

Revision #7 -

CHILDREN'S ADMINISTRATION

CASE SERVICES

POLICY MANUAL

September 1, 1995



## TABLE OF CONTENTS

	<u>Page</u>
<b>CHAPTER 1000 INTRODUCTION</b>	1000-1
1100 CONTEXT AND PURPOSE OF THIS MANUAL	1000-1
1200 CA MISSION AND VALUES	1000-2
	Revision #6 – 6/5/99
1300 SHARED DECISION-MAKING	1000-4
1400 DECLARATIONS OF PURPOSE	1000-5
1500 INDIAN CHILD WELFARE	1000-11
1600 CULTURAL DIVERSITY AND NON-DISCRIMINATION	1000-12
 <b>CHAPTER 2000 INTAKE</b>	 2000-1
2100 CHILD PROTECTIVE SERVICES	2000-1
2200 FAMILY RECONCILIATION SERVICES	2000-5
 <b>CHAPTER 3000 ASSESSMENT</b>	 3000-1
3100 REQUIREMENTS FOR ALL ASSESSMENTS	3000-1
3200 CHILD PROTECTIVE SERVICES	3000-1
3300 FAMILY RECONCILIATION SERVICES	3000-4
 <b>CHAPTER 4000 CASE PLANNING</b>	 4000-1
4100 REQUIREMENTS FOR ALL CASE PLANNING	4000-1
4200 COURT CASE PLANS	4000-4

4300 FAMILY RECONCILIATION SERVICES	4000-9
4400 OUT-OF-HOME CASE PLANNING	4000-9
4500 PLACEMENT CASE PLANNING	4000-16
<b>CHAPTER 5000 SERVICE DELIVERY</b>	<b>5000-1</b>
5100 FOCUS OF SERVICE DELIVERY	5000-1
5200 FAMILY PRESERVATION	5000-1
5300 INTERSTATE COMPACT	5000-2
5400 FAMILY RECONCILIATION SERVICES	5000-2
5500 OUT-OF-HOME PLACEMENT	5000-6
5600 OUT-OF-HOME PLACEMENT SERVICES	5000-11
5700 JUVENILE DEPENDENCY AND RIGHTS OF CHILDREN AND FAMILIES	5000-16
5800 ADOPTION	5000-34
<b>CHAPTER 6000 CASE REVIEW</b>	<b>6000-1</b>
6100 PERIODIC REVIEWS	6000-1
6200 RISK ASSESSMENT	6000-7
6300 ADOPTION	6000-7
<b>CHAPTER 7000 CASE RESOLUTION</b>	<b>7000-1</b>
7100 DEPENDENCY	7000-1
7200 CRISIS RESIDENTIAL CENTER PLACEMENT OUTCOMES	7000-1

<b>CHAPTER 8000 CARETAKERS</b>	<b>8000-1</b>
8100 FOSTER FAMILY HOMES	8000-1
8200 RELATIVE CARETAKERS	8000-3
8300 ADOPTIVE FAMILY HOMES	8000-3
8400 NON-CUSTODIAL PARENTS	8000-6
8500 IN-HOME CHILD CARE	8000-6
8600 CHILD PLACING AGENCIES	8000-7
8700 INDIVIDUALS ENGAGED BY CA	8000-7
	Revision #6 - 6/5/99
8800 HOME STUDIES FOR PLACEMENT - INTERSTATE COMPACT	8000-8
8900 LICENSED CHILD DAY CARE PROVIDERS	8000-8
 <b>CHAPTER 9000 ADOPTION SUPPORT</b>	 <b>9000-1</b>
9100 ELIGIBILITY	9000-1
9200 CONSIDERATIONS FOR PAYMENTS	9000-2
9300 ADOPTION SUPPORT AGREEMENTS	9000-3
9400 NON-RECURRING ADOPTION EXPENSES	9000-4
9500 ADOPTION SUPPORT RECONSIDERATION	9000-4
9600 ELIGIBILITY FOR SUBSIDY AFTER ADOPTION FINALIZATION	9000-6
9700 INTERSTATE COMPACTS	9000-6

<b>APPENDIX A DEFINITIONS</b>	A-1
<b>APPENDIX B INDEX</b>	B-1
<b>APPENDIX C SHARED DECISION-MAKING</b>	C-1

CHAPTER 1000  
INTRODUCTION





## TABLE OF CONTENTS

	<u>Page</u>
1100 <b>CONTEXT AND PURPOSE OF THIS MANUAL</b>	1000-1
1200 <b>CA MISSION AND VALUES</b>	1000-2
	Revision #6 - 6/5/99
1300 <b>SHARED DECISION-MAKING</b>	1000-4
1400 <b>DECLARATIONS OF PURPOSE</b>	1000-5
1410 CHILDREN AND FAMILY SERVICES RCW 74.14A	1000-5
1420 FAMILY PRESERVATION SERVICES RCW 74.14C	1000-5
1430 PROTECTION OF CHILDREN RCW 26.44	1000-6
1440 FAMILIES IN CONFLICT RCW 13.32	1000-7
1450 CHILD WELFARE SERVICES RCW 74.13	1000-8
1460 JUVENILE DEPENDENCY/RIGHTS OF CHILDREN AND FAMILIES RCW 13.34	1000-8
1470 ADOPTION RCW 26.33	1000-9
1480 CARETAKERS: LICENSED FOSTER FAMILY HOMES AND RELATIVES RCW 74.15	1000-9
1490 ADOPTION SUPPORT RCW 74.13	1000-11
1500 <b>INDIAN CHILD WELFARE</b>	1000-11
1600 <b>CULTURAL DIVERSITY AND NON-DISCRIMINATION</b>	1000-12
1610 CULTURALLY APPROPRIATE SERVICES	1000-12



**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** Children's Administration (CA) and 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.

Revision #6 - 6/5/99

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 **CA MISSION AND VALUES**

Revision #6 - 6/5/99

**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.

- ! 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 that focus on the prevention, identification, and treatment of child abuse and neglect.

- ! 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 CA employment.

Revision #6 - 6/5/99

- ! 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.

**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 CA.

Revision #6 - 6/5/99

**1410 CHILDREN AND FAMILY SERVICES - Revised Code of Washington (RCW) 74.14A.010**

The family unit is the fundamental resource of American life that 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.

Revision #6 - 6/5/99

**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

- 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 26.44**

Revision #6 - 6/5/99

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.



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.

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.

**CHAPTER 1000—INTRODUCTION****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.

**CHAPTER 1000—INTRODUCTION**

- 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)**

**CHAPTER 1000—INTRODUCTION****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 *CA Indian Child Welfare (ICW) Manual*. Included in the *ICW Manual* are the 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; RCW13.70.150; RCW 26.33.090 et. seq.;  
RCW 74.13.031 and 74.13.080; RCW 74.15.020; and 74.15.090**

Revision #6 - 6/5/99

**CHAPTER 1000—INTRODUCTION****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**

# CHAPTER 2000

## INTAKE





## TABLE OF CONTENTS

	<u>Page</u>
<b>2100 CHILD PROTECTIVE SERVICES</b>	2000-1
2110 MANDATES TO REPORT ABUSE	2000-1
2120 IMMUNITY FROM LIABILITY	2000-2
2130 ELIGIBILITY FOR CHILD PROTECTIVE SERVICES	2000-2
2131 Limitation on Investigation	2000-2
2132 Protocols for Sex Abuse Investigations	2000-2b
	Revision #7 – 12/20/99
2140 LIMITS OF AUTHORITY	2000-3
2150 RECORDS AND REVIEWS	2000-3
2151 Record Purge	2000-5
	Revision #5 – 12/10/98
<b>2200 FAMILY RECONCILIATION SERVICES</b>	2000-5
2210 INTAKE ELIGIBILITY FOR FRS	2000-5



**2100 CHILD PROTECTIVE SERVICES (CPS)**

**2110 MANDATES TO REPORT ABUSE**

- 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, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office 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**

Revisions #3 - 10/1/97; #7 - 12/20/99

- 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 the purposes of this subsection, "severe abuse" means any of the following:
1. Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death;
  2. Any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or

Revision #1 - 4/25/96

- 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**

- 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**

- D. CPS shall report to law enforcement any reported alleged 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.

Revision #3 - 10/1/97

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**

Revisions #1 - 4/25/96; #6 - 6/5/99



**2120 IMMUNITY FROM LIABILITY**

Referrers 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**

Revision #4 - 6/15/98

**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 allegedly 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**

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**

**2131 Limitation on Investigations**

A. The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of confidentiality of the identification of persons reporting under this section.

Revision #3 - 10/1/97

- B. If the department is unable to learn the information required in paragraph A, the department shall only investigate cases in which:
1. The department believes there is a serious threat of substantial harm to the child;
  2. The report indicates conduct involving a criminal offense that has, or is about to, occur, in which the child is the victim; or
  3. The department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

**RCW 26.44.030**

Revisions #3 - 10/1/97; #7 – 12/20/99

- C. The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving *in loco parentis*, and/or bring the situation to the attention of an appropriate court, or another community agency: Provided, that an investigation is not required of non-accidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving *in loco parentis*. If the investigation reveals that a crime against a child has been committed, the department shall notify the appropriate law enforcement agency.

**RCW 74.13.031**

Revisions #4 - 6/15/98; #7 – 12/20/99

- D. A law enforcement agency shall not allow a law enforcement officer to participate as an investigator in the investigation of alleged abuse or neglect concerning a child for whom the law enforcement officer is, or has been, a parent, guardian, or foster parent. This section is not intended to limit the authority or duty of a law enforcement officer to report, testify, or be examined as authorized or required by chapter 26.44 RCW, or to perform other official duties as a law enforcement officer. **RCW 26.44.190**

**2132 Protocols for Sex Abuse Investigations**

- A. Each agency involved in investigating child sexual abuse shall document its role in handling cases and how it will coordinate with other local agencies or systems and shall adopt a local protocol based on the state guidelines. The department and local law enforcement agencies may include other agencies and systems that are involved with child sexual abuse victims in the multidisciplinary coordination.
- B. Each county shall develop a written protocol for handling criminal child sexual abuse investigations. The protocol shall address the coordination of child sexual abuse investigations between the prosecutor's office, law enforcement, the department, local advocacy groups, and any other local agency involved in the criminal investigation of child sexual abuse, including those investigations involving multiple victims and multiple offenders. The protocol shall be developed by the prosecuting attorney with the assistance of the agencies referenced in this paragraph.
- C. Local protocols under this section shall be adopted and in place by July 1, 2000, and shall be submitted to the legislature prior to that date.

**RCW 26.44.180**

Revisions #4 - 6/15/98; #7 - 12/20/99



**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**

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

**RCW 26.44.030**

C. 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.

1. Every employee of the department who conducts an interview of any person involved in an allegation of abuse or neglect shall retain his or her original written records or notes setting forth the content of the interview unless the notes were entered into the electronic system operated by the department which is designed for storage, retrieval, and preservation of such records.

2. Written records involving child sexual abuse shall, at a minimum, be a near verbatim record for the disclosure interview. The near verbatim record shall be produced within 15 calendar days of the disclosure interview, unless waived by management on a case-by-case basis.

**RCW 26.44.035**

Revision #7 - 12/20/99

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**

E. A contracting agency or service provider of the department that provides counseling, psychological, psychiatric, or medical services may release to the Office of the Family and Children's Ombudsman information or records relating to services provided to a juvenile who is dependent under chapter 13.34 RCW without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of 13 years, unless such release is otherwise specifically prohibited by law.

**RCW 13.50.100**

Revision #7 - 12/20/99

F. 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

Revisions #3 - 10/1/97; #7 - 12/20/99

- 3. That the department may delete the name and identifying information regarding persons or organizations who have reported alleged child abuse or neglect.

**RCW 13.50.100**

- G. Any communication or advice privileged under RCW 5.60.060 that is disclosed by the Office of the Attorney General or the department to the Office of the Family and Children's Ombudsman may not be deemed to be a waiver of the privilege as to others.

**RCW 13.50.150**

Revision #7 - 12/20/99

**2151 Record Purge**

- A. To protect the privacy in reporting and the maintenance of reports of non-accidental injury, neglect, death, sexual abuse, and cruelty to children by their parents, and to safeguard against arbitrary, malicious, or erroneous information or actions, the department shall not maintain information related to unfounded referrals in files or reports of child abuse or neglect for longer than six years except as provided in this section.
- B. At the end of six years from receipt of the unfounded report, the information shall be purged unless an additional report has been received in the intervening period.

