.310; RCW 74.14A.025; RCW 74.14B.020

4426 Placement Documentation

- A. DCFS shall document efforts to place the child with a family best able to meet the child's unique needs, considering the factors listed above. **RCW 74.14A.025**
- B. DCFS shall document efforts to place the child with a relative, describing if particular relative placements would be detrimental or if relatives are not available. **RCW 74.15.020(4)(a)**

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4500 PLACEMENT CASE PLANNING

When making an adoptive or out-of-home placement decision, the emphasis must be placed on the best interest of the child, taking into account the particular child, parents, and circumstances. An adoption or out-of-home placement shall not be delayed or denied on the basis of the race, color, or national origin of the adoptive or foster parent or the child involved. However, when the department or an agency considers whether a placement option is in a child's best interests, the department or agency may consider the cultural, ethnic, or racial background of the child and the capacity of the prospective adoptive parents or care providers to meet the needs of a child of this background. This provision does not apply to or affect the Indian Child Welfare Act of 1978, 25 USC, Section 1901 et. seq.

42 USC 5115a; RCW 26.33.010

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5100 FOCUS OF SERVICE DELIVERY

- A. Interventions and services shall focus and build upon family strength and be responsive to individual and cultural needs.
RCW 74.14C.005(1)(c); RCW 74.14A.025
- C. The department shall employ the least intrusive interventions which engages the family in problem solving efforts, provided the child is adequately protected.
RCW 74.14A.020
- C. All service delivery shall be goal-oriented, establishing a plan for permanency at the onset of service delivery in order to best serve the child and family's needs. All services and case activity shall be directed towards achieving the permanency planning goals and health, safety, and welfare of the child. **RCW 13.34.130(4); RCW 13.34.145(1); RCW 74.14A.020; RCW 74.14A.025; 42 USC 675, Sec. 475**
- D. The department shall utilize collaborative community efforts to improve the coordination of needed services for the prevention of CA/N and the preservation of families.
RCW 74.14A.020

5200 FAMILY PRESERVATION

It is a legislative goal that protecting the health and safety of children is paramount. Within available funds, the department shall focus child welfare services on protecting the child, strengthening families and, to the extent possible, provide necessary services in the family setting, while drawing upon the strengths of the family. The department, where available and appropriate, may arrange for family preservation services to prevent the need for placement. These services emphasize the safety of the child, value family unity, and focus on individual family members' strengths.

RCW 74.14C.005; 74.14A.020

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5300 INTERSTATE COMPACT

- A. Prior to sending, bringing, or causing any child to be sent or brought into a receiving state for placement in foster care, or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state.
- B. The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

RCW 26.34.010

5400 FAMILY RECONCILIATION SERVICES (FRS)

- A. Information and referral services may be provided when further DCFS services are not appropriate and the child/family are better served by another agency.
- B. Where a child is placed in a residence other than that of his or her parent pursuant to RCW 13.32A.090(2)(e), the department shall make available FRS in order to facilitate the reunification of the family. Any such placement may continue as long as there is agreement by the child and parent.

RCW 13.32A.040

RCW 13.32A.100

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5410 POLICE CUSTODY AND NOTIFICATION OF CHILD'S ABSENCE FROM HOME TO DCFS

- A. A law enforcement officer acting in good faith pursuant to RCW 13.32A in failing to take a child into custody, in taking a child into custody, in placing a child in a crisis residential center, or in releasing a child to person at the request of a parent is immune from civil or criminal liability for such action. **RCW 13.32A.070(1)**
- B. A person with whom a child is placed pursuant to RCW 13.32A and who acts reasonably and in good faith is immune from civil or criminal liability for the act of receiving the child. The immunity does not release the person from liability under any other law.
RCW 13.32A.070(2)
- B. Any person who provides shelter to a child, absent from home, may notify the department's local DCFS office of the child's presence.
RCW 13.32A.080

5420 IMMEDIATE NOTIFICATION TO PARENTS

The person in charge of a designated crisis residential center (CRC) or the department, pursuant to RCW 13.32A.070, shall:

- A. Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement.
- B. Initially notify the parent that it is the paramount concern of the FRS personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under RCW 13.32A.

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- C. Inform the parent whether a referral to CPS has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state.

RCW 13.32A.090

5430 TRANSPORTATION TO CHILD'S HOME OR OUT-OF HOME PLACEMENT

The person in charge of a designated CRC, or the department, pursuant to RCW 13.32A.070 shall:

- A. Arrange transportation for the child to the residence of the parent, as soon as practicable, at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the department, when the child and his or her parent agree to the child's return home or when the parent produces a copy of a court order entered under this chapter requiring the child to reside in the parent's home.
- B. Arrange transportation for the child to an out-of-home placement, which may include a licensed group care facility or foster family, when agreed to by the child and parent at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department.

RCW 13.32A.090

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5440 CRISIS RESIDENTIAL CENTER (CRC)

- A. A child admitted to a secure facility within a CRC shall remain in the facility for not more than five consecutive days, but for at least 24 hours after admission.

RCW 13.32A.130(1)

- B. CRC staff shall make reasonable efforts to protect the child and to achieve a reconciliation of the family.

RCW 13.32A.130(6)

- C. If a reconciliation and voluntary return of the child has not been achieved within forty-eight (48) hours from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the five (5) day period, then the person in charge shall inform the parent and child of:

1. The availability of counseling services.
2. The right to file a child in need of services (CHINS) petition for an out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition.
3. The right to request the facility administrator or designee to form a multi-disciplinary team.
4. The right to request a review of any out-of-home placement.

RCW 13.32A.130(6)

- D. DCFS shall, within seventy-two (72) hours of a placement, obtain voluntary consent from the parent(s), file a dependency or a CHINS petition, or return the child home.

RCW 13.32A.140

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5500 OUT-OF-HOME PLACEMENT

5510 PARENT/CHILD NON-AGREEMENT OF OUT-OF-HOME PLACEMENT

Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an out-of-home placement arrived at pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

RCW 13.32A.120(1)

5520 PETITION TO APPROVE AN OUT-OF-HOME PLACEMENT

A. If a child and his or her parent cannot agree to an out-of-home placement under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an out-of-home placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth.

RCW 13.32A.120(2)(3)

B. The department shall file a CHINS petition to approve an out-of-home placement on behalf of a child under any of the following sets of circumstances.

1. The child has been admitted to a CRC or has been placed with a responsible person other than his or her parent, and:

a. The parent has been notified that the child was so admitted or placed;

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- b. Seventy-two (72) hours, including Saturdays, Sundays, and holidays, have passed since such notification;
- c. No agreement between the parent and the child as to where the child shall live has been reached;
- d. No CHINS petition has been filed by either the child or parent;
- e. The parent has not filed an at-risk youth petition; and
- f. The child has no suitable place to live other than the home of his or her parent.

RCW 13.32A.140(1)

- 2. The child has been admitted to a CRC and:
 - a. Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since placement;
 - b. The staff, after searching with due diligence, have been unable to contact the parent of such child; and
 - c. The child has no suitable place to live other than the home of his or her parent.

RCW 13.32A.140(2)

- 3. An agreement between parent and child made pursuant to RCW 13.32A.090(2) or RCW 13.32A.120(1) is no longer acceptable to parent or child; and

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- a. The party to whom the arrangement is no longer acceptable has so notified the department;
- b. Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;
- c. No new agreement between parent and child as to where the child shall live has been reached;
- d. No CHINS petition has been filed by either the child or the parent;
- e. The parent has not filed an at-risk youth petition; and
- f. The child has no suitable place to live other than the home of his or her parent.

RCW 13.32A.140(3)

- C. Under the circumstances outlined above, the child shall remain in out-of-home placement until a CHINS petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under these circumstances.