**RCW 26.44.031**

Revision #3 - 10/1/97

**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**



CHAPTER 3000  
ASSESSMENT



## TABLE OF CONTENTS

	<u>Page</u>
<b>3100 REQUIREMENT FOR ALL ASSESSMENTS</b>	3000-1
3110 LIMITED ENGLISH PROFICIENCY (LEP)	3000-1
<b>3200 CHILD PROTECTIVE SERVICES (CPS)</b>	3000-1
3210 INVESTIGATION	3000-1
3220 CPS CASE ASSESSMENT	3000-2
3221 Drug and Alcohol Assessment	3000-2
3222 Notification of Alleged Perpetrator	3000-2a
3230 ASSESSMENT FOR OUT-OF-HOME PLACEMENT	3000-2d
3240 ELIGIBILITY FOR OUT-OF-HOME PLACEMENT	3000-3
3241 Out-of-Home Placement of Developmentally Disabled Children	3000-3a
<b>3300 FAMILY RECONCILIATION SERVICES (FRS)</b>	3000-4
3310 FRS CASE ASSESSMENT	3000-4

Revision #4 - 6/15/98

Revision #3 - 10/1/97





**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. CA social 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**

Revision #6 - 6/5/99

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**

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**

F. Whenever the department completes an investigation of a child abuse or neglect report, the department shall notify the alleged perpetrator of the report and the department's investigative findings and the alleged perpetrator's rights of review and appeal.  
**RCW 26.44.100**

Revision #5 – 12/10/98

**3220 CPS CASE ASSESSMENT**

- A. CPS shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be considered a risk factor. **RCW 26.44.030**

Revisions #3 - 10/1/97; #4 - 6/15/98; #6 - 6/5/99

- 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 74.14A.020**

Revision #6 - 6/5/99

- 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**

- D. The department shall contract for Alternative Response System (ARS) services for low risk families in the least intrusive manner likely to achieve improved family cohesiveness, prevention of re-referrals of the family for alleged abuse or neglect, and improvement in the health and safety of children.

**RCW 74.14D.020**

Revision #5 – 12/10/98

**3221 Drug and Alcohol Assessment**

- A. When a CPS referral requires a face to face contact with the family, there shall be a determination of whether it is probable that the use of alcohol or controlled substances is a contributing factor to the alleged abuse or neglect.
- B. The department shall provide appropriate training for persons who conduct the investigations under paragraph A, above. The training shall include methods of identifying indicators of abuse of alcohol or controlled substances.

Revisions #3 - 10/1/97; #5 – 12/10/98

- C. If a determination is made under paragraph A that there is probable cause to believe abuse of alcohol or controlled substances has contributed to the child abuse or neglect, the department shall, within available funds, cause a comprehensive chemical dependency evaluation to be made of the person or persons so identified. The evaluation shall be conducted by a physician or persons certified under rules adopted by the department to make such evaluation.

**RCW 26.44.170**

Revision #5 – 12/10/98

### 3222 **Notification to Alleged Perpetrator**

- A. The department shall notify the alleged perpetrator of the allegations of child abuse and neglect at the earliest possible point in the investigation that will not jeopardize the safety and protection of the child or the investigation process.

**RCW 26.44.100**

- B. Whenever the department completes an investigation of a child abuse or neglect report under chapter 26.44 RCW, the department shall notify the alleged perpetrator of the report and the department's investigative findings. The notice shall also advise the alleged perpetrator that:

1. A written response to the report may be provided to the department and that such response will be filed in the record following receipt by the department;
2. Information in the department's record may be considered in subsequent investigations or proceedings related to child protection or child custody;
3. Founded reports of child abuse and neglect may be considered in determining that a person is disqualified from being licensed to provide child care, employed by a licensed child care agency, or authorized by the department to care for children; and

**RCW 26.44.100**

Revisions #3 - 10/1/97; #4 - 6/15/98

4. An alleged perpetrator named in a founded report of child abuse or neglect has the right to seek review of the finding as provided in chapter 26.44 RCW.

**RCW 26.44.100**

Revision #4 - 6/15/98

- C. The notification required by this section shall be made by certified mail, return receipt requested, to the person's last known address. **RCW 26.44.100**

Revision #4 - 6/15/98

- D. The duty of notification created by this section is subject to the ability of the department to ascertain the location of the person to be notified. The department shall exercise reasonable, good-faith efforts to ascertain the location of persons entitled to notification under this section. **RCW 26.44.100**

Revision #3 - 10/1/97

E. **Request for Review and Administrative Hearing**

1. A person who is named as an alleged perpetrator after October 1, 1998, in a founded report of child abuse or neglect has the right to seek review and amendment of the finding as provided in this paragraph.
2. Within 20 calendar days after receiving written notice from the department under RCW 26.44.100 that a person is named as an alleged perpetrator in a founded report of child abuse or neglect, he or she may request that the department review the finding. The request must be in writing. If a request for review is not made as provided in this paragraph, the alleged perpetrator may not further challenge the finding and shall have no right to agency review or to an adjudicative finding or judicial review of the finding.

**RCW 26.44.125**

Revisions #4 - 6/15/98; #6 - 6/5/99

3. Upon receipt of a written request for review, the department shall review and, if appropriate, may amend the finding. Management level staff within the Children's Administration designated by the Secretary shall be responsible for the review. The review must be conducted in accordance with procedures established by the department by rule. Upon completion of the review, the department shall notify the alleged perpetrator in writing of the department's determination. The notification must be sent by certified mail, return receipt requested, to the person's last known address.
4. If, following agency review, the report remains founded, the person named as the alleged perpetrator in the report may request an adjudicative hearing to contest the finding. The adjudicative proceeding is governed by chapter 34.04 RCW and this section. The request for an adjudicative proceeding must be filed within 30 calendar days after receiving notice of the agency review determination. If a request for an adjudicative proceeding is not made as provided here, the alleged perpetrator may not further challenge the finding and shall have no right to agency review or to an adjudicative hearing or judicial review of the finding.
5. Reviews and hearings conducted under this section are confidential and shall not be open to the public. Information about reports, reviews, and hearings may be disclosed only in accordance with federal and state laws pertaining to child welfare records and child protective services reports.

**RCW 26.44.125**

Revisions #4 - 6/15/98; #6 - 6/5/99

**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**

- 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.

**13.34.020**

- D. Within amounts appropriated for the specific purpose, the department will provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

**RCW 74.13.031**

- E. 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**

Revisions #4 - 6/15/98; #6 - 6/5/99; #7 - 12/20/99

**CHAPTER 3000—ASSESSMENT**

- F. 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**

Revision #7 - 12/20/99

**3240 ELIGIBILITY FOR OUT-OF-HOME PLACEMENT**

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

1. Police hold.
2. Court order, including a Child in Need of Services (CHINS) petition.
3. Hospital/Medical Administrator/Physician Hold.
4. 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**

- B. CA staff must place only children for whom the staff have legal authority for the placement and then only in homes or facilities licensed or certified under chapter 26.44 RCW or relatives not required to be licensed under chapter 26.44 RCW. Staff may place children in unlicensed adoptive homes following completion of a home study, in accordance with RCW 74.15.020.

**RCW 74.15.090; RCW 74.15.020****3241 Out-of-Home Placement of Developmentally Disabled Children**

- A. When the sole reason for the out-of-home placement is the child's developmental disability, services offered by the department to these children and their families shall be through a voluntary placement agreement. In these cases, the parents shall retain legal custody of the child, and the department shall be responsible for the child's placement and care.

Revisions #1 - 4/25/96; #7 - 12/20/99

**CHAPTER 3000—ASSESSMENT**

- B. The voluntary placement agreement shall at a minimum specify the legal status of the child and the rights and obligations of the parent or legal guardian, the child, and the department while the child is in placement. The agreement must be signed by the child's parent or legal guardian and the department to be in effect, except that an agreement regarding an Indian child shall not be valid unless executed in writing before the court and filed with the court as provided in RCW 13.34.245.
- C. Any party to a voluntary placement agreement may terminate the agreement at any time. Upon termination of the agreement, the child shall be returned to the care of the child's parent or legal guardian unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130.
- D. Whenever the department places a child in out-of-home care under a voluntary placement pursuant to the provisions of this section, the department shall develop a permanency plan of care for the child no later than 60 days from the date that the department assumes responsibility for the child's placement and care. Within the first 180 days of the placement, the department shall obtain a judicial determination pursuant to RCW 13.04.030 and chapter 74.13 RCW that the placement is in the best interests of the child. If the child's out-of-home placement ends before 180 days have elapsed, no judicial determination under RCW 13.04.030(1)(b) is required. The permanency planning hearings shall review whether the child's best interests are served by continued out-of-home placement and determine the future legal status of the child.

Revision #3 - 10/1/97

**RCW 74.13.350; 13.34.270**

Revision #4 - 6/15/98

- E. The department shall provide for periodic administrative reviews as required by federal law. A review may be called at any time by either the department, the parent, or the legal guardian.

Revision #7 - 12/20/99

- F. Nothing in this section shall prevent the department from filing a dependency  
September 1, 1995



petition if there is reason to believe that the child is a dependent child as defined in RCW 13.34.030.

**RCW 74.13.350**

Revision #3 - 10/1/97

- G. It is the intent of the legislature that the department undertake voluntary out-of-home placement in cases where the child's developmental disability is such that the parent, guardian, or legal custodian is unable to provide 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. If the department does not accept a voluntary placement agreement signed by the parent, a petition may be filed and action pursued under chapter 13.34 RCW. The department shall inform the parent, guardian, or legal custodian in writing of their right to civil action under chapter 13.34 RCW.

**RCW 74.13.350**

Revisions #4 - 6/15/98; #7 - 12/20/99

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**

Revision #7 - 12/20/99

CHAPTER 4000  
CASE PLANNING



## TABLE OF CONTENTS

	<u>Page</u>
<b>4100 REQUIREMENTS FOR ALL CASE PLANNING</b>	4000-1
4110 DEVELOPING A PLAN AND ONGOING CASE PLANNING	4000-1
4120 CONFIDENTIALITY	4000-1
4130 PERMANENCY PLANNING	4000-2
<b>4200 COURT CASE PLANS</b>	4000-4
4210 WRITTEN CASE PLANS	4000-4
4211 Court-involved Cases	4000-4
4212 Additional Considerations for Recommendation to Remove Child From Their Home	4000-5
4213 Additional Information If the Child Has Been Removed From Their Home	4000-6
4220 DISSEMINATION OF CASE PLANS	4000-8
4230 OUT-OF-HOME CASE PLANS	4000-8
<b>4300 FAMILY RECONCILIATION SERVICES (FRS)</b>	4000-9

<b>4400 OUT-OF-HOME CASE PLANNING</b>	4000-9
4410 CASE PLANS	4000-9
4420 PLACEMENT PLANNING	4000-10
4421 Considerations Before Placing a Child	4000-11
4422 Most Family-like Setting	4000-11
4423 Preferences for Placement	4000-13
4424 Best Interest of the Child	4000-13
4425 Cultural Needs of Child and Family	4000-14
4426 Placement Documentation	4000-15
<b>4500 PLACEMENT CASE PLANNING</b>	4000-16

**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. The department shall consult with the care provider regarding the child's case plan. 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; RCW 74.13.280; RCW 74.13.330**

Revisions #3 - 10/1/97; #7 - 12/20/99

- 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**

**4120 CONFIDENTIALITY**

- A. Except as provided in RCW 70.24.105 regarding confidentiality and HIV information, DCFS and child placing agencies shall 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; RCW 74.13.280**

Revisions #3 - 10/1/97; #7 - 12/20/99

1. A CA social worker, a child placing agency worker, or a *guardian ad litem* who is responsible for making or reviewing placement case-planning decisions or recommendations to the court regarding a child, who is less than 14 years of age, has a sexually transmitted disease, and is in the custody of the department or a licensed child placing agency may receive information regarding the child, diagnosis, or treatment relating to HIV infection or any other confirmed sexually transmitted disease.
2. The social worker or medical provider may also provide information regarding HIV or sexually transmitted diseases of the child less than 14 years of age to a person responsible for providing residential care for such a child when the department or a licensed child placing agency determines that it is necessary for the provision of child care services.

**RCW 70.24.105**

Revisions #4 - 6/15/98; #7 - 12/20/99

- 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 shall not be divulged without a valid written waiver of the privilege, except under conditions described below.

Revisions #3 - 10/1/97; #7 - 12/20/99

- 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; RCW 74.13.280**

- D. Consistent with the provisions of chapter 42.17 RCW and applicable federal law, the department shall disclose information regarding the abuse, neglect, or near fatality (see Appendix A for the definition) of a child, the investigation of the abuse or neglect, and any services related to the abuse or neglect of a child if any one of the following factors is present:

Revisions #1 - 4/25/96; #3 - 10/1/97; #4 - 6/15/98; #7 - 12/20/99



1. The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system (CAMIS);
2. The investigation of the abuse or neglect of the child by the department or the provision of services by the department has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court;
3. There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report; or
4. The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from, the department at the time of death or within 12 months before death.

**RCW 74.13.500**

- E. The department is not required to disclose information if the factors in paragraph D, above, are present if the department specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household.

**RCW 74.13.500**

- F. Except for cases in paragraph D.4, above, requests for information under this section shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in paragraph D is present.

**RCW 74.13.500**

- G. For purposes of paragraphs D, E, and F, above, the following information shall be disclosable:

Revisions #3 - 10/1/97; #4 - 6/15/98; #7 - 12/20/99

1. The name of the abused or neglected child;
2. The determination made by the department of the referrals, if any, for abuse or neglect;
3. Identification of child protective or other services provided or actions, if any, taken regarding the child named in the report and his or her family as a result of any such report or reports. These records include but are not limited to administrative reports of fatality, fatality review reports, case files, inspection reports, and reports relating to social work practice issues; and
4. Any actions taken by the department in response to reports of abuse or neglect of the child.

**RCW 74.13.505**

- H. In determining under paragraphs D, E, and F, above, whether disclosure will be contrary to the best interests of the child, the department must consider the effects which disclosure may have on efforts to reunite and provide services to the family.

**RCW 74.13.510**

- I. For purposes of paragraph D.4, above, the department must make the fullest possible disclosure consistent with chapter 42.17 RCW and applicable federal law in cases of all fatalities of children who were in the care of, or receiving services from, the department at the time of their death or within 12 months previous to the death.
1. If the department specifically determines that disclosure of the name of the deceased child is contrary to the best interests of the child's siblings or other children in the household, the department may remove personally identifying information.

Revisions #3 - 10/1/97; #4 - 6/15/98; #7 - 12/20/99

**CHAPTER 4000—CASE PLANNING**

2. For the purposes of this paragraph, “personally identifying information” means the name, street address, Social Security number, and day of birth of the child who died and of private persons who are relatives of the child in the child welfare records. “Personally identifying information” shall not include the month or year of birth of the child who has died. Once this personally identifying information is removed, the remainder of the records pertaining to a child who has died must be released regardless of whether the remaining facts in the records are embarrassing to the unidentifiable other private parties or to identifiable public workers who handled the case.

**RCW 74.13.515**

- J. Except as it applies directly to the cause of the abuse or neglect of the child and any actions taken by the department in response to the reports of abuse or neglect of the child, nothing in paragraphs D through I of this section is deemed to authorize the release or disclosure of the substance or content of any psychological, psychiatric, therapeutic, clinical, or medical reports, evaluations, or like materials, or information pertaining to the child or the child's family.

**RCW 74.13.520**

- K. The department, when acting in good faith, is immune from any criminal or civil liability, except as provided under RCW 42.17.340, for the purposes of paragraphs D through I of this section.

**RCW 74.13.525**

- L. The department shall:
  1. Allow the child and family services ombudsman or the ombudsman's designee to communicate privately with any child in the custody of the department for the purposes of carrying out its duties under chapter 43.06A RCW;
  2. Permit the ombudsman or the ombudsman's designee physical access to state institutions serving children and state licensed facilities or residences for the purpose of carrying out its duties under this chapter;

Revisions #3 - 10/1/97; #4 - 6/15/98; #7 - 12/20/99

3. Upon the ombudsman's request, grant the ombudsman or the
- September 1, 1995

ombudsman's designee the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the ombudsman considers necessary in an investigation; and

4. Grant the office of the family and children's ombudsman unrestricted on-line access to the case and management information system (CAMIS) for the purpose of carrying out its duties under chapter 43.06A RCW.

**RCW 43.06A.100**

Revision #7 - 12/20/99

**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. In making reasonable efforts under chapter 13.34 RCW, the child's health and safety shall be the paramount concern.

**RCW 13.34.020**

Revision #4 - 6/15/98

- 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**

Revisions #3 - 10/1/97; #7 - 12/20/99

- B. Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the  
September 1, 1995

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; permanent legal custody; guardianship; or long-term relative or foster care placement, until the child is age 18, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age 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.

Revisions #4 - 6/15/98; #7 - 12/20/99

1. 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 and 13.34.145**

2. For definitions of “guardianship,” “permanent custody order,” and “permanent legal custody” as they relate to permanency planning, see Appendix A.

Revisions #4 - 6/15/98; #7 - 12/20/99

- C. See section 4426, below, for placement documentation requirements.

Revision #5 – 12/10/98

- D. The approval of a permanency plan that does not contemplate return of the child to  
September 1, 1995

**CHAPTER 4000—CASE PLANNING**

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**

Revisions #4 - 6/15/98; #5 - 12/10/98; #7 - 12/20/99



**CHAPTER 4000—CASE PLANNING**

- E. 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(11)**

Revision #4 - 6/15/98

**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.



- 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. The description shall identify services chosen and approved by the parent.

Revision #4 - 6/15/98

- 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; 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.
- B. The in-home services considered and why they have been rejected as options.
- 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**

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

**RCW 13.34.120**

**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.  
**42 USC 675, Sec. 475**
- B. A discussion of the safety and appropriateness of the placement.  
**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**
- D. A description of the biological parents' wishes regarding the characteristics of the type of home selected.  
**RCW 13.34.260**

Revisions #5 – 12/10/98; #6 - 6/5/99

- 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; 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; 42 USC 675, Sec. 475**
- H. A description of how the agency will attempt to ensure the child receives safe and proper care.  
**RCW 13.34.120; RCW 74.14A.020; RCW 74.14A.025;  
42 USC 675, Sec. 475**
- I. A description of how all services provided to parent, child, and foster parents will facilitate the timely, safe return of the child to the home of the parents.  
**RCW 13.34.120; RCW 13.34.130; 42 USC 675, Sec. 475**
- J. A discussion of the safety and appropriateness of the services provided to the child while in care to meet the special needs of the child.  
**RCW 13.34.145; 42 USC 671A**
- 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 671A; 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**

Revisions #5 – 12/10/98; #6 - 5/25/99

- M. A description of the visitation plan between the child and parents. **RCW 13.34.130**
- N. A list of dates the parent was notified of changes in the placement or visitation plan. **RCW 13.34.130**
- O. A list of the requirements the parents must complete before resuming custody of the child. **RCW 13.34.130**
- 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. **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**
- R. The expected completion date for the permanent plan. **RCW 13.34.130**

**4220 DISSEMINATION OF CASE PLANS**

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

**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**

Revision #6 - 5/25/99

- 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. CA, 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 safety of the child;
  - 2. The physical and emotional strengths and needs of the child;

Revision #5 – 12/10/98

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

**RCW 74.13.065; 42 USC 675, Sec. 475**

**4420 PLACEMENT PLANNING**

- A. To provide stability to children in out-of-home care, placement selection shall be made with a view toward safety and 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; 42 USC 675, Sec. 475.**

- 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. CA shall coordinate placement planning with private agencies.

**RCW 74.13.031(8); RCW 74.13.300**

Revision #5 – 12/10/98

**4421 Considerations before Placing a Child**

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

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

**RCW 13.34.130; 42 USC 675, Sec. 475**

Revision #5 – 12/10/98

**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.

- 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 chapter 74.15 RCW.
- D. Institutional care (medical hospitals, mental health institutions, residential habilitation centers).

**RCW 13.32A.030; RCW 13.34.130; RCW 74.15.020(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)**



**4423 Preferences for Placement**

When out-of-home placement services are necessary:

**A. Relative Placement**

1. CA will give preference to placement of the child with a relative as defined in RCW 74.15.020 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**
2. Relative searches will be made early in the CA involvement with the family and periodically throughout the time of out-of-home placement. See chapter 5000, section 5750, for requirements to place children needing shelter care with relatives. **RCW 13.34.130**

Revision #7 - 12/20/99

**B. Parental Placement Wishes**

CA staff shall, absent good cause, follow the wishes of the natural parent regarding the placement of the child. Preferences such as family constellation, and religion shall be given consideration when matching children to foster homes. Unless a compelling reason is identified, a child shall not be placed in a home of an identified ethnicity except when the Indian Child Welfare Act guides placement preferences. 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; 42 USC 671a**

Revision #5 – 12/10/98

**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**

- 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. A foster or adoptive family need not be of the same ethnic background as the child in order to meet the ethnic or cultural needs of the child. Unless a compelling reason is identified, children will not be matched on the basis of race to foster or adoptive families.  
**RCW 74.14A.020; RCW 74.14A.025; 42 USC 671a**

Revision #5 – 12/10/98

- 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**

CA will attempt to select placements that meet the cultural needs of the child and family. See section 4424, paragraph E, above. Services include:

Revisions #5 – 12/10/98; #7 - 12/20/99

- 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. CA 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. CA 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**
- C. For a child whose permanency plan is adoption or placement in another permanent home, the department must document steps it is taking to find an adoptive family or other permanent living arrangement for the child. The department also must document steps it is taking to place the child with:
  - 1. A fit and willing relative;
  - 2. An adoptive family;
  - 3. A legal guardian; or
  - 4. Another planned permanent living arrangement; and
  - 5. To finalize the adoption or legal guardianship.

**42 USC 675 Sec. 475**

Revisions #5 – 12/10/98; #6 – 6/5/99

- D. At a minimum, placement documentation must include child specific recruitment efforts, such as the use of state, regional, and national adoption exchanges. These may include electronic exchange systems.

**42 USC 675, Sec. 475**

Revision #5 – 12/10/98

**4500 PLACEMENT CASE PLANNING**

- A. 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.

**RCW 26.33.010**

- B. 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. This provision does not apply to nor affect the Indian Child Welfare Act of 1978, 25 USC, Section 1901 et seq. **42 USC 671a; RCW 26.33.010**

- C. The department shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant state child protection standards.

**42 USC 471**

- D. CA shall not deny or delay the placement of the child for adoption when an approved family is available outside the jurisdiction or office with responsibility for handling the case of the child.

**42 USC 671a**

- E. CA shall grant an opportunity for a fair hearing to an individual who alleges that the state has denied or delayed the placement of a child contrary to the requirements of paragraph B or D, above.