RCW 13.32A.140

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D. Family Assessment

Except as otherwise provided in RCW 13.32A, the juvenile court shall not accept the filing of a CHINS petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that a family assessment has been completed by the department. The family assessment provided by the department shall involve the multi-disciplinary team as provided in RCW 13.32A.040, if one exists. The family assessment or plan of services developed by the multi-disciplinary team shall be aimed at family reconciliation, reunification, and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two (2) working days following a request for assessment, the child or the parents may proceed to file with the juvenile court a petition to approve an out-of-home placement. The department shall, when requested, assist either a parent or child in the filing of the petition.

RCW 13.32A.150(1)(2)

5530 FACT-FINDING HEARING

- A. The department may present evidence at a fact-finding hearing based upon a CHINS petition and shall recommend approval or dismissal of the petition. **RCW 13.32A.160; R**
- B. If the court orders a three-month out-of-home placement for the child, the court shall specify the person or agency with whom the child shall be placed, those parental powers which will be temporarily awarded to such agency or person including but not limited to the right to authorize medical, dental, and optical treatment, and parental visitation rights. Any agency or residence at which the child is placed must, at a minimum, comply with minimum standards for licensed family foster homes.

RCW 13.32A.180(1)

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- C. No placement made pursuant to RCW 13.32A.180 may be in a secure residence as defined by the federal Juvenile Justice and Delinquency Prevention Act of 1974.
RCW 13.32A.180(2)

- D. Dismissal of an Out-of-Home Placement Order

The parents and the department may request, and the juvenile court may grant, dismissal of an out-of-home placement order when it is not feasible for the department to provide services due to one or more of the following circumstances:

1. The child has been absent from court approved placement for 30 consecutive days or more;
2. The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or
3. The department has exhausted all available and appropriate resources that would result in reunification.

RCW 13.32A.190(4)

5540 AT-RISK YOUTH PETITION

- A. A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition.
- B. The petition shall set forth facts that support the allegations and shall generally request relief available under RCW 13.32A. The petition need not specify any proposed disposition following adjudication of the petition.

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- C. A petition may not be filed if a dependency petition is pending under chapter 13.34 RCW.

RCW 13.32A

- D. When a proper at-risk petition is filed, the court may order the department to submit a disposition plan if such a plan would assist the court in ordering a suitable disposition in the case. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided timely notification of all court hearings.

RCW 13.32A.194(2)

5600 OUT-OF-HOME PLACEMENT SERVICES

- A. When an out-of-home placement is made, the primary goal is to return the child to his/her own family whenever feasible and consistent with the safety of the child.

RCW 13.34.130; 42 USC 675, Sec. 475

- B. The department shall have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program. **RCW 74.13.031(10)**

5610 Crisis Residential Center (CRC) Placement

A child may be placed in a CRC under at least one of the following conditions.

- A. A CHINS petition has been filed with the juvenile court by the child, the parent, or department.

RCW 13.32A.140; RCW 13.32A.150; RCW 13.32A.160

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- B. A law enforcement officer shall take a child into custody:
1. If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or
 2. If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or
 3. If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or
 4. If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW or that the court has issued an order for law enforcement pick-up of the child under chapter 13.32A RCW.

RCW 13.32A.050(1)

5. If the child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of CA/N, as defined in RCW 26.44.020.
6. If the officer believes that it is not practical to take the child to his or her home or place of the parent's employment.

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7. There is no parent available to accept custody of the child.

RCW 13.32A.060(1)

C. If a law enforcement officer receives a report that causes the officer to have reasonable suspicion that a child is being harbored under RCW 13.32A.080 or for other reasons has a reasonable suspicion that a child is being harbored under RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 13.32A.060.

RCW 13.32A.050(6)

5620 Time Limitation for CRC Placements

A child admitted to a secure facility within a CRC shall remain in the facility for not more than five (5) consecutive days, but for at least 24 hours after admission. **RCW 13.32A.130**

5630 Prior to Placement of a Child

For placements other than shelter care cases, in which case a dependency petition would need to be filed within 72 hours, the following are applicable:

A. Obtain legal authority to place child.

RCW 13.34.050; RCW 13.34.060

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- B. Investigate, including a criminal history/arrest record and CPS check, any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children prior to authorizing that person to care for children. However, if a child is placed with a relative under RCW 13.34.060 or RCW 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement.

RCW 43.43.832; RCW 74.15.030(2)&(3)

- C. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington State Patrol and Federal Bureau of Investigation for a criminal history records check. The fingerprint criminal history records check will be at the expense of the licensee, except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record.

RCW 74.15.030(2)

- D. Whenever a child is taken into custody, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. **RCW 13.34.060(1)**

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5640 After Placement of a Child

DCFS shall:

- A. Not make payment for any child in group care unless the group home is licensed and DSHS has custody and supervision of the child.

RCW 74.13.080

- B. Obtain the child's medical history and immunization history from the child's parent/guardian and medical/dental providers at the time of the child's placement. Maintain it in the child's record.

42 USC 675, Sec. 475

- C. Provide foster parents with a health history, including an immunization history, history of allergies, previous illness, and conditions of the child which may adversely affect his/her health.

RCW 74.13.280; 42 USC 675, Sec. 475

- D. Complete an Individual Service Plan (ISP) within sixty (60) days of the begin date of out-of-home placement.

42 USC 675, Sec. 475

5650 Considerations Regarding Moving a Child

- A. DCFS will make efforts to reduce multiple placements of children.

RCW 74.13.290

- B. Whenever a child has been placed in a foster family home for at least ninety (90) consecutive days, DCFS shall notify the foster family at least five (5) days prior to moving the child that the child is to be moved unless:

1. A court order has been entered requiring an immediate change in placement.

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2. The child is being returned home.
3. The child's safety is in jeopardy.
4. The child is residing in a receiving home or a group home.

RCW 74.13.300(1)

- C. If the child has resided in a foster family home for less than ninety (90) days or if, due to one or more of the circumstances enumerated above, it is not possible to give five (5) days' notification, the department shall notify the foster family of proposed placement changes as soon as reasonably possible.

RCW 74.13.300(2)

- D. Rules about notification of foster parents do not require that court hearings be held before changing a child's foster care placement nor to create any substantive custody rights in the foster parents.

RCW 74.13.300(3)

5700 JUVENILE DEPENDENCY AND RIGHTS OF CHILDREN AND FAMILIES

5710 DEPENDENCY PETITION

Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing in the county, a dependent child. **RCW 13.34.040**

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5720 INITIAL COURT ORDER

- A. The court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if a petition is filed with the juvenile court alleging that the child is dependent and the court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody.

RCW 13.34.050

- B. No child may be held longer than seventy-two (72) hours, excluding Saturdays, Sundays and holidays, unless a court order has been entered for continued shelter care.

RCW 13.34.060

5730 CONTEMPT OF COURT

- A. Failure of a party to comply with an order entered under RCW 13.34 is contempt of court as provided in Chapter 7.21 RCW.

RCW 13.34.165(1)

- B. A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to chapter 13.34 RCW.

RCW 13.34.165(4)

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5740 PARENTAL RIGHTS

5741 Notification of Custody

A. Immediate Notification to Parents

If a child is taken into custody pursuant to a court order issued under RCW 13.34.050, the CPS worker shall take reasonable steps to advise the parents immediately, regardless of the time of day, that the child has been taken into custody, the reasons why the child was taken into custody, and general information about the child's placement. **RCW 26.44.115**

B. Non-Custodial Parent Notification

Whenever the CPS worker is required to notify parents and children of their basic rights and other specific information, the worker shall also make a reasonable effort to notify the non-custodial parent of the same information in a timely manner.

RCW 26.44.115; RCW 26.44.120

C. Written Notification

When a child is taken into custody by CPS pursuant to a court order issued under RCW 13.34.050 or when CPS is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, CPS shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights as soon as possible and in no event longer than twenty-four (24) hours after the child has been taken into custody or twenty-four (24) hours after CPS has been notified that the child has been taken into custody.