**42 USC 671a**

Revisions #1 - 4/25/96; #3 - 10/1/97; #4 - 6/15/98; #5 – 12/10/08

CHAPTER 5000  
SERVICE DELIVERY



## TABLE OF CONTENTS

	<u>Page</u>
<b>5100 FOCUS OF SERVICE DELIVERY</b>	5000-1
<b>5200 FAMILY PRESERVATION</b>	5000-1
<b>5300 INTERSTATE COMPACT</b>	5000-2
<b>5400 FAMILY RECONCILIATION SERVICES (FRS)</b>	5000-2
5410 POLICE CUSTODY AND NOTIFICATION OF CHILD'S ABSENCE FROM HOME TO DCFS	5000-3
5420 IMMEDIATE NOTIFICATION TO PARENTS	5000-3
5430 TRANSPORTATION TO CHILD'S HOME OR OUT-OF-HOME PLACEMENT	5000-4
5440 CRISIS RESIDENTIAL CENTER (CRC)	5000-5
<b>5500 OUT-OF-HOME PLACEMENT</b>	5000-6
5510 PARENT/CHILD NON-AGREEMENT OF OUT-OF-HOME PLACEMENT	5000-6
5520 PETITION TO APPROVE AN OUT-OF-HOME PLACEMENT	5000-6
5530 FACT-FINDING HEARING	5000-9
5540 AT-RISK YOUTH PETITION	5000-10

<b>5600 OUT-OF-HOME PLACEMENT SERVICES</b>	5000-11
5610 CRISIS RESIDENTIAL CENTER (CRC) PLACEMENT	5000-11
5620 TIME LIMITATION FOR CRC PLACEMENTS	5000-13
5630 PRIOR TO PLACEMENT OF A CHILD	5000-13
5640 AFTER PLACEMENT OF A CHILD	5000-15
5641 Health and Education Passport	5000-15
5650 CONSIDERATIONS REGARDING MOVING A CHILD	5000-15
5660 PLACEMENT IN MENTAL HEALTH CARE	5000-15b
	Revision #7 - 12/20/99
<b>5700 JUVENILE DEPENDENCY AND RIGHTS OF CHILDREN AND FAMILIES</b>	5000-16
5710 DEPENDENCY PETITION	5000-16
5720 INITIAL COURT ORDER	5000-17
5730 CONTEMPT OF COURT	5000-17
5740 PARENTAL RIGHTS	5000-18
5741 Notification of Custody	5000-18
5742 Notification of Shelter Care Hearing	5000-19
5750 SHELTER CARE	5000-21
5760 FACT-FINDING OR DISPOSITION HEARING	5000-22
5761 Disposition Determinations	5000-24
5762 Termination of Parental Rights	5000-26
5770 GUARDIANSHIP	5000-30



<b>5800 ADOPTION</b>	5000-34
5810 ADOPTION SUPPORT	5000-34
5820 PRE-PLACEMENT REPORT	5000-35
5830 ADOPTION CONFIDENTIALITY	5000-35
5840 CASE RECORDS TO PROSPECTIVE ADOPTIVE PARENTS	5000-36
5850 ADOPTION CONSENT	5000-36c
5860 DSHS POST-ADOPTION SERVICES	5000-38

Revision #7 - 12/20/99



**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**

Revision #6 - 6/5/99

- B. The department shall employ the least intrusive interventions which engage 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;  
RCW 13.34.145; 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**

**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.
- RCW 13.32A.040**
- B. Where a child is placed an out-of-home placement 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.100**

**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 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)**
  
- C. Any person who provides shelter to a child, absent from home, shall notify the parent, law enforcement, or the department's local DCFS office of the child's presence.  
**RCW 13.32A.080**
  
- D. When the department receives a report under paragraph C, above, it shall make a good faith attempt to notify the parent that a report has been received and offer services designed to resolve the conflict and accomplish a reunification of the family. **RCW 13.32A.082**
  
- E. 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

Revision #2 - 12/15/96

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 or 13.34 RCW or that the court has issued an order for law enforcement pick-up of the child under chapter 13.32A or 13.34 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.
7. There is no parent available to accept custody of the child.

**RCW 13.32A.060(1)**

- F. If a law enforcement officer takes a child into custody pursuant to paragraph B, 1 or 2, above, and transports the child to a CRC, the officer shall, within 24 hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The CRC shall provide DCFS with a copy of the officer's report. **RCW 13.32A.050(3)**
- G. An officer taking a child into custody under RCW 13.32A.050(1) shall inform the child of the reason for such custody and shall:

1. Transport the child to his or her home or to a parent at his or her place of employment, if not parent is at home. The parent may request that the office take the child to the home of an adult extended family member, responsible adult, CRC, the department, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into custody of one of the above shall inform the receiving the child of the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or
2. After attempting to notify the parent, take the child to a designated CRC's secure facility or semi-secure facility if the secure facility is full, not available, or not located within a reasonable distance.
3. After attempting to notify the parent, if a CRC is full, not available, or not located within a reasonable distance, request the department to accept custody of the child. If the department determines that an appropriate placement is currently available, the department shall accept custody and place the child in an out-of-home placement.

Revision #2 - 12/15/96

- a. Upon accepting custody of a child from the officer, the department may place the child in an out-of-home placement for up to 72 hours, excluding Saturdays, Sundays, and holidays, without filing a CHINS petition under chapter 13.32A RCW, obtaining parental consent, or obtaining an order for placement under chapter 13.34 RCW. Upon transferring a child to the department's custody, the officer shall provide written documentation of the reasons and the statutory basis for taking the child into custody.

Revision #3 - 10/1/97

- b. If the department declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; a licensed youth shelter; and shall immediately notify the department if no placement option is available and the child is released.

**RCW 13.32A.060(1)**

- H. 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)**

- I. The department shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities with centers in their jurisdiction, where children taken into custody under RCW 13.32A.050 may be taken.

**RCW 13.34.060(4)**

Revision #2 - 12/15/96

- J. Whenever an officer transfers custody of a child to a crisis residential center or the department, the child may reside in the crisis residential center or may be placed by the department in an out-of-home placement for an aggregate total period of time not to exceed 72 hours, excluding Saturdays, Sundays, and holidays. Thereafter, the child may continue in out-of-home placement only if the parents have consented, a child in need of services petition has been filed under chapter 13.32A RCW, or an order for placement has been entered under chapter 13.34 RCW.

**RCW 13.32A.060(3)**

Revision #3 - 10/1/97



- K. A juvenile may be taken into custody pursuant to RCW 13.40.040(1), but may not be held in detention unless meeting the provisions of RCW 13.40.040(2). The court or law enforcement may release a juvenile only to a responsible adult or to DSHS. See the *CA Practices and Procedures Guide*, chapter 3000, section 3540, for practice considerations. **RCW 13.40.040(4) and 13.40.050**

Revision #3 - 10/1/97

**5420 IMMEDIATE NOTIFICATION TO PARENTS**

The administrator 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.

Revision #2 - 12/15/96

- 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 administrator 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: (i) An out-of-home placement, which may include a licensed group care facility or foster family, when agreed to by the child and parent; (ii) a certified or licensed mental health or chemical dependency program of the parent's choice; at the parent's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department.
- C. If the administrator of the crisis residential center performs the duties listed above, he or she shall also notify the department that a child has been admitted to the crisis residential center.

**RCW 13.32A.090**

Revision #2 - 12/15/96

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. If the child admitted under this section is transferred between centers or between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days.

**RCW 13.32A.130(1)**

- B. The facility administrator shall determine within twenty-four (24) hours after a child's admission to a secure facility whether the child is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to DCFS.

**RCW 13.32A.130(2)**

- C. An administrator may transfer a child from a semi-secure facility to a secure facility whenever the administrator reasonably believes that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in RCW 13.32A.130(2)(a).

**RCW 13.32A.130(2)**

Revision #2 - 12/15/96

- D. If no parent is available or willing to remove the child during the first 72 hours following admission, DCFS shall consider the filing of a petition under RCW 13.32A.140.

**RCW 13.32A.130(3)**

Revision #3 - 10/1/97

E. The parents may remove the child at any time during the five-day period unless the staff of the CRC has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. DCFS or any agency legally charged with the supervision of a child may remove a child from a CRC at any time after the first 24-hour period after admission has elapsed and only after full consideration by all parties of the factors in RCW 13.32A.130(2)(a).

**RCW 13.32A.130(4)**

F. CRC staff shall make reasonable efforts to protect the child and to achieve a reconciliation of the family. **RCW 13.32A.130(5)**

G. 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 administrator 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.
5. The right to request a mental health or chemical dependency evaluation by a county-designated professional or a private treatment facility.
6. The right to request treatment in a program to address the child's at-risk behavior under a court order at disposition hearing.

**RCW 13.32A.130(5)**

- H. 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**

- I. If a child who has a legal residence outside the state of Washington is admitted to a CRC or is released by a law enforcement officer to the department, and the child refuses to return home, the provisions of RCW 13.24.010, Interstate Compact on the Placement of Children, shall apply.

**RCW13.32A.110**

Revisions #2 - 12/15/96; #3 - 10/1/97

**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 administrator of 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 CHINS petition to approve an out-of-home placement or the parent may file with the juvenile court a CHINS petition in the interest of a child alleged to be an at-risk youth.

**RCW 13.32A.120(2)(3)**

B. Unless the department files a dependency petition, 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 by the department in an out-of-home placement, and:
  - a. The parent has been notified that the child was so admitted or placed;

- b. The child cannot return home, and legal authorization is needed for out-of-home placement beyond 72 hours;

Revision #3 - 10/1/97

- 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.

Under the circumstances of this section, the child shall remain in an 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 the court. The department may authorize emergency medical or dental care for a child admitted to a CRC or placed in out-of-home placement by the department. The state, when the department files a CHINS petition under this section, shall be represented as provided for in RCW 13.04.093.

**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;

Revision #2 - 12/15/96

- 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

Revision #2 12/15/96



Revision #2 - 12/15/96

5000-7b

September 1, 1995

- 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**

**D. Family Assessment and Filing of a Petition**

1. Except as otherwise provided in chapter 13.32A RCW, 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 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.

**RCW 13.32A.150**

Revision #3 - 10/1/97

2. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition must be filed in the county where the parent resides. The petition shall allege that the child is a CHINS and shall ask only that the placement of a child outside the home or his or her parent be approved. The filing of a petition to approve the placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an out-of-home placement.

**RCW 13.32A.150**

Revision #2 - 12/15/96

**CHAPTER 5000—SERVICE DELIVERY**

3. A petition may not be filed if the child is the subject of a proceeding under chapter 13.34 RCW.

**RCW 13.32A.150**

- E. Whenever a CHINS petition is filed by a youth pursuant to RCW 13.32A.150, or the department pursuant to RCW 13.32A.140, the filing party shall have a copy of the petition served on the parents of the youth. Service shall first be attempted in person and, if unsuccessful, then by certified mail with return receipt.

**RCW 13.32A.152**

- F. Whenever a CHINS petition is filed by a youth or parent pursuant to RCW 13.32A.150, the court shall immediately notify the department that a petition has been filed.

**RCW 13.32A.152**

**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; RCW 13.32A.170**

1. When a CHINS petition to approve an out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150, the juvenile court shall:

- a. Schedule a fact-finding hearing to be held:

- i. For a child who resides in a place other than his or her parent's home and other than an out-of-home placement, within five calendar days unless the last calendar is a Saturday, Sunday, or holiday, in which case the hearing shall be held on the preceding judicial day; or
- ii. For a child living at home or in an out-of-home placement, within 10 days; and
- iii. Notify the parent, child, and the department of the hearing date.

Revision #4 - 6/15/98

- b. Notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court.
  - c. Appoint legal counsel for the child.
  - d. Inform the child and his or her parent of the legal consequences of the court approving or disapproving a CHINS petition.
  - e. Notify the parents of their rights under chapters 13.32A, 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to file an at-risk youth petition, the right to submit an application for admission of their child to a treatment facility for alcohol, chemical dependency, or mental health treatment, and the right to file a guardianship petition.
  - f. Notify all parties, including the department, of their right to present evidence at the fact-finding hearing.
2. Upon filing of a CHINS petition, the child may be placed, if not already placed, by the department in a crisis residential center (CRC), foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department. The court may place a child in a CRC for temporary out-of-home placement as long as the requirements of RCW 13.32A.125 are met.
3. If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the petition by the court. Any placement may be reviewed by the court within three judicial days upon the request of the juvenile or the juvenile's parent.

**RCW 13.32A.160**

Revision #4 - 6/15/98

**CHAPTER 5000—SERVICE DELIVERY**

- 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****C. Disposition Hearing**

1. A disposition hearing shall be held no later than 14 days after the approval of the temporary out-of-home placement. The parents, child, and department shall be notified by the court of the time and place of the hearing.

**RCW 13.32A.179**

2. At the conclusion of the disposition hearing, the court may:
- a. Reunite the family and dismiss the petition;
  - b. Approve an at-risk youth petition filed by the parents and dismiss the CHINS petition;
  - c. Approve an out-of-home placement requested in the CHINS petition by the parents;
  - d. Order an out-of-home placement at the request of the child or the department not to exceed 90 days; or
  - e. Order the department to review the matter for purpose of filing a dependency petition under chapter 13.34 RCW.

Whether or not the court approves or orders an out-of-home placement, the court may also order any conditions of supervision as set forth in RCW 13.32A.196(2).

**RCW 13.32A.179**

Revisions #2 - 12/15/96; #4 - 6/15/98

3. The court may enter an order under paragraph C.2.d, above, only if it finds by clear, cogent, and convincing evidence that:
  - a. The order is in the best interest of the family; the parents have not requested an out-of-home placement; the parents have not exercised any other right listed in RCW 13.32A.160(1)(e).
    - i. The child has made reasonable efforts to resolve the problems that led to the filing of the petition;
    - ii. The problems cannot be resolved by delivery of services to the family during continued placement of the child in the parental home;
    - iii. 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 to for the child to return home; and
    - iv. A suitable out-of home placement resource is available.
  - or
  - b. The order is in the best interest of the child, and the parents are unavailable; or
  - c. The parent's actions cause an imminent threat to the child's health or safety.

**RCW 13.32A.179(3)**

Revisions #2 - 12/15/96; #4 - 6/15/98

4. The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. The plan, if ordered, shall address the needs of the child, and perceived needs of the parents if the order was entered under paragraph C.2.d of this section or if specifically agreed to by the parents. If the parents do not agree or the order was not entered under paragraph C.2.d of this section, the plan may only make recommendations regarding services in which the parents may voluntarily participate. 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 with timely notification of all court hearings.

**RCW 13.32A.179(4)**

Revision #3 - 10/1/97

5. In a disposition hearing, after a finding that a child is CHINS or an at-risk youth, the court may adopt the additional orders authorized under this section if it finds that the child involved in those proceedings is not eligible for inpatient treatment for a mental health or substance abuse condition and requires special treatment.
  - a. The court may order that a child placed in a staff secure facility, other than a CRC, that will provide for the child's participation in a program designed to remedy his or her behavioral difficulties or needs.

Revisions #2 - 12/15/96; #4 - 6/15/98



- b. The court may not enter this order unless, at the disposition hearing, it finds that the placement is clearly necessary to protect the child and that a less restrictive order would be inadequate to protect the child, given the child's age, maturity, propensity to run away from home, past exposure to serious risk when the child ran away from home, and possible future serious risk when the child ran away from home, and possible future exposure to serious risk should the child run away from home again.
- c. Placements in staff secure facilities under this section shall be limited to children who meet the statutory definition of a CHINS or an at-risk youth as defined in RCW 13.32A.030.
- d. State funds may only be used to pay for placements under this section if, and to the extent that, such funds are appropriated expressly to pay for them.

**RCW 13.32A.197**

- D. A child who fails to comply with a court order issued under RCW 13.32A.179 shall be subject to contempt proceedings, as provided in chapter 13.32A RCW, but only if the noncompliance occurs within one year after the entry of the order.  
**RCW 13.32A.179(5)**

Revisions #2 - 12/15/96; #4 - 6/15/98

**CHAPTER 5000—SERVICE DELIVERY**

- E. In all CHINS and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to chapter 13.32A RCW. Except as otherwise provided in RCW 13.32A.250, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties. **RCW 13.32A.250(1)**
- F. Failure by a party to comply with an order entered under chapter 13.32A RCW is a contempt of court as provided in chapter 7.21 RCW. The court may impose a fine of up to 100 dollars and confinement for up to seven days, or both. **RCW 13.32A.250(2) and (3)**
1. A child placed in confinement for contempt under RCW 13.32A.250 shall be placed in confinement only in a secure juvenile detention facility operated by or pursuant to a contract with a county. **RCW 13.32A.250(4)**
  2. A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to chapter 13.32A RCW. **RCW 13.32A.250(5)**
  3. Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under chapter 13.32A RCW, the court may issue an order directing law enforcement to pick up and take the child to detention. The order may be entered *ex parte* without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065. **RCW 13.32A.250(6)**

Revisions #2 - 12/15/96; #4 - 6/15/98

Revision #4 - 6/15/98

5000-9h

September 1, 1995

**CHAPTER 5000—SERVICE DELIVERY**

- 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**

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

After the court approves or orders an out-of-home placement, the parents or the department may request, and the juvenile court may grant, dismissal of the CHINS proceeding 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.179 and 13.32A.190**

4. The court shall terminate a placement made under RCW 13.32A.190 upon the request of a parent unless the placement is made pursuant to RCW 13.32A.179(3).

**13.32A.179; RCW 13.32A.190(5)**

Revision #6 - 6/5/99

5. The court may dismiss a CHINS petition filed by a parent at any time if the court finds good cause to believe that continuation of out-of-home placement would serve no useful purpose.

**RCW 13.32A.190**

Revision #2 - 12/15/96

6. The court shall dismiss a CHINS proceeding if the child is the subject of a proceeding under chapter 13.34 RCW.

**RCW 13.32A.190(7)**

**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 chapter 13.32A RCW. The petition need not specify any proposed disposition following adjudication of the petition.

Revision #2 - 12/15/96

Revision #2 - 12/15/96

5000-10b

September 1, 1995

**CHAPTER 5000—SERVICE DELIVERY**

- C. A petition may not be filed if a dependency petition is pending under chapter 13.34 RCW. **RCW 13.32A.150**

Revision #6 - 6/5/99

- 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**

**5600 OUT-OF-HOME PLACEMENT SERVICES**

- A. Upon filing of a CHINS petition, the child may be placed, if not already placed, by the department in a CRC, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department. The court may place a child in a CRC for a temporary out-of-home placement as long as the requirements of RCW 13.32A.125 are met.

**RCW 13.32A.160**

- B. If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the petition by the court. Any placement may be reviewed by the court within three judicial days upon the request of the juvenile or the juvenile's parent.

**RCW 13.32A.160**

Revision #2 - 12/15/96

**CHAPTER 5000—SERVICE DELIVERY**

- C. 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**

**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**

Revision #2 - 12/15/96



Revision #2 - 12/15/96

5000-11b

September 1, 1995

- 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 13.34 RCW or that the court has issued an order for law enforcement pick-up of the child under chapter 13.32A RCW or 13.34 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.

Revision #2 - 12/15/96

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

**RCW 13.32A.060(1)**

- D. Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under chapter RCW 13.32A RCW, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.

**RCW 13.32A.050(2)**

Revision #3 - 10/1/97

- E. If a law enforcement officer takes a child into custody pursuant to this subsection and transports the child to a CRC, the officer shall, within 24 hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department with a copy of the officer's report.

**RCW 13.32A.050(3)**

- F. If the law enforcement officer who initially takes the juvenile into custody or the staff of the CRC have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department.

**RCW 13.32A.050(4)**

- G. 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)**

Revision #2 - 12/15/96

**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. However, parents may remove the child at any time if there is no indication that they have abused the child.

**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**

Revision #2 - 12/15/96

Revision #2 - 12/15/96

5000-13b

- B. Investigate, including a criminal history/arrest record and CPS check, any person,  
September 1, 1995

**CHAPTER 5000—SERVICE DELIVERY**

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 finger printed. 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(4)**

Revision #2 - 12/15/96

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. See chapter 4000, section 4120, paragraph A, for requirements to disclose information regarding HIV and sexually transmitted diseases for child less than 14 years of age to residential care providers.

**RCW 74.13.280; 42 USC 675, Sec. 475**

Revision #4 - 6/15/98

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

**42 USC 675, Sec. 475**

Revisions #2 - 12/15/96; #6 - 6/5/99

**5641 Health and Education Passport**

A. The department shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for 90 consecutive days or more.

Revision #3 - 10/1/97

1. The passport shall be provided to a foster parent at any placement of a child meeting the requirements of this section.

2. The department shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.
3. New placements shall have first priority in the preparation of passports. The department may prepare passports for any child in a foster home, provided that no time spent in a foster home before the effective date of the authorizing statute shall be included in the computation of the 90 days.

**RCW 74.13.285**

- B. In addition to the requirements of paragraph A, above, the department shall notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavior history that presents a serious risk of harm to the child or others.

**RCW 74.13.285**

Revision #3 - 10/1/97

**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.

Revision #2 - 12/15/96

2. The child is being returned home.

Revision #7 - 12/20/99

5000-15a

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

September 1, 1995



**RCW 74.13.300**

- C. If the child has resided in a foster family home for less than 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**
- 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**

**5660 PLACEMENT IN MENTAL HEALTH CARE**

- A. The department shall obtain the prior consent of a child's parent, legal guardian, or legal custodian before a dependent child is admitted to an inpatient mental health treatment facility. See RCW 71.34.042 regarding the ability for self-admission of a child age 13 or above. If the child's parent, legal guardian, or legal custodian is unavailable or does not agree with the proposed admission, the department shall request a hearing and provide notice to all interested parties to seek prior approval of the juvenile court before such admission. In the event that an emergent situation creating a risk of substantial harm to the health and welfare of a child in the custody of the department does not allow time for the department to obtain prior approval or to request a court hearing before consenting to the admission of the child into an inpatient mental health hospital, the department shall seek court approval by requesting that a hearing be set on the first available court date.

**RCW 13.34.320**

- B. A dependent child who is admitted to an inpatient mental health facility shall be placed in a facility, with available treatment space, that is closest to the family home, unless the department, in consultation with the admitting authority finds that admission in the facility closest to the child's home would jeopardize the health or safety of the child.

**RCW 13.34.330**

Revisions: #3 - 10/1/97; #7 - 12/20/99

- C. For minors who cannot consent to the release of their records with the department because they are not old enough to consent to treatment, or, if old enough, lack the capacity to consent, or if the minor is receiving treatment involuntarily with a

**CHAPTER 5000—SERVICE DELIVERY**

provider the department has authorized to provide mental health treatment under paragraph A, above, the department shall disclose, upon the treating physician's request, all relevant records, including the minor's passport, in the department's possession that the treating physician determines contain information required for treatment of the minor. The treating physician shall maintain all records received from the department in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the department records may not be disclosed by the treating physician to any other person or entity absent a court order.

**RCW 13.34.340**

Revision #7 - 12/20/99

**5700 JUVENILE DEPENDENCY AND RIGHTS OF CHILDREN AND FAMILIES**

The department shall have authority to provide continued foster care or group care for individuals from 18 through 20 years of age to enable them to complete their high school or vocational school program.

**RCW 74.13.031**

Revision #7 - 12/20/99

**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**

Revision #2 - 12/16/96

**5720 INITIAL COURT ORDER**

**A. Protective Order**

1. 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. A petition is filed with the juvenile court alleging that the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody;
  - b. An affidavit or declaration is filed by the department in support of the petition setting forth specific factual information evidencing reasonable grounds that the child's health, safety, and welfare will be seriously endangered if not taken into custody and at least one of the grounds set forth demonstrates a risk of imminent harm to the child. See Appendix A for the definition of "imminent harm"; and
  - c. 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.
2. Any petition that does not have the necessary affidavit or declaration demonstrating a risk of imminent harm requires notice and an opportunity to be heard by the parents.
3. The petition and supporting documentation must be served on the parent and the entity with whom the child is in custody at the time the child is removed. Failure to effect service does not invalidate the petition if service was attempted and the parent could not be found.

**RCW 13.34.050**

Revision #4 - 6/15/98

- 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**

September 1, 1995

5730 CONTEMPT OF COURT

- A. Failure of a party to comply with an order entered under RCW 13.34 is civil contempt of court as provided in RCW 7.21.030(2)(e). The maximum term of imprisonment that may be imposed as a remedial sanction for contempt of court under this section is confinement for up to seven days.

**RCW 13.34.165(1)(2)**

Revision #4 - 6/15/98

- 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)**

- C. A child imprisoned for contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

**RCW 13.34.165(3)**

Revision #2 - 12/15/96

5000-17b

- D. Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered  
September 1, 1995

under chapter 13.34 RCW, the court may issue an order directing law enforcement to pick up and take the child to detention. The order may be entered *ex parte* without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065. **RCW 13.34.165**

**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 26.44.120**

Revisions #2 - 12/15/96; #6 - 6/5/99

**C. Written Notification**

**CHAPTER 5000—SERVICE DELIVERY**

1. 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 24 hours after the child has been taken into custody or 24 hours after CPS has been notified that the child has been taken into custody.
2. 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.
3. The written notice of custody and rights must include a statement that, if the hearing occurs before a court commissioner, the parent, guardian, or legal custodian has the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain the review, the parent, guardian, or legal custodian must, within 10 days after the entry of the decision of the court commissioner, file with the court a motion for review of the decision, as provided in RCW 2.25.050.