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The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification. Written notice of custody and rights shall be provided to the parents as described specifically in the practice guide. **RCW 13.34.060(2)**

D. Acknowledgment of Notification

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by CPS. If the receipt is not signed the reason for lack of a signature shall be written on the receipt which becomes part of the court's file in the dependency action. **RCW 13.34.060(2)**

E. Tribal Notification

When the court knows or has reason to believe that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. **RCW 13.34.070(9)**

5742 Notification of Shelter Care Hearing

- A. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing.

RCW 13.34.060(1)

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- B. In circumstances where CPS is not required to give notice under RCW 13.34.060(2), the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights. **RCW 13.34.060(3)**
- C. Reasonable efforts to advise and to give notice shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or if the parent, guardian, or legal custodian does not appear at the shelter care hearing, the juvenile court counselor or caseworker shall testify at the hearing or state in a declaration:
1. The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian.
 2. Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.
- RCW 13.34.060(4)**
- D. If a party to an action is represented by counsel, no order shall be provided to that party for his or her signature without prior notice and provision of the order to counsel. **RCW 13.34.090(3)**

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- E. Legal Access to Agency Records
1. Copies of department or supervising agency records to which parents have legal access in accordance with RCW 13.50 shall be given to the child's parent, guardian, legal custodian, or his or her legal counsel, within twenty (20) days after the department or supervising agency receives a written request for such records from the parent, guardian, legal custodian, or his or her legal counsel.
 2. The department shall provide these records prior to the shelter care hearing in order to allow an opportunity to review the records. These records shall be legible and shall be provided at no expense to the parents, guardian, legal custodian, or his or her counsel.

RCW 13.34.090(4)

5750 SHELTER CARE

- A. A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. No child may be held longer than, and the court shall hold a shelter care hearing within, 72 hours, excluding Saturdays, Sundays, and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. **RCW 13.34.060(1)**
- B. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence. **RCW 13.34.060(6)**

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- C. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. **RCW 13.34.060(1)**
- D. The department shall submit a recommendation to the court as to the further need for shelter care unless otherwise ordered by the court. **RCW 13.34.060(7)**
- E. If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order continued shelter care or order placement with another suitable person. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the department to make reasonable efforts to advise the parent, guardian, or legal custodian, including the non-custodial parent, of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.
RCW 13.34.060(8); RCW 26.44.115; RCW 26.44.120
- F. No child may be detained longer than 30 days without an order, signed by a judge, authorizing continued shelter care.
RCW 13.34.060(10)

5760 FACT-FINDING OR DISPOSITION HEARING

- A. The fact-finding hearing on the petition shall be held no later than seventy-five (75) days after the filing of the petition, unless exceptional reasons for a continuance are found. The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances do exist.
RCW 13.34.070(1)

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- B. Unless there is reasonable cause to believe the safety or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who:
1. Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt.
 2. Are known to the department as having been in contact with the family or child within the past 12 months; and
 3. Would be an appropriate placement for the child.

RCW 13.34.110

- C. The parties need not appear at the fact-finding or disposition hearing if all are in agreement; but the court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. **RCW 13.34.110**

- D. Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care, the child's foster parent, to attend all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court. **RCW 13.34.110**

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- E. Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or DSHS social worker. **RCW 13.34.070(8)**
- F. To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. **RCW 13.34.120(1)**
- G. At least ten (10) working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan. **RCW 13.34.120(1)**
- H. It is the responsibility of the custodial parent, parents, or guardian to ensure that children within the custody of such individuals attend school as provided for by law. To this end, while a parent's failure to cause a juvenile to attend school should not alone provide a basis for a neglect petition against the parent or guardian, when a neglect petition is filed on the basis of other evidence, a parent or guardian's failure to take reasonable steps to ensure that the juvenile attends school may be used as evidence with respect to the question of the appropriate disposition of a neglect petition. **RCW 13.34.300**

5761 Disposition Determinations

After consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held, the court shall order one of the following dispositions of the case:

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- A. Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future.

- B. Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the Department of Social and Health Services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to Chapter 74.15 RCW or in a home not required to be licensed pursuant to Chapter 74.15.RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that effort to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020(4) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court.

- C. Order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodians, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:
 - 1. There is no parent or guardian available to care for such child.
 - 2. The parent, guardian, or legal custodian is not capable of taking custody of the child.

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3. A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.
4. The extent of the child's disability is such that the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

RCW 13.34.130

5762 Termination of Parental Rights

- A. If the court has ordered a child removed from his or her home under provisions of RCW 13.34.130(1)(b) for aggravated circumstances, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervision agency, that it is in the best interest of the child and that it is not reasonable to provide further services to reunify the family because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:
 1. Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.73, 9A.44.76, and 9A.44.79.
 2. Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030.

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3. Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.11 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130.
4. Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child.
5. A finding by the court that a parent is a sexually violent predator as defined in RCW 71.09.020.
6. Failure of the parent to complete available treatment as ordered under RCW 13.34 or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

RCW 13.34.130(2)

It is not a prerequisite for termination of parental rights that the parent be convicted of a crime.

- B. A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege:
1. That the child has been found to be a dependent child under RCW 13.34.030(4); and
 2. That the court has entered a disposition order pursuant to RCW 13.34.130; and

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3. That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six (6) months pursuant to a finding of dependency under RCW 13.34.030(4); and
4. That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and
5. That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and
6. That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home;
7. In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two (2) months after the child was found.

RCW 13.34.180

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- C. A parent's failure to substantially improve parental deficiencies within twelve (12) months following entry of the disposition order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been offered or provided.

RCW 13.34.180

- D. Notice of Rights in a Termination Action

Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition.

RCW 13.34.180

- E. Custodial Care

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the Department of Social and Health Services or to a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption, or in the absence thereof in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

RCW 13.34.210

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5770 GUARDIANSHIP

- A. Any party to a dependency proceeding, including the supervising agency, may file a petition in juvenile court requesting that guardianship be created as to a dependent child. DSHS shall receive notice of any guardianship proceedings and have the right to intervene in the proceedings. **RCW 13.34.230**
- B. Any person over the age of twenty-one (21) years who is not otherwise disqualified by this section, any nonprofit corporation, or any Indian tribe may be appointed the dependency guardian of a child under RCW 13.34.232. No person is qualified to serve as a dependency guardian unless the person meets the minimum requirements to care for children as provided in RCW 74.15.030. **RCW 13.34.236**
- C. A guardianship may be established if the court finds by a preponderance of the evidence that:
1. The child has been found to be a dependent child under RCW 13.34.030(4).
 2. A disposition order has been entered pursuant to RCW 13.34.130.
 3. The child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six (6) months pursuant to a finding of dependency under RCW 13.34.030(4).
 4. The services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided.

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5. There is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future.
6. A guardianship, rather than termination of the parent-child relationship or continuation of efforts to return the child to the custody of the parent would be in the best interest of the child.

RCW 13.34.231

- D. If the court has made a finding under RCW 13.34.231, it shall enter an order establishing a dependency guardianship for the child. The order shall:
1. Appoint a person or agency to serve as dependency guardian for the limited purpose of assisting the court to supervise the dependency.
 2. Specify the dependency guardian's rights and responsibilities concerning the care, custody, and control of the child.
 3. Specify the dependency guardian's authority, if any, to receive, invest, and expend funds, benefits, or property belonging to the child.
 4. Specify an appropriate frequency of visitation between the parent and the child.
 5. Specify the need for any continued involvement of the supervising agency and the nature of that involvement, if any.

RCW 13.34.232(1)

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- E. Unless the court specifies otherwise in the guardianship order, the dependency guardian shall maintain the physical custody of the child and have the following rights and duties:
1. Protect, discipline, and educate the child.
 2. Provide food, clothing, shelter, education as required by law, and routine health care for the child.
 3. Consent to necessary health and surgical care and sign a release of health care information to appropriate authorities, pursuant to law.
 4. Consent to social and school activities of the child.
 5. Provide an annual written accounting to the court regarding receipt by the dependency guardian of any funds, benefits, or property belonging to the child and expenditures made therefrom.