**RCW 13.34.060**

Revisions #2 - 12/15/96; #7 - 12/20/99

Revisions #2 - 12/15/96; #7 - 12/20/99

5000-18b

**D. Acknowledgment of Notification**

September 1, 1995



**CHAPTER 5000—SERVICE DELIVERY**

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**

**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**

Revision #6 - 6/5/99

**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**

B. In circumstances where CPS is not required to give notice under RCW 13.34.060, 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**

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.

Revision #7 - 12/20/99

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**

- 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**

**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 15 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 a reasonable period of time 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. When the records are served on legal counsel, legal counsel shall have the opportunity to review the records with the parents and shall review the records with the parents prior to the shelter care hearing.

**RCW 13.34.090**

Revisions #4 - 6/15/98; #7 - 12/20/99

**CHAPTER 5000—SERVICE DELIVERY**

- 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.
1. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care shall be with any related person described in RCW 74.15.020.
  2. The related person must be willing and available to care for the child and be able to meet any special needs of the child.
  3. If a child is not initially placed with a relative pursuant to this section, the supervising agency shall make an effort within available resources to place the child with a relative on the next business day.
  4. The supervising agency shall document its effort to place the child with a relative pursuant to this section. Nothing within this subsection establishes an entitlement to services or a right to a particular placement.
- 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**

- 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**

Revisions #2 - 12/15/96; #7 - 12/20/99

- D. The court shall hear evidence regarding notice given to, and efforts made to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care.

**CHAPTER 5000—SERVICE DELIVERY**

The court shall hear evidence regarding the efforts made to place the child with a relative.

**RCW 13.34.060**

- E. 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**
- F. If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to paragraph A, above, the court shall order continued placement with a relative, unless there is reasonable cause to believe the safety or welfare of the child would be jeopardized. If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to paragraph A. If a relative is not available, 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**

- G. No child may be detained longer than 30 days without an order, signed by a judge, authorizing continued shelter care.1

**RCW 13.34.060****5760 FACT-FINDING OR DISPOSITION HEARING**

- A. The fact-finding hearing on the petition shall be held no later than 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**

Revisions #2 - 12/15/96; #7 - 12/20/99

- B. Unless there is reasonable cause to believe the safety or welfare of the child would

**CHAPTER 5000—SERVICE DELIVERY**

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**

- 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**

Revision #6 - 6/5/99

- 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. A parent may submit a counselor's or health care provider's evaluation of the parent, which shall be included in the social study or considered in conjunction with the social study. **RCW 13.34.120**

Revision #4 - 6/15/98

- 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**
- 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:

5000-24

- 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  
September 1, 1995

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. In selecting a program, the court should choose those services, including housing assistance, that least interfere with family autonomy, provided that the services are adequate to protect the child.

Revision #7 - 12/20/99

- 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 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.

Revision #7 - 12/20/99

- 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.

3. The court finds, by clear and convincing evidence, 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.

Revision #3 - 10/1/97

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. Aggravated Circumstances

If the court has ordered a child removed from his or her home under provisions of RCW 13.34.130, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds:

1. Termination is recommended by the supervision agency;
2. Termination is in the best interest of the child; and that
3. Because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child.
4. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:

Revisions #4 - 6/15/98; #7 - 12/20/99

- a. 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.



- b. 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.
- c. 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.
- d. Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child.
- e. Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in a, b, c, or d, above.
- f. A finding by the court that a parent is a sexually violent predator as defined in RCW 71.09.020.
- g. 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. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, 25 USC 1903, the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home.
- h. A dependent child under three years of age has been abandoned as defined in RCW 13.34.030 or RCW 13.34.180.
- i. The mother has given birth to three or more drug-affected infants, resulting in the department filing a dependency petition.

**RCW 13.34.130**

Revisions #4 - 6/15/98; #6 - 6/5/99; #7 - 12/20/99

5000-27

- j. Conviction of the parent of a sex offense under chapter 9A.44 RCW or incest under RCW 9A.64.020 when the child is born of the offense.

**CHAPTER 5000—SERVICE DELIVERY**

5. If reasonable efforts are not ordered under paragraph A.3, above, a permanency planning hearing shall be held within 30 days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child.

Revisions #4 - 6/15/98; #6 – 6/5/99; #7 - 12/20/99

**RCW 13.34.130**

6. In lieu of the allegations of paragraphs B.2 through B.6, page 5000-28a below, the petition may allege that the parent has been found by a court of competent jurisdiction:
  - a. To have committed, against another child of such parent, murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW;
  - b. To have committed, against another child of such parent, manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW;
  - c. To have attempted to, conspired, or solicited to commit one or more of the crimes listed in paragraph a or b, above; or
  - d. To have committed assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

**RCW 13.34.180**

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

Revision #4 - 6/15/98; #7 - 12/20/99

5000-28

- 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, and shall allege:

September 1, 1995

1. That the child has been found to be a dependent child under RCW 13.34.030; and
2. That the court has entered a disposition order pursuant to RCW 13.34.130; and

Revision #3 - 10/1/97

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; and

Revision #3 - 10/1/97

4. That the services ordered under RCW 13.34.130 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided; and

Revision #4 - 6/15/98

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. A parent's failure to substantially improve parental deficiencies within 12 months following entry of the dispositional 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 clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

Revision #4 - 6/15/98

5000-28a

- a. Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time and documented unwillingness of the parent to receive and complete treatment or documented multiple failed

September 1, 1995

treatment attempts; or

Revision #4 - 6/15/98

**RCW 13.34.180**

- b. Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time, and documented unwillingness of the parent to receive and complete treatment or documentation there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

Revision #4 - 6/15/98

- 6. That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home; or

Revision #4 - 6/15/98

- 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**

Revision #4 - 6/15/98

5000-28b

**C. 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**

September 1, 1995

**D. 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**

Revision #4 - 6/15/98

**E. Findings and Order Terminating Parental Rights**

After hearings pursuant to RCW 13.34.110, the court may enter an order terminating all parental rights to a child if the court finds that:

1. The allegations contained in the petition as provided in RCW 13.34.180(1) through (6) are established by clear, cogent, and convincing evidence, or
2. RCW 13.34.180(3) and (4) may be waived because the allegations under RCW 13.34.180(1), (2), (5), and (6) are established beyond a reasonable doubt and when an infant has been abandoned, as defined in RCW 13.34.030, the abandonment has been proved beyond a reasonable doubt; or

Revision #4 - 6/15/98

3. The allegation under RCW 13.34.180(7) is established beyond a reasonable doubt. In determining whether RCW 13.34.180(5) and (6) are established beyond a reasonable doubt, the court shall consider whether one or more of the aggravated circumstances listed in RCW 13.34.130(2) exist; or

4. The allegation under RCW 13.34.180(8) is established beyond a reasonable doubt; and
5. Such an order is in the best interests of the child.

**RCW 13.34.190**

Revision #4 - 6/15/98

**F. Voluntary Adoption Plan**

1. In those cases where an alleged father, birth parent, or parent has indicated his or her intention to make a voluntary adoption plan (VAP) for the child and has agreed to the termination of his or her parental rights, the department shall follow the wishes of the alleged father, birth parent, or parent regarding the proposed adoptive placement of the child, if the court determines that:
  - a. This adoption is in the best interest of the child; and
  - b. The prospective adoptive parents chosen by the alleged father, birth parent, or parent are properly qualified to adopt in compliance with the standards in chapter 13.34 RCW and chapter 26.33 RCW.
2. If the Attorney General's office or the prosecuting attorney, as applicable, has filed a termination petition at the department's request, an alleged father's, birth parent's, or parent's preferences regarding the proposed adoptive placement of the child shall be given consideration.

**RCW 13.34.125**

Revision #7 - 12/20/99

Revision #4 - 6/15/98

5000-29b

**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**  
September 1, 1995

- 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.

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.



- 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)**

5000-31

- 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.

**CHAPTER 5000—SERVICE DELIVERY**

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)**

- 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

**CHAPTER 5000—SERVICE DELIVERY**

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)**

- 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

**CHAPTER 5000—SERVICE DELIVERY**

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**

5780 **DEVELOPMENTALLY DISABLED CHILDREN**5781 **Judicial Determination for Out-of-Home Placement**

- A. Whenever the department places a developmentally disabled child in out-of-home care pursuant to RCW 74.13, the department shall obtain a judicial determination within 180 days of the placement that continued placement is in the best interests of the child.

**RCW 13.34.270**

Revision #3 - 10/1/97

5000-34

- B. To obtain the judicial determination, the department shall file a petition alleging that there is located or residing within the county a child who has a developmental disability, as defined in RCW 71A.10.020, and that the child has been placed in out-of-home care pursuant to chapter 74.13 RCW.

- 1. The petition shall request that the court review the child's placement, make a determination that continued placement is in the best interests of the

September 1, 1995

child, and take other necessary action as provided in chapter 13.34 RCW.

2. The petition shall contain the name, date of birth, and residence of the child and the names and residences of the child's parent or legal guardian who has agreed to the child's placement in out-of-home care.
3. The department shall make reasonable attempts to ascertain and set forth in the petition the identity, location, and custodial status of any parent who is not a party to the placement agreement and why that parent cannot assume custody of the child.

**RCW 13.34.270**

- C. The department shall provide notification of the time, date, and purpose of the hearing to the parent or legal guardian who has agreed to the child's placement in out-of-home care. The department shall also make reasonable attempts to notify any parent who is not a party to the placement agreement, if the parent's identity and location is known. Notification under this paragraph may be given by the most expedient means, including, but not limited to, mail, personal service, telephone, and telegraph.

**RCW 13.34.270**

Revision #3 - 10/1/97

5000-34a

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

September 1, 1995

Revision #3 - 10/1/97

5000-34b

**5820 PRE-PLACEMENT REPORT**

A child shall not be placed with a prospective adoptive parent until a pre-placement report has been filed with the court. This includes 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**

Revision #6 - 6/5/99  
September 1, 1995

**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 birth 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 birth parents of the child.

**RCW 26.33.380**

Revision #6 – 6/5/99

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**

5000-35

**5840 CASE RECORDS TO PROSPECTIVE ADOPTING PARENT**

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

1. 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

September 1, 1995

review of the birth family's and the child's previous medical history. The 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**

- a. Where known or available, the information provided shall include:
  - i. A review of the birth family's and the child's previous medical history, including the child's x-rays, examinations, hospitalizations, and immunizations. Medical histories shall be given on a standardized reporting form developed by the department (DSHS 13-041);
  - ii. A physical exam of the child by a licensed physician with appropriate laboratory tests and x-rays;
  - iii. A referral to a specialist if indicated in reports released in the DSHS 13-041; and

Revision #3 - 10/1/97

- iv. A written copy of the evaluation with recommendations to the adoptive family receiving the report.

**RCW 26.33.350**

- b. The department and private adoption agencies and entities shall make reasonable efforts to locate records and information concerning the child's mental, physical, and sensory handicaps. The



entities providing the information have no duty, beyond providing the information, to explain or interpret the records or information regarding the child's present or future health.

**RCW 26.33.350**

2. Following reasonable efforts to locate the information, 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. The DSHS form used for this report is the DSHS 13-041(X).

**RCW 26.33.380**

See chapter 8000, section 8330, regarding the requirement for provision of a medical/family and social history report to prospective adoptive parents.

- B. Department staff must disclose to adoptive parents when a child being placed for adoption is receiving mental health services, is prescribed psychotropic medication, has a sexually transmitted disease, and/or is HIV positive. With respect to disclosure of HIV antibody test or testing or treatment of sexually transmitted diseases, the department shall comply with the following requirements:

Revision #3 - 10/1/97

5000-36a

1. The following persons may receive such information: A department worker, a child placing agency worker, or a *guardian ad litem* who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding a child, who is less than 14 years of age, has a sexually transmitted disease, and is in the custody of the department or a licensed child placing agency; this information may also be received by a person responsible for providing residential care for such a child when the department or a licensed child placing agency determines that it is necessary for the provision of child care services.

September 1, 1995

2. For youth age 14 and above, before disclosing information regarding sexually transmitted disease testing and treatment to prospective adoptive placement resources, the department social worker shall obtain a signed consent to release the information from the otherwise competent youth or a court order.  
**RCW 70.24.105**
3. Whenever disclosure is made, except with the signed consent of the youth age 14 and older, the disclosure shall be accompanied by a statement in writing which includes the following or substantially similar language:

Revision #6 – 6/5/99

Revision #3 - 10/1/97

5000-36b

“This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by law. A general authorization for the release of medical or other information is NOT sufficient for this purpose.”