RCW 13.34.232(2)

- F. The child shall remain dependent for the duration of the guardianship. While the guardianship remains in effect, the dependency guardian shall be a party to any dependency proceedings pertaining to the child.

RCW 13.34.232(4)

- G. The guardianship shall remain in effect only until the child is eighteen (18) years of age or until the court terminates the guardianship order, whichever occurs sooner.

RCW 13.34.232(5)

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- H. Any party may request the court to modify or terminate a dependency guardianship under RCW 13.34.150. Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice shall in all cases be served upon the department. If the department was not previously a party to the guardianship proceeding, the department shall nevertheless have the right to initiate a proceeding to modify or terminate a guardianship and the right to intervene at any stage of such a proceeding. **RCW 13.34.233(1)**
- I. The guardianship may be modified or terminated upon the motion of any party or the department if the court finds a preponderance of evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. The court shall hold a hearing on the motion before modifying or terminating a guardianship. **RCW 13.34.233(2)**
- J. Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court. **RCW 13.34.233(3)**

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- K. Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department or a licensed child placing agency for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34.130(5) and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145. **RCW 13.34.233(4)**
- L. Establishment of a dependency guardianship under RCW 13.34.231 and 13.34.232 does not preclude the dependency guardian from receiving foster care payments. **RCW 13.34.234**
- M. A guardianship established under RCW 13.34.231 and 13.34.232 is not subject to the review hearing requirements of RCW 13.34.130. **RCW 13.34.235**

5800 ADOPTION

5810 ADOPTION SUPPORT

It is a statement of legislative intent and a goal to encourage, within the limits of available funds, the adoption of hard-to-place children and to reduce the number of children who must be placed in or remain in foster homes or institutions until they become adults. It is also a goal to try, through the adoption support program, to reduce the total cost to the state of foster home and institutional care. **RCW 74.13.100**

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5820 PREPLACEMENT REPORT

A child shall not be placed with a prospective adoptive parent until a preplacement report has been filed with the court. This includes a report on the adoption home study, background checks, and the agency's specific recommendations to the court regarding the suitability of the family for adoption. **RCW 26.33.180; RCW 26.33.190**

5830 ADOPTION CONFIDENTIALITY

- A. Department and agency files regarding an adoption shall be confidential except the department or agency may disclose non-identifying information upon the receipt of a verified written request for the information from the adoptive parent, the adoptee, or the natural parent. **RCW 26.33.340**
- B. The placing agency providing reports or information on the adoptive child to the prospective or actual adoptive parents shall not reveal the identity of the natural parents of the child. **RCW 26.33.380**
- C. All records of any proceeding under the Adoption chapter, RCW 26.33, shall be sealed and shall not be open to inspection by any person except upon order of the court for good cause shown, or except by using the procedure for search for birth parent or adopted child described in RCW 26.33.343. **RCW 26.33.330**

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5840 CASE RECORDS TO PROSPECTIVE ADOPTING PARENT

The department shall transmit and make available to the prospective adopting parent prior to placement:

- A. A complete medical report containing all known and available medical information concerning the mental, physical, and sensory handicaps of the child. Where known or available, the information provided shall include a review of the birth family's and the child's previous medical history. The medical report shall not reveal the identity of the birth parent of the child, except as authorized by Chapter 26.33 RCW, but shall include any known or available mental or physical health history of the birth parent that needs to be known by the adoptive parent to facilitate proper health care for the child or that will assist the adoptive parent in maximizing the developmental potential of the child.

RCW 26.33.350; 42 USC 675, Sec. 475

- B. A family background and child and family social history report with a chronological history of the circumstances surrounding the adoptive placement and any psychiatric, psychological, court, or school reports which are available excluding the identity of the birth parents of the child. Reports or information provided to the prospective adopting parent shall not reveal the identity of the birth parents of the child but shall include reasonably available non-identifying information.

RCW 26.33.380

5850 ADOPTION CONSENT FOR CHILDREN FOURTEEN YEARS AND OLDER

Children 14 years of age or older must consent to their adoption.

RCW 26.33.160

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5860 DSHS POST-ADOPTION SERVICES

The department shall provide written adoption-related information and referral services for families who completed their adoption through the department. Information provided shall include, but is not limited to adoption support, family reconciliation services, archived records, mental health, and developmental disabilities.

RCW 26.33.390

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6100 PERIODIC REVIEWS

- A. Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of any child in out-of-home care must be reviewed every six (6) months from the beginning date of the placement episode or the date dependency is established, whichever is first, by a court review. **RCW 13.34.130(5)**

- C. An administrative review for children in placement by consent of the parent(s), conducted every six (6) months, meets federal requirements for periodic review. **42 USC 675, Sec. 475**

- C. DCFS shall make reasonable efforts to enable parents and children over 12 to attend (and to receive notice of) periodic case reviews for children in out-of-home care. **RCW 13.34.060; RCW 13.34.070; RCW 26.44.105**

- D. Periodic case review panels (administrative or citizen) must include one person not directly responsible for service delivery to the child or the family. **42 USC 675, Sec. 475**

- E. Periodic case reviews for children in out-of-home care cover the following content:
 - 1. The entire case plan, Individual Service Plan (ISP), of the child.
 - 2. The appropriateness of the type of placement.
 - 3. The permanent plan for the child.
 - 4. The legal status of the child.
 - 5. Review of the appropriateness of services provided.

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6. Review of the visitation plan.
7. Compliance with the case plan by the parent, child, and supervising agency, including whether progress has been made toward permanency.
8. The projected date for completion of the permanent plan.
9. Whether parents have been notified or involved in agency decision making as it relates to changes in visitation, placement and the legal status of the child.

RCW 13.70.100; RCW 13.70.110; 42 USC 675, Sec. 475

6110 CITIZEN REVIEW BOARDS

In counties designated to operate Citizen Review Boards, the following steps will be taken. **RCW 13.70.005**

- A. For cases where a child has been placed in substitute care pursuant to written parental consent and a dependency petition has not been filed under chapter 13.34 RCW:
 1. Within thirty (30) days following commencement of the placement episode, the department shall send a copy of the written parental consent to the juvenile court with jurisdiction.
 2. Within forty-five (45) days following commencement of the placement episode, the court shall assign the child's case to a board for review.

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3. The board shall review the case plan for each child in substitute care whose case is assigned to the board by the court. Within ninety (90) days following commencement of the placement episode, the first review shall occur. The second review shall occur within six (6) months following commencement of the placement episode. The final board review shall occur no later than six (6) months following the second review unless the child is no longer in substitute care or unless a guardianship order or adoption decree is entered.

RCW 13.70.100

- B. For cases where a child has been placed in substitute care pursuant to a proceeding under chapter 13.34 RCW, *Dependency*.
 1. Within forty-five (45) days following commencement of the placement episode, the court shall assign the child's case to a board and forward to the board a copy of the dependency petition and any shelter care or dependency disposition orders which have been entered by the court.
 2. The board shall conduct the first review within ninety (90) days following commencement of the placement episode.
 3. The second review shall occur within six (6) months following commencement of the placement episode.
 4. The next review shall occur within one (1) year after commencement of the placement episode.

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5. Within eighteen (18) months following commencement of the placement episode, a permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, the court shall assign the child's case for a board review or a court review hearing pursuant to RCW 13.34.130(5). A board review or a court review hearing shall take place at least once every six (6) months until the child is no longer within the jurisdiction of the court or no longer in substitute care or until a guardianship order or adoption decree is entered.
6. After the permanency planning hearing, a court review hearing must occur at least once a year as provided in RCW 13.34.130.
7. The board shall review any case where a petition to terminate parental rights has been denied, and such review shall occur no later than forty-five (45) days after the denial.

RCW 13.70.110

- C. If the department is unable or unwilling to implement review board recommendations, the department shall submit to the board, within ten (10) working days after receipt of the findings and recommendations, an implementation report setting forth the reasons why the department is unable or unwilling to implement the board's recommendations. The report will also set forth the case plan which the department intends to implement.