An oral disclosure shall be accompanied or followed by such a notice within 10 days.

September 1, 1995

The form *Disclosure of Confidential HIV/AIDS Information*, DSHS 09-837, is used for purpose of such disclosure.

**5850 ADOPTION CONSENT**

- A. Except as otherwise provided in RCW 26.33.170, consent to an adoption shall be required of the following if applicable:
  - 1. Children 14 years of age or older;
  - 2. The parents and any alleged father of an adoptee under 18 years of age;
  - 3. An agency or the department to whom the adoptee has been relinquished pursuant to RCW 26.33.080; and
  - 4. The legal guardian of the adoptee.
- B. Except for Indian children, consent to adoption is revocable by the consenting party at any time before the consent is approved by the court. See the *CA Indian Child Welfare Manual* for procedures regarding Indian children.

**RCW 26.33.160**

- C. An agency's, the department's, or a legal guardian's consent to adoption may be dispensed with if the court determines by clear, cogent, and convincing evidence that the proposed adoption is in the best interests of the adoptee.  
**RCW 26.33.170**

Revision #7 - 12/20/99

5000-37

- D. An alleged father's, birth parent's, or parent's consent to adoption may be dispensed with if the court finds that the proposed adoption is in the best interests of the adoptee and:
  - 1. The alleged father, birth parent, or parent has been found guilty of rape under chapter 9A.44 RCW or incest under RCW 9A.64.020, where the adoptee was the victim of the rape or incest; or
  - 2. The alleged father, birth parent, or parent has been found guilty of rape

September 1, 1995

under chapter 9A.44 RCW or incest under RCW 9A.64.020, where the other parent of the adoptee was the victim of the rape or incest and the adoptee was conceived as a result of the rape or incest.

- 3. Nothing in this section shall be construed to eliminate the notice provisions of chapter 26.33 RCW.

**RCW 26.33.170**

Revision #7 - 12/20/99

**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**

Revisions #3 - 10/1/97; #7 - 12/20/99

# CHAPTER 6000

## CASE REVIEW



## TABLE OF CONTENTS

	<u>Page</u>
<b>6100 PERIODIC REVIEWS</b>	6000-1
6110 CITIZEN REVIEW BOARDS	6000-2
6120 PERMANENCY PLAN REVIEW	6000-5
<b>6200 RISK ASSESSMENT</b>	6000-7
<b>6300 ADOPTION</b>	6000-7





**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.
  - 1. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and, if necessary, revised permanency time limits
  - 2. The supervising agency shall provide a foster parent, pre-adoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This provision does not grant party status to any person who has been provided an opportunity to be heard.

**RCW 13.34.130**

Revision #4 - 6/15/98

- B. 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. CA 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 and Safety Plan (ISSP), of the child.  

Revision #6 - 6/5/99
2. The safety of the child.
3. The appropriateness of the type of placement.
4. The permanent plan for the child.
5. The legal status of the child.
6. Review of the appropriateness of services provided.
7. Review of the visitation plan.
8. Compliance with the case plan by the parent, child, and supervising agency, including whether progress has been made toward permanency.
9. The projected date for returning and safely maintaining the child at home or for completion of another safe permanent plan.
10. 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.
11. Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services.

**RCW 13.70.100; RCW 13.70.110; RCW 13.70.130**  
**42 USC 675, Sec. 475**

Revisions #4 - 6/15/98; #5 - 12/10/98; #7 - 12/20/99

Revisions #4 - 6/15/98; #7 - 12/20/99

6000-1b

September 1, 1995

- F. The court's ability to order housing assistance under RCW 13.34.130 is:
  - 1. Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and
  - 2. Subject to the availability of funds appropriated for this specific purpose.

**RCW 13.34.110**

Revision #7 - 12/20/99

**6110 CITIZEN REVIEW BOARDS**

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

**RCW 13.70.003**

Revision #6 – 6/5/99

- 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 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 45 days following commencement of the placement episode, the court shall assign the child's case to a board for review.

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.

5. Within 12 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. 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.

Revision #5 – 12/10/98

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 13.70.110**

Revision #6 – 6/5/99

6120 **PERMANENCY PLAN REVIEW**

For developmentally disabled children in out-of-home care pursuant to chapter 74.13 RCW, permanency planning hearings shall be held. At the hearing, the court shall review whether the child's best interests are served by continued out-of-home placement and determine the future legal status of the child.  
**RCW 13.34.270**

Revision #3 - 10/1/97

For all children in out-of-home care:

Revision #6 - 6/5/99

A. 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, guardianship order, or permanent custody 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**

Revision #4 - 6/15/98

B. 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) months, as provided in RCW 13.34.145, 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, guardianship order, or permanent custody order is entered, or the dependency is dismissed.  
**RCW 13.34.145**

Revision #4 - 6/15/98

C. 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**

Revision #4 - 6/15/98

1. The plan shall be directed toward seeking a safe, stable, and permanent home for the child as soon as possible.
2. The plan for the developmentally disabled child shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals:
  - a. Return of the child to the home of the child's parent or legal guardian;
  - b. Adoption;
  - c. Guardianship; or
  - d. Long-term out-of-home care, until the child is age 18, with a written agreement between the parties and the child's care provider.
3. For the developmentally disabled child, if a goal of long-term out-of-home care has been achieved before the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remains appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.

**RCW 13.34.270**

Revision #3 - 10/1/97

- D. At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130 and shall review the permanency plan prepared by the agency.

Revisions #3 - 10/1/97; #4 - 6/15/98



**CHAPTER 6000—CASE REVIEW**

1. The court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and 13.34.130(7), if the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing.
2. If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.
3. In cases where the primary permanency planning goal has not yet been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.
4. In all cases, the court shall:
  - a. Order the permanency plan prepared by the agency to be implemented; or
  - b. Modify the permanency plan, and order implementation of the modified plan; and
  - c. 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
  - d. 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.

Revision #4 - 6/15/98

**RCW 13.34.145(6)**

6000-6a

- E. If the court orders the child returned home, casework supervision shall continue  
September 1, 1995

**CHAPTER 6000—CASE REVIEW**

for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.130(7), and the court shall determine the need for continued supervision.

**RCW 13.34.145(7)**

Revision #4 - 6/15/98

F. Continued juvenile court jurisdiction under chapter 13.34 RCW shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when (1) the court has ordered implementation of a permanency plan that includes legal guardianship or permanent legal custody, and (2) the party pursuing the legal guardianship or permanent legal custody is the party identified in the permanency plan as the prospective legal guardian or custodian.

1. During the pendency of such proceeding, juvenile court shall conduct review hearings and further permanency planning hearings as provided in chapter 13.34 RCW.

2. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

**RCW 13.34.145(8)**

Revision #4 - 6/15/98

G. 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, or the voluntary placement agreement for the developmentally disabled child, is terminated.

**RCW 13.34.145(9)**

Revisions #3 - 10/1/97; #4 - 6/15/98

6000-6b

H. Except as otherwise provided in RCW 13.34.235, the status of all dependent  
September 1, 1995

**CHAPTER 6000—CASE REVIEW**

children shall continue to be reviewed by the court at least once every six (6) months, in accordance with RCW 13.34.130(7), 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**

Revision #4 - 6/15/98

- I. If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

**RCW 13.34.130(5)**

Revision #4 - 6/15/98

- J. If any party to the voluntary placement agreement for the developmentally disabled child terminates the agreement, the department shall notify the court upon termination of the agreement and return of the child to the care of the child's parent or legal guardian. Whenever a voluntary placement agreement is terminated, permanency planning action shall be dismissed. A permanency planning action filed under this section shall also be dismissed upon the filing a dependency petition regarding a child who is the subject of the action.

**RCW 13.34.270**

Revision #3 - 10/1/97

Revision #4 - 6/15/98

6000-6d

6200 **RISK ASSESSMENT**

September 1, 1995

**CHAPTER 6000—CASE REVIEW**

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 pre-placement 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 that 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 pre-placement reports shall include an investigation of the conviction record, pending charges, or disciplinary board final decisions of prospective adoptive parents.

**RCW 26.33.190**

- 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

**CHAPTER 6000—CASE REVIEW**

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**

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

**RCW 26.33.210**

CHAPTER 7000  
CASE RESOLUTION





## TABLE OF CONTENTS

	<u>Page</u>
<b>7100 DEPENDENCY</b>	7000-1
<b>7200 CRISIS RESIDENTIAL CENTER (CRC) PLACEMENT OUTCOMES</b>	7000-1



**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; RCW 13.34.145**

Revision #6 – 6/5/99

**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**



# CHAPTER 8000

# CARETAKERS



## TABLE OF CONTENTS

	<u>Page</u>
<b>8100 FOSTER FAMILY HOMES</b>	8000-1
8110 FOSTER PARENT LIAISON	8000-3
8120 CHILD CARE SUPPORT FOR FOSTER PARENTS	8000-3
8130 FIRST AID/CPR AND HIV/AIDS TRAINING	8000-3
8140 PROPERTY DAMAGE REIMBURSEMENT	8000-3a
<b>8200 RELATIVE CARETAKERS</b>	8000-3a
<b>8300 ADOPTIVE FAMILY HOMES</b>	8000-3a
8310 PRE-PLACEMENT REPORT (ADOPTIVE HOME STUDY)	8000-3b
8320 POST-PLACEMENT REPORT	8000-4
8330 MEDICAL/FAMILY AND SOCIAL HISTORY REPORT	8000-5
8340 PETITION FOR ADOPTION	8000-5
8350 OPEN ADOPTION AGREEMENT	8000-5
8360 INFORMATION ON ADOPTION-RELATED SERVICES	8000-6
<b>8400 NON-CUSTODIAL PARENTS</b>	8000-6
<b>8500 IN-HOME CHILD CARE</b>	8000-6

Revisions #3 - 10/1/97; #7 - 12/20/99

8600	<b>CHILD PLACING AGENCIES</b>	8000-7
8700	<b>INDIVIDUALS ENGAGED BY CHILDREN'S ADMINISTRATION</b>	8000-7
8800	<b>HOME STUDIES FOR PLACEMENT - INTERSTATE COMPACT</b>	8000-8
8900	<b>LICENSED CHILD DAY CARE PROVIDERS</b>	8000-8
81000	<b>FOSTER AND ADOPTIVE HOME RECRUITMENT</b>	8000-8



**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 74.15.010**

Revision #6 – 6/5/99

- B. Children's Administration is prohibited from denying to any person the opportunity to become a foster or adoptive parent, on the basis of the race, color, or national origin of the foster or adoptive parent, or the child, involved. **42 USC 671a**

Revisions #3 - 10/1/97; #4 - 6/15/98; #5 – 12/10/98

**C. Probationary License**

1. 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:

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

**RCW 74.15.020; RCW 74.15.125**

Revisions #2 - 12/15/96; #3 - 10/1/97; #6 – 6/5/99

2. 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 wellbeing of the children.

**RCW 74.15.125**

Revision #4 - 6/15/98

3. 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 74.15.125**

Revision #3 - 10/1/97

- D. 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 or family day care 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**

Revision #6 – 6/5/99

**E. Initial License**

1. The department, at its discretion, may issue an initial license, formerly a provisional license, instead of a full license to an agency or facility (i. e., a group home or child placing agency) 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.
2. An initial license may be granted to a foster family home only if the following three conditions are met:
  - a. The license is limited so that the licensee is authorized to provide care only to a specific child or specific children.
  - b. 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.
  - c. The initial license is issued for a period not to exceed 90 days.

**RCW 74.15.120**

Revision #4 - 6/15/98

**F. License Denial, Suspension, Revocation, Modification, Non-Renewal**

1. An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed by the department upon proof that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or that the conditions of required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification, and provides the right to an adjudicative proceeding.