RCW 13.70.100; RCW 13.70.110

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6120 PERMANENCY PLAN REVIEW

- A. For children ten (10) and under, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine (9) months and an adoption decree or guardianship order has not previously been entered. The hearing shall take place no later than twelve (12) months following commencement of the current placement episode.

RCW 13.34.145(2)(a)

- B. For children over ten (10), a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least fifteen (15) months and an adoption decree or guardianship order has not previously been entered. The hearing shall take place no later than eighteen (18) months following commencement of the current placement episode.

RCW 13.34.145(2)(b)

- C. Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve (12) or eighteen (18) months, as provided in RCW 13.34.145(2), following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree or guardianship order is entered, or the dependency is dismissed.

RCW 13.34.145(3)

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- D. No later than ten (10) working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.
RCW 13.34.145(4)
- E. At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(5) and shall review the permanency plan prepared by the agency. In all cases, the court shall: (1) order the permanency plan prepared by the agency to be implemented; or (2) modify the permanency plan, and order implementation of the modified plan; and (3) order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or (4) order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.
RCW 13.34.145(5)
- F. Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with RCW 13.34.145 at least once every twelve (12) months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.
RCW 13.34.145(7)
- G. Except as otherwise provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six (6) months, in accordance with RCW 13.34.130(5), until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.
RCW 13.34.145(8)

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6200 RISK ASSESSMENT

The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. **RCW 26.44.030(13)**

6300 ADOPTION

A. If a child has not been adopted within six (6) months following entry of an order terminating parental rights, a court review shall be held; and a review hearing shall be held every six (6) months thereafter until a decree of adoption is entered. **RCW 13.34.210**

B. Any person may request the department to prepare a preplacement report. The report shall set forth all information relating to the fitness of the person requesting the report as an adoptive parent. The report is based upon a study which shall include an assessment of the home environment, family life, health, facilities, and resources of the person requesting the report. The report shall include a recommendation as to the fitness of the person to be an adoptive parent. All preplacement reports shall include an investigation of the conviction record, pending charges, or disciplinary board final decisions of prospective adoptive parents. **RCW 26.33.190**

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- B. The post-placement report is ordered by the court at the time that a petition is filed. It shall contain all reasonably available information concerning the physical and mental condition of the child, home environment, family life, health, facilities and resources of the petitioners, and any other information relevant to the adoption including information on the child's special cultural heritage, including membership in any Indian tribe or band. Post-placement reports shall determine the nature and adequacy of the placement and determine if the placement is in the best interest of the child.

RCW 26.33.200

- B. The department or an agency having the custody of a child may make the preplacement or post-placement report on a petitioner for adoption of that child.

RCW 26.33.210

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7100 DEPENDENCY

If a child is returned home by order of the court, casework supervision shall continue for a period of six (6) months, at which time there shall be a review hearing on the need for continued intervention.

RCW 13.34.130(5)(a); RCW 13.34.145(6)

7200 CRISIS RESIDENTIAL CENTER (CRC) PLACEMENT OUTCOMES

A. Child returns home and necessary follow-up services are provided to child and family by DCFS and CRC staff. **RCW 13.32A.090**

B. Child is placed in appropriate out-of-home setting and services are provided by DCFS staff to enable a return home as soon as possible. **RCW 13.32A.100**

1. Parents and youth agree and a voluntary placement agreement is signed.

RCW 13.32A.090

2. Parents and youth cannot agree to a placement or continuation of a placement, but some other responsible adult is willing and able to accept or keep the child, and the parent, child, or department files a CHINS petition for court approval.

RCW 13.32A.120; RCW 13.32A.140; RCW 13.32A.150

3. A dependency petition is filed in accordance with RCW 13.34. **RCW 13.34.040**

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8100 FOSTER FAMILY HOMES

- A. It is a legislative statement of purpose that the health, safety, and well-being of children and developmentally disabled persons receiving care away from their own homes are paramount over the right of any person to provide care.

RCW 74.13.031(1)

- B. The ~~Children's Administration~~ ~~Division of Children and Family Services (DCFS)~~ is prohibited from categorically denying to any ~~pe~~erson the opportunity to become a foster parent, solely on the ~~ba~~asis of the race, color, or national origin of the foster parent, or ~~the~~ child, involved.

42 USC 42-5111a

- C. A probationary license is a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards. The department may issue, for up to six months with extension for an additional six months at the department's discretion, a probationary license to a licensee that is temporarily unable to comply with a rule or has been the subject of multiple complaints or concerns about non-compliance if:

1. The non-compliance does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue.
2. The licensee has a plan approved by the department to correct the area of non-compliance within the probationary period.

RCW 74.15.020(6); RCW 74.15

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- D. The department shall immediately terminate the probationary license, if at any time the non-compliance for which the probationary license was issued presents an immediate threat to the health or well-being of the children. **RCW 74.15**

- E. At the expiration of the probationary license, the department shall reinstate the original license for the remainder of its term, issue a new license, or revoke the original license. **RCW 74.15**

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- E. The license issued under RCW 74.15 is not transferable and applies only to the licensee and location stated in the application. For a licensed foster family home having an acceptable history of child care, the license may remain in effect for two weeks after a move, except that this will apply only if the family remains intact.

RCW 74.15.100

- F. The department, at its discretion, may issue an initial license instead of a full license to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency reasonable time to become eligible for full license. An initial license may be granted to a foster family home only if the following three conditions are met:

1. The license is limited so that the licensee is authorized to provide care only to a specific child or specific children.
2. The department has determined that the licensee has a relationship with the child, and the child is comfortable with the licensee, or that it would otherwise be in the child's best interest to remain or be placed in the licensee's home.
3. The initial license is issued for a period not to exceed 90 days.

RCW 74.15.120

- G. Additional licensing information is found in the publication DSHS 22-101(X), which is a reproduction of RCW 74.15 and related licensing RCW.

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8200 RELATIVE CARETAKERS

Guidance governing the approval of relatives as caretakers is found in the publication DSHS 22-101(X), which is a reproduction of RCW 74.15 and related licensing RCW.

8300 ADOPTIVE FAMILY HOMES

DCFS is prohibited from categorically denying to any person the opportunity to become an adoptive parent, solely on the basis of the race, color, or national origin of the adoptive parent, or the child, involved.

[42 USC -42-5111a](#)

8310 PREPLACEMENT REPORT (ADOPTIVE HOME STUDY)

- A. A child shall not be placed with prospective adoptive parents until a preplacement report has been filed with the court. **RCW 26.33.180**
- B. The preplacement report shall be a written document setting forth all relevant information relating to the fitness of the applicants as adoptive parents. The report shall include an assessment of the home environment, family life, health, facilities, and resources of the applicants.
- C. The report shall include a list of the sources of information, a criminal history check, and a recommendation as to the fitness of the applicants for adoption.
- D. The following issues must be discussed with the prospective adoptive parents and included in the home study:
 1. The concept of adoption as a lifelong developmental process and commitment.

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2. The potential for the child to have feelings of identity confusion and loss regarding separation from the birth parents.
 3. Disclosure of the fact of adoption to the child.
 4. The child's possible questions about birth parents and relatives.
 5. The relevance of the child's racial, ethnic, and cultural heritage.
- E. A certificate, which includes a statement of training and qualifications of the person preparing the report and signed under penalty of perjury, shall be attached.
- F. The completed preplacement report shall be filed with the court and a copy delivered to the family. If more than one preplacement report has been completed, all reports shall be filed with the court.

RCW 26.33.190

8320 POST-PLACEMENT REPORT

- A. This report, ordered by the court at the time the petition for adoption is filed, shall be in writing and contain all reasonably available information concerning the physical and mental condition of the child, home environment, family life, health, facilities and resources of the petitioners. The report shall also include information of the child's cultural heritage, including membership in any Indian tribe or band.
- B. A certificate, which includes a statement of training and qualifications of the person preparing the report and signed under penalty of perjury, shall be attached.

RCW 26.33.200

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8330 MEDICAL/FAMILY AND SOCIAL HISTORY REPORT

- A. Prior to placement, the prospective adoptive parents shall receive a complete medical report containing all known and reasonably available information concerning the mental, physical, and sensory handicaps of the child.
- B. The report shall also include a chronological history of the circumstances surrounding the adoptive placement and any known and reasonably available psychiatric reports, psychological reports, court reports pertaining to dependency or custody, or school reports.
- C. The report shall not reveal the identity of the birth parents but shall include any known and reasonably available non-identifying mental or physical health history of the birth family that will assist in maximizing the developmental potential of the child.

RCW 26.33.350 and RCW 26.33.380

8340 PETITION FOR ADOPTION

An adoption proceeding is initiated by filing with the court a petition for adoption. The petition shall be filed by the prospective adoptive parent.

RCW 26.33.150

8350 OPEN ADOPTION AGREEMENT

- A. Written open adoption agreements between the child adoptee, the adoptive parents, and the birth parents may be entered into only if the agreement is in the child adoptee's best interests.

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- B. An open adoption agreement must be approved in writing by the prospective adoptive parents, birth parents prior to their rights being terminated, the department or a licensed child-placing agency, and the child's *guardian ad litem* or attorney before the court may enter a proposed order.

RCW 26.33.295

8360 INFORMATION ON ADOPTION-RELATED SERVICES

All persons adopting a child through the department shall receive written information on adoption-related services available both through the department and through other social service providers. Information shall be included on adoption support, family reconciliation services, archived records, mental health, and developmental disabilities.

RCW 26.33.390

8400 NON-CUSTODIAL PARENTS

There is no statutory requirement to complete a criminal history background check on parents. Refer to the DCFS *Practices and Procedures Guide* for steps to approve non-custodial parents for placement.

8500 IN-HOME CHILD CARE

There is no statutory requirement related to In-Home Child Care providers. Refer to the *Practices and Procedures Guide* for steps related to In-Home Child Care providers.

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8600 CHILD PLACING AGENCIES

The policy for licensing of Child Placing Agencies (CPA) is found in publication DSHS 22-101(X).

8700 INDIVIDUALS ENGAGED BY DCFS

Individuals engaged by DCFS include, but are not necessarily limited to, paid employees, volunteers, student interns, and work study students.

- A. When such persons are directly responsible for care, supervision, or treatment of children, DCFS must consider the following information, if available through the Washington State Patrol or other appropriate source:
1. An applicant's record for convictions of offenses against children or other persons. "Applicant" is defined in RCW 43.43.830(1)(a) through (c) and in Appendix A of this manual.
 2. Convictions for crimes relating to financial exploitation, but only if the victim was a vulnerable adult.
 3. Adjudication of child abuse in a civil action.
 4. The issuance of a protection (no contact) order against the person under 74.34 RCW.
 5. Disciplinary board final decisions and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision.

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- B. When necessary, applicants may be employed on a conditional basis pending completion of a background investigation.

RCW 43.43.832(1) and (4)

8800 HOME STUDIES FOR PLACEMENT - INTERSTATE COMPACT

Individuals being assessed to receive a dependent child from another state under Interstate Compact (ICPC) come under the policy for the type of care (2100 - 2400 above). In addition, home studies must be completed on custodial parents who are receiving a dependent child from another state, provided the sending state intends to continue dependency and requests supervision and services to the child and parent. Finally, all placements into or out of the state for residential care or adoption must conform with the requirements for ICPC.

RCW 26.34.010

8900 LICENSED CHILD DAY CARE PROVIDERS

While supportive to DCFS client families, Child Day Care Licensing is administered by the Office of Child Care Policy (OCCP). For more information, refer to that office and its policy and procedure directives.

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CHAPTER 9000--ADOPTION SUPPORT

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CHAPTER 9000--ADOPTION SUPPORT

9100 ELIGIBILITY

- A. Assistance may be provided through agreement with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are difficult to place because of physical or other reasons, including, but not limited to:
1. Physical or mental handicap.
 2. Emotional disturbance.
 3. Ethnic background.
 4. Language.
 5. Race or color.
 6. Age.
 7. Sibling grouping.
- B. The child shall be or have been a child hard to place in adoption.
- C. The child was or is residing in a foster home or child-caring institution or is a child who is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.
- D. Adoption support shall not continue beyond whichever of the following first occurs: The adopted child reaches 18 years of age, becomes emancipated, dies, or otherwise ceases to need support. Continuing need for assistance after age 18 may warrant continuing adoption support.

RCW 74.13.109

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9200 CONSIDERATIONS FOR PAYMENTS

The factors to be considered in setting the amount of payments and in adjusting standards shall include:

- A. Size of the family including the adoptive child.
- B. The usual living expenses of the family.
- C. The special needs of any family member, including educational needs.
- D. Family income.
- E. Family resources and plan for savings.
- F. The medical and hospitalization needs of the family and its means of purchasing or otherwise receiving such care.
- G. Any other expenses likely to be needed by the child to be adopted.
- H. The amounts paid may vary from family to family and from year to year. Due to changes in economic circumstances or the needs of the child, such payments may be discontinued and later resumed.
- I. Payments may continue if the family moves out of state, subject to review.

RCW 74.13.112

- J. The department may make continuing payments or lump sum payments, or both.

RCW 74.13.115

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- K. An adoptive parent receiving support shall, upon request, submit a copy of their federal income tax return. Contents of the tax return are considered confidential.

RCW 74.13.121

9300 ADOPTION SUPPORT AGREEMENTS

- A. The adoption support agreement is determined through a negotiation between the adoptive parents and the social worker. Adoptive parents' resources are considered along with the special needs of the child projected over an extended period of time.

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- B. An adoption support agreement is considered a formal contract between the adoptive parents and the state of Washington. The state shall not reduce future adoption support to a family by way of a general reduction of appropriations for the program. Support may be adjusted or reduced as provided in law and section 9200.

RCW 74.13.124

- C. Before the date of the hearing on the petition to adopt, the adoption worker shall submit a copy of the adoption support agreement to the court adoption file.

RCW 26.33.320(1)

- D. The department may propose amendments regarding the level of support in an existing agreement. Voluntary amendments of any support agreement entered into may be made at any time. In proposing any such amending action which relates to the amount or level of a payment or payments, the department shall, as provided in RCW 74.13.127, use either the standard which existed as of the date of the initial determination with respect to such agreement or any subsequent standard or parts of such standard which both parties to such agreement agree is more generous than those in effect as of the date of such initial agreement.

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1. If the parties do not agree to the level of support, the department shall set the level. The department shall give the adoptive parent or parents written notice of the determination.
2. The adoptive parent or parents aggrieved by the department's determination of level of support have the right to an adjudicative proceeding under RCW 74.08.080 and chapter 34.05 RCW, the Administrative Procedure Act.

RCW 74.13.127

9400 NON-RECURRING ADOPTION EXPENSES

The department may pay all or part of the non-recurring adoption expenses incurred by a prospective parent in connection with the adoption of a difficult to place child including, but not limited to, attorneys' fees, court costs, and agency fees. **RCW 74.13.130**

9500 ADOPTION SUPPORT RECONSIDERATION

- A. The department shall establish, within appropriated funds, a reconsideration program to provide medical and counseling services through the adoption support program for children of families who apply for services after the adoption is final. **RCW 74.13.150(1)**
- B. A child meeting the eligibility criteria for registration with the program is one who:
 1. Was residing in foster care funded by the department immediately prior to the adoptive placement;

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2. Had a physical or mental handicap or emotional disturbance that existed and was documented prior to the adoption; and
3. Resides in the state of Washington with an adoptive parent who lacks the necessary financial means to care for the child's special needs.

RCW 74.13.150(2)

- C. If a family is accepted for registration and the child meets the criteria in section 9500(B), the department may enter into an agreement for services. Prior to entering into an agreement for services through the program, the medical needs of the child must be reviewed and approved by the department's Office of Personal Health Services.

RCW 74.13.150(3)

- D. Any services provided pursuant to an agreement between a family and the department shall be met from the department's medical program. Such services shall be limited to:

1. Services provided after finalization of an agreement between a family and the department;
2. Services not covered by the family's insurance or other available assistance; and
3. Services related to the eligible child's identified physical or mental handicap or emotional disturbance that existed prior to the adoption.

RCW 74.13.150(4)

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- E. Any payment by the department for services provided pursuant to an agreement shall be made directly to the physician or provider of services according to the department's established procedures.

RCW 74.13.150(5)

- F. The total costs payable by the department for services provided pursuant to an agreement shall not exceed \$20,000 per child.

RCW 74.13.150(6)

9600 ELIGIBILITY FOR SUBSIDY AFTER ADOPTION FINALIZATION

Certain adopted children may, under some extenuating circumstances, be eligible for subsidy after finalization. If a family inquires about subsidy services after adoption, the social worker shall refer them to the adoption support program in Olympia.

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APPENDIX A

DEFINITIONS

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APPENDIX A--DEFINITIONS

For purposes of the DCFS *Case Services Policy Manual*, the following definitions apply within the context of the statute in which they are presented.

"ADMINISTRATIVE REVIEW" means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.

42 USC 675, Sec. 475

"ADOPTEE" means a person who is to be adopted or who has been adopted.

RCW 26.33.020

"ADOPTIVE PARENT" means the person or persons who seek to adopt or have adopted an adoptee.

RCW 26.33.020

"AGENCY" means any public or private association, corporation, or individual licensed or certified by the department as a child placing agency under chapter 74.15 RCW. **RCW 26.33.020**

"ALLEGED FATHER" means a person whose parent-child relationship has not been terminated, who is not a presumed father under chapter 26.26 RCW, and who alleges himself or who a party alleges to be the father of the child. It includes a person whose marriage to the mother was terminated more than three hundred days before the birth of the child or who was separated from the mother more than three hundred days before the birth of the child.

RCW 26.33.020

"APPLICANT" means any of the following:

- (1) Any prospective employee who will or may have unsupervised access to children under 16 years of age or developmentally disabled persons during the course of his or her employment or involvement with the department. **RCW 43.43.830(1)(a)**

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- (2) Any prospective volunteer who will have regularly scheduled unsupervised access to children under 16 years of age or developmentally disabled persons during the course of his or her employment or involvement with the department under circumstances where such access will or may involve groups of:
- a. Five or fewer children under 12 years of age.
 - b. Three or fewer children between 12 and 16 years of age.
 - c. Developmentally disabled persons.

RCW 43.43.830(1)(b)

- (3) Any prospective adoptive parent, as defined in RCW 26.33.020. **RCW 43.43.830(1)(c)**

"AT-RISK YOUTH" means an individual under the chronological age of eighteen years who:

- (1) Is absent from home for at least seventy-two (72) consecutive hours without consent of his or her parent;
- (2) Is beyond the control of his or her parent such that the child's behavior substantially endangers the health, safety, or welfare of the child or any other person; or
- (3) Has a serious substance abuse problem for which there are no pending criminal charges related to the substance abuse.

RCW 13.32A.030

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"CANADIAN INDIAN CHILD" means an unmarried person under the age of eighteen (18) who is a member of a treaty tribe, Metis Community, or a non-status Indian community from Canada. **RCW 13.70.150**. See "INDIAN CHILD" and "WASHINGTON STATE INDIAN CHILD."

"CHILD," "JUVENILE," "MINOR," and "YOUTH" mean any unemancipated individual who is under the chronological age of eighteen years. **RCW.13.32A.030; RCW 13.34.030; RCW 26.33.020; RCW.26.44.020; RCW 71.06.010; RCW 74.13.020**

"CHILD IN NEED OF SERVICES" (CHINS) means a juvenile:

- (1) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or other person;
- (2) Who has been reported to law enforcement as absent without consent for at least 24 consecutive hours from the parent's home, a CRC, an out-of-home placement, or a court-ordered placement on two or more separate occasions; and
 - (a) Has exhibited a serious substance abuse problem; or
 - (b) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; or
- (3) Who is in need of necessary services, including food, shelter, health care, clothing, educational, or services designed to maintain or reunite the family;
 - (a) Who lacks access, or has declined, to utilize these services; and

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- (b) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure.

RCW 13.32A.030(3)

"CHINS PETITION" means a petition filed in juvenile court by a parent, child, or the department seeking adjudication of placement of the child.

RCW 13.32A.030(4)

"CHILD ABUSE OR NEGLECT" shall mean the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed thereby. An abused child is a child who has been subjected to child abuse or neglect as defined herein: Provided, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare, and safety: And provided further, That nothing in this section shall be used to prohibit the reasonable use of corporal punishment as a means of discipline. No parent or guardian shall be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability or other handicap.

RCW .26.44.020

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"CHILD PROTECTIVE SERVICES" means those services provided by the department designed to protect children from child abuse and neglect and safeguard the general welfare of such children and shall include investigations of child abuse and neglect reports, including reports regarding child care centers and family child care homes, and the development, management, and provision of or referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to help each child to have a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

RCW .26.44.020

"CHILD WELFARE SERVICES" shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

- ! Preventing, remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children.
- ! Protection and caring for homeless, dependent, or neglected children.
- ! Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts.
- ! Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or where needed.
- ! Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

RCW 74.13.020

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"COURT" means the superior court of the state of Washington.

RCW 26.33.020; RCW 26.44.020

"CRISIS RESIDENTIAL CARE" means a licensed, semi-secure, emergency, temporary residence available for dependent children, runaways, or children absent from their home, pending their return home or placement in an alternative residential placement. **RCW 74.13.032**

"CURRENT PLACEMENT EPISODE" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under RCW 13.34 or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode. **RCW 13.34.030**

"CUSTODIAN" means the person or entity who has the legal right to custody of the child.

RCW 13.32A.030(5)

"DEPENDENCY GUARDIAN" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency. **RCW 13.34.030**

"DEPARTMENT" means the Department of Social and Health Services.

RCW 13.32A.030; RCW 26.33.020; RCW 26.44.020

"DEPENDENT CHILD" means any child, as determined by the court:

- (a) Who has been abandoned, that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period of time, parental rights or parental responsibilities despite an ability to do so.

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If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;

(b) Who is abused or neglected as defined in RCW 26.44 by a person legally responsible for the care of the child;

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

(d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home.

RCW 13.34.030

"DEVELOPMENTALLY DISABLED PERSON" means a person who has a disability defined in RCW 71.20.016.

RCW 26.44.020

"EXTENDED FAMILY MEMBER" means an adult who is a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.

RCW 13.32A.030(7)

"FAMILY PRESERVATION SERVICES" means services that are delivered primarily in the home, that follow intensive service models with demonstrated effectiveness in reducing or avoiding the need for unnecessary imminent foster care placement, and that have all of the characteristics delineated in RCW 74.14.020.

RCW 74.14C.010

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"FOSTER CARE" means placement of a child by the department or a licensed child placing agency in a home or facility licensed pursuant to chapter 74.15 RCW, or in a home or facility that is not required to be licensed pursuant to chapter 74.15 RCW. **RCW 74.14C.010**

"FOSTER FAMILY HOME" means an agency which regularly provides care on a twenty-four (24) hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed. **RCW 74.15.020(3)(e)**

"GROUP CARE FACILITY" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four (24) hour basis. **RCW 74.15.020(3)(a)**

"GUARDIAN" means the person or agency that: (a) has been appointed as the guardian of a child in a legal proceeding other than a proceeding under RCW 13.34; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under RCW 13.34. **RCW 13.32A.030(8); RCW 13.34.030**

"GUARDIAN AD LITEM" means a person, not related to a party to the action, appointed by the court to represent the best interest of a party who is under a legal disability. **RCW 26.33.020**

"HEALTH CARE" includes, but is not limited to, medical, dental, psychological, and psychiatric care and treatment.

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"IMMINENT" means, for purposes of making a determination regarding provision of intensive family preservation services, a decision has been made by the department that, without family preservation services, a petition requesting the removal of a child from the family home will be immediately filed under chapter 13.32A or 13.34 RCW, or that a voluntary placement agreement will be immediately initiated.

RCW 74.14C.010

"INDIAN" means any person who is a member of a federally recognized Indian tribe, or who is an Alaska Native and a member of a Regional Corporation as defined in section 1606 of Title 43 USC.

25 USC 1901(3)

"INDIAN CHILD" means any unmarried person who is under age eighteen (18) and is either (a) a member of a federally recognized Indian tribe or (b) is eligible for membership in a federally recognized Indian tribe and is the biological child of a member of a federally recognized Indian tribe. **25 USC 1901(3)**. See "WASHINGTON STATE INDIAN CHILD"; "CANADIAN INDIAN CHILD"; "UNENROLLED INDIAN CHILD."

"INSTITUTION" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

RCW 26.44.020

"JUVENILE COURT" is be a division of the superior court.

RCW 13.04.021

"LAW ENFORCEMENT AGENCY" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

RCW 26.44.020(2)

"LEGAL GUARDIAN" means, for purposes of adoption proceedings under chapter 26.33 RCW, the department, an agency, or a person, other than a parent or stepparent, appointed by the court to promote the child's general welfare, with the authority and duty to make decisions affecting the child's development.

RCW 26.33.020

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"NEGLIGENT TREATMENT OR MALTREATMENT" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

RCW 26.44.020(16)

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

RCW 13.32A.030(10); RCW 13.34.030

"PARENT" means, except where defined otherwise defined by statute, a child's birth or adoptive mother or father, including a presumed father, unless parental rights have been terminated by a court of competent jurisdiction. For purposes of child in need of services (CHINS) proceedings and at-risk youth (ARY) proceedings under chapter 13.32A RCW, "parent" means the parent who has the right to legal custody of the child.

RCW 13.04.011; 26.33.020(8)

"PHARMACIST" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW.

RCW 26.44.020

"PHYSICAL ABUSE" is the non-accidental injury to a child, which, regardless of motive, is inflicted or allowed to be inflicted by a caretaker.

RCW 26.44.020

"PLACEMENT DECISION" means the decision to place, or to delay or deny the placement of, a child in a foster care or an adoptive home, and includes the decision of the agency or entity involved to seek the termination of birth parent rights or otherwise make a child legally available for adoptive placement.

42 USC 5115a

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"PLACEMENT EPISODE" means, for purposes of the citizen review process established under chapter 13.70 RCW, the period of time that begins when the child was removed from the home of the parent or legal custodian for the purposes of placement in substitute care and continues until the child returns home or adoption decree guardianship order is granted. **RCW 13.70.010**

"PRACTITIONER OF THE HEALING ARTS" OR "PRACTITIONER" means a person licensed by this state to practice podiatry, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery or approved other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner. **RCW 26.44.020**

"PROBATIONARY LICENSE" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards. **RCW 74.15.020(6)**

~~"PLACEMENT EPISODE" means, for purposes of the citizen review process established under chapter 13.70 RCW, the period of time that begins when the child was removed from the home of the parent or legal custodian for the purposes of placement in substitute care and continues until the child returns home or adoption decree guardianship order is granted.—RCW 13.70.010~~

"PRESUMED FATHER" shall mean a man considered to be the natural father of a child for all intents and purposes if:

- (a) He and the child's natural mother are or have been married to each other and the child is born during the marriage or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or dissolution, after or a decree of separation is entered by the court; or

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- (b) Before child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child is born within three hundred days after the termination of cohabitation;
- (c) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and
 - (i) He has acknowledged his paternity of the child in writing filed with the registrar of vital statistics,
 - (ii) With his consent, he is named as the child's father on the child's birth certificate, or
 - (iii) He is obligated to support the child under a written voluntary promise or by court order;
- (d) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his child;
- (e) He acknowledges his paternity of the child pursuant to RCW 70.58.080 or in a writing filed with the state office of vital statistics, which shall promptly inform the mother of the filing of the acknowledgment, if she does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the registrar of vital statistics. In order to enforce rights of residential time, custody, and visitation, a man presumed to be the father as a result of filing a written acknowledgment must seek appropriate judicial orders under this title; or

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- (f) The Immigration and Naturalization Service made or accepted a determination that he was the father of the child at the time of the child's entry into the United States and he had the opportunity at the time of the child's entry into the United States to admit or deny the paternal relationship.

RCW 26.26.040(1)

"PREVENTIVE SERVICES" means preservation services, as defined in chapter 74.14C, and other reasonably available services capable of preventing the need for out-of-home placement while protecting the child.

RCW 13.34.030(9)

"PROFESSIONAL SCHOOL PERSONNEL" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

RCW 26.44.020

"PSYCHOLOGIST" shall mean any person licensed to practice psychology under chapter 18.83 RCW.

RCW 26.44.020

"PUTATIVE FATHER" See "ALLEGED FATHER"

"RELATIVE" includes adult persons who are related by blood or marriage to the child in the following ways:

- (a) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great:
- (b) Stepfather, stepmother, stepbrother, and stepsister;
- (c) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive

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parents in accordance with state law;

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- (d) Spouses of any persons named in (a), (b), or (c), above, even after the marriage is terminated; or
- (e) "Extended family members," as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a 24-hour basis to an Indian child as defined in 25 USC 1903(4).

RCW 74.15.020(4)(a)

"RELINQUISHMENT" means the voluntary surrender of custody of a child to the department, an agency or prospective adoptive parents. **RCW 26.33.020**

"SECURE FACILITY" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

RCW 13.32A.030(12)

"SEMI-SECURE FACILITY" means any facility, including but not limited to Crisis Residential Centers (CRCs) or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away.

RCW 13.32.A.030(13)

"SEXUAL ABUSE" is the use, persuasion, or coercion of a child to engage in any sexually explicit conduct for the purposes of pornography, rape, molestation, prostitution or incest. **RCW 9.68A.040; RCW 9.68A.050; RCW 9.68A.090; RCW 9.68A.100**

"SEXUAL ASSAULT" means one or more of the following: (a) Rape or rape of a child; (b)

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Assault with intent to commit rape; (c) Incest or indecent liberties; (d) An attempt to commit any of the aforementioned offenses. **RCW 70.125.030**

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"SEXUAL EXPLOITATION" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes as those acts are defined by state law by any person. **RCW 26.44.020**

"SHELTER CARE" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to that section. A child may be placed in shelter care following emergency pick-up of a child by law enforcement pursuant to RCW 26.44.050 or following entry of an emergency pick-up and placement order pursuant to RCW 13.34.050. **RCW 13.34.060**

"SOCIAL SERVICES COUNSELOR" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution. **RCW 26.44.020**

"SUBSTITUTE CARE" means an out-of-home placement of a child for purposes related to the provision of child welfare services in accordance with chapter 74.13 RCW where the child is in the care, custody, and control of the department pursuant to a proceeding under chapter 13.34 RCW or pursuant to the written consent of the child's parent or parents or custodian. **RCW 13.70.010**

"TEMPORARY OUT-OF-HOME PLACEMENT" means an out-of-home placement of not more than 14 days ordered by the court at a fact-finding hearing on a CHINS petition. **RCW 13.32A.030(14)**

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"UNENROLLED INDIAN CHILD" means an unmarried person under the age of eighteen (18) who does not meet the definitions of Indian Child, Washington State Indian Child, or Canadian Indian Child. Regardless of enrollment or membership status, an Unenrolled Indian Child is a child considered to be Indian by a federally or non-federally recognized Indian tribe or off-reservation Indian/Alaska Native community organization. See "INDIAN CHILD" and "WASHINGTON STATE INDIAN CHILD."

"WASHINGTON STATE INDIAN CHILD" means a child meeting the definition of Indian Child and whose tribe is a federally recognized tribe located within the state of Washington. See "INDIAN CHILD."

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