**RCW 74.15.130(1)**

Revision #4 - 6/15/98

2. In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of a foster family home license, the department's decision shall be upheld if there is reasonable cause to believe that:
  - a. The applicant or licensee lacks the character, suitability, or competence to care for children placed in out-of-home care; however, no unfounded report of child abuse or neglect may be used to deny employment or a license;
  - b. The applicant or licensee has failed or refused to comply with any provision of chapter 74.15 RCW, the licensing chapter, RCW 74.13.031, authorizing child welfare services, or WAC 388-73; or
  - c. The conditions required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses.

**RCW 74.15.130(2)**

Revision #4 - 6/15/98

3. In any adjudicative proceeding the denial, modification, suspension, or revocation of any license under chapter 74.15 RCW, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

**RCW 74.15.130(3)**

Revision #4 - 6/15/98

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

Revisions #3 - 10/1/97; #4 - 6/15/98

**8110 FOSTER PARENT LIAISON**

The department shall provide a foster parent liaison position in each of its regions through a private nonprofit organization. The foster parent liaison shall enhance the working relationship between department social workers and foster parents. The foster parent liaison shall provide expedited assistance for the unique needs and requirements posed by special needs foster children in out-of-home care. **RCW 74.13.340**

Revision #3 - 10/1/97

**8120 CHILD CARE SUPPORT FOR FOSTER PARENTS**

The department may provide child care for all foster parents who are required to attend department-sponsored meetings or training sessions. If the department does not provide such child care, the department, where feasible, shall conduct these activities in the foster parent's home or other location acceptable to the foster parent. **RCW 74.13.315**

Revision #3 - 10/1/97

**8130 FIRST AID/CPR AND HIV/AIDS TRAINING**

- A. Foster parents are required to complete first aid/CPR and HIV/AIDS training to become licensed.
  - 1. CA may waive the first aid/CPR training if the foster parent has current certification or has professional background in this area.
  - 2. CA may waive the HIV/AIDS training if the foster parent has completed HIV/AIDS training in the last five years or has professional or educational background in this area.
- B. The cost of this mandatory training is a financial barrier for some people who consider becoming a foster parent. CA shall provide all new and current foster parents with first aid/CPR and HIV/AIDS training.

**Chapter 160, Laws of 1999**

Revision #7 - 12/20/99

**8140 PROPERTY DAMAGE REIMBURSEMENT**

- A. Within available funds and subject to such conditions and limitations as the department may establish, the department shall reimburse foster parents for property damaged or destroyed by foster children placed in their care.
- B. The department shall establish by rule in the Washington Administrative Code (WAC) a maximum amount that may be reimbursed for each occurrence.
  - 1. The department shall reimburse the foster parent for the replacement value of any property covered by this section.
  - 2. If the damaged or destroyed property is covered and reimbursed under an insurance policy, the department shall reimburse foster parents for the amount of the deductible associated with the insurance claim, but to the limit per occurrence as established by CA.

**RCW 74.13.335**

Revision #7 - 12/20/99

**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 chapter RCW 74.15 and related licensing RCW.

**8300 ADOPTIVE FAMILY HOMES**

- A. CA is prohibited from denying to any person the opportunity to become an adoptive parent, on the basis of the race, color, or national origin of the adoptive parent, or the child, involved.
- B. CA shall not deny or delay the placement of the child for adoption when an approved family is available outside the jurisdiction or office with responsibility for handling the case of the child.

**42 USC 671a**

Revisions #3 - 10/1/97; #5 – 12/10/98

- C. CA shall grant an opportunity for a fair hearing to an individual who alleges that the state has denied or delayed the placement of a child contrary to the requirements of paragraph B, above.

**42 USC 671a**

Revisions #3 - 10/1/97; #4 -6/15/98; #5 – 12/10/98

**8310 PRE-PLACEMENT REPORT (ADOPTIVE HOME STUDY)**

- A. A child shall not be placed with prospective adoptive parents until a pre-placement report has been filed with the court.

**RCW 26.33.180**

- B. The pre-placement 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.

Revisions #2 - 12/15/96; #3 - 10/1/97; #7 - 12/20/99

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 pre-placement report shall be filed with the court and a copy delivered to the family. If more than one pre-placement 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**



**CHAPTER 8000—CARETAKERS****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, health, educational, and sensory handicaps of the child.

Revision #3 - 10/1/97

- 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**

- D. See chapter 5000, section 5840, for additional requirements relating to provision of documents and records to adoptive parents.

Revision #3 - 10/1/97

**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.

**CHAPTER 8000—CARETAKERS**

- 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 *CA Practices and Procedures Guide* for steps to approve non-custodial parents for placement.

Revision #3 - 10/1/97

**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.

**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 CHILDREN'S ADMINISTRATION**

Individuals engaged by Children's Administration 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, Children's Administration 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.

Revision #3 - 10/1/97

**CHAPTER 8000—CARETAKERS**

- 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 DLR Office of Child Care Policy (OCCP). For more information, refer to that office and its policy and procedure directives.

**81000 FOSTER AND ADOPTIVE HOME RECRUITMENT**

The department shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized (i. e., homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant, and parenting teens).

**74.13.031(2)**

**RCW**

Revision #3 - 10/1/97

CHAPTER 9000  
ADOPTION SUPPORT



## TABLE OF CONTENTS

	<u>Page</u>
9100 <b>ELIGIBILITY</b>	9000-1
9200 <b>CONSIDERATIONS FOR PAYMENTS</b>	9000-2
9300 <b>ADOPTION SUPPORT AGREEMENTS</b>	9000-3
9400 <b>NON-RECURRING ADOPTION EXPENSES</b>	9000-4
9500 <b>ADOPTION SUPPORT RECONSIDERATION</b>	9000-4
9600 <b>ELIGIBILITY FOR SUBSIDY AFTER ADOPTION FINALIZATION</b>	9000-6
9700 <b>INTERSTATE COMPACTS FOR ADOPTION ASSISTANCE</b>	9000-6





**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**

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**

- K. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of the Washington Basic Health Plan.

**RCW 70.47.060(9)**

Revision #4 - 6/15/98

- 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.

**ACYF-PIQ-86-05**

- 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.

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 a pre-adoptive placement funded by the department or in foster care funded by the department immediately prior to the adoptive placement;

Revision #3 - 10/1/97

**CHAPTER 9000—ADOPTION SUPPORT**

2. Had a physical or mental handicap or emotional disturbance that existed and was documented prior to the adoption or was at high risk of future physical or mental handicap or emotional disturbance as a result of conditions exposed to prior to the adoption; and

Revision #3 - 10/1/97

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 paragraph B, above, 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. **RCW 74.13.150(3)**

Revision #3 - 10/1/97

- 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)**

**CHAPTER 9000—ADOPTION SUPPORT**

- 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**

For adoptions occurring in or after the year 1981, certain adopted children may be eligible for adoption support subsidy after finalization. The determination of eligibility is based upon the extenuating circumstances at the time of the adoption and other qualifying factors. The child's eligibility for federal funding at the time of adoption will need to be established based upon the information in the archived file. If a family inquires about subsidy services after adoption, the social worker shall refer them to the regional adoption support program manager.

**HHS-ACF-PIQ-92-02**

Revision #2 - 12/15/96

**9700 INTERSTATE COMPACTS FOR ADOPTION ASSISTANCE**

- A. The department is authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with other states to implement the purposes contained in this section and RCW 74.13. When entered into, and for so long as it remains in force, such a compact has the force and effect of law.

**RCW 74.13.155**

- B. A compact entered into under the authority of RCW 74.13 must have the following content:

1. A provision for making it available for joinder by all states;

Revision #3 - 10/1/97

**CHAPTER 9000—ADOPTION SUPPORT**

2. A provision for withdrawal from the compact with written notice to the parties, but with a period of one year between the date of the notice and the effective date of the withdrawal;
3. A requirement that the protections afforded by or pursuant to the compact continue in force for the duration of the adoption assistance and be applicable to all children and their adoptive parents who, on the effective date of the withdrawal, are receiving adoption assistance from a party state other than the one in which they are resident and have their principal place of abode;
4. A requirement that each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement that is:
  - a. In writing between the adoptive parents and the state child welfare agency of the state that undertakes to provide the adoption assistance, and
  - b. Expressly for the benefit of the adopted child and enforceable by the adoptive parents and the state agency providing the adoption assistance; and
5. Such other provisions as are appropriate to implement the proper administration of the compact.

**RCW 74.13.156**

- C. A compact entered into pursuant to the authority conferred in chapter 74.13 RCW may contain provisions in addition to those required under paragraph B of this section, as follows:

Revision #3 - 10/1/97

**CHAPTER 9000—ADOPTION SUPPORT**

1. Provisions establishing procedures and entitlement to medical and other necessary social services for the child in accordance with applicable laws, even though the child and the adoptive parents are in a state other than the one responsible for or providing the services or the funds to defray part or all of the costs of the services; and
2. Such other provisions as are appropriate or incidental to the proper administration of the compact.

**RCW 74.13.157****D. Medical Assistance**

1. A child with special needs who resides in this state and is the subject of an adoption assistance agreement with another state is entitled to receive a medical assistance identification card from this state upon the filing with the department of a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with regulations of the Medical Assistance Administration, the adoptive parents are required at least annually to show that the agreement is still in force or has been renewed.
2. The Medical Assistance Administration shall consider the holder of a medical assistance identification under this section as any other holder of a medical assistance identification under the laws of this state and shall process and make payment on claims in the same manner and under the same conditions and procedures as for other recipients of medical assistance.

Revision #3 - 10/1/97



**CHAPTER 9000—ADOPTION SUPPORT**

3. The Medical Assistance Administration shall provide coverage and benefits for a child who is in another state and is covered by an adoption assistance agreement made by the department for the coverage or benefits, if any, not provided by the residence state.
  - a. Adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state for reimbursement.
  - b. No reimbursement may be made for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents.
  - c. The additional coverage and benefit amounts provided under this paragraph must be for services to the cost of which there is no federal contribution, or which, if federally aided, are not provided by the residence state.

**RCW 74.13.158**

4. The submission of any claim for payment or reimbursement for services or benefits under this paragraph or the making of any statement that the person knows or should know to be false, misleading, or fraudulent is punishable as perjury under chapter 9A. 72 RCW.

Revision #3 - 10/1/97

5. This paragraph applies only to medical assistance for children under adoption assistance agreements from states that entered into a compact with this state under which the other state provided medical assistance to children with special needs under adoption assistance agreements made by this state. All other children entitled to medical assistance under an adoption assistance agreement entered into by this state are eligible to receive assistance in accordance with the applicable laws and procedures.

**RCW 74.13.158**

Revision #3 - 10/1/97

APPENDIX A  
DEFINITIONS



For purposes of the Children's Administration *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**

**"ADMINISTRATOR"** means the individual who has the daily administrative responsibility of a crisis residential center, or his or her designee.

**RCW 13.32A.030(1)**

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

**RCW 26.33.020**

**"ADOPTION ASSISTANCE STATE"** means the state that is signatory to an adoption assistance agreement in a particular case.

**RCW 74.13.154**

Revision #3 - 10/1/97

**"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)**

**APPENDIX A—DEFINITIONS**

- (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**

"**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. See "INDIAN CHILD" and "WASHINGTON STATE INDIAN CHILD."

Revision #6 – 6/5/99

"**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

- (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**

"**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**

Revision #6 – 6/5/99

"**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**



"**CHILD PROTECTIVE SERVICES**" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes 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**

Revision #3 - 10/1/97

"**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.
- ! Protecting and caring for 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.

The department's duty to provide services to homeless families with children is set forth in RCW 43.20A.790 and in appropriations provided by the legislature for implementation of the plan.

**RCW 74.13.020**

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

**RCW 26.33.020; RCW 26.44.020**

Revisions #6 – 6/5/99; #7 - 12/20/99

**"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**

**"CRISIS RESIDENTIAL CENTER"** means a secure or semi-secure facility established pursuant to chapter 74.13 RCW. **RCW 13.32A.030**

**"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, a permanent custody order, 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**

Revision #4 - 6/15/98

**"CUSTODIAN"** means the person or entity who has the legal right to custody of the child. **RCW 13.32A.030**

Revision #6 – 6/5/99

**"DEPARTMENT"** means the Department of Social and Health Services. **RCW 13.32A.030; RCW 26.33.020; RCW 26.44.020**

Revision #2 - 12/15/96

**"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**

**"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.

Revision #4 - 6/15/98

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

**RCW 13.34.030**

Revision #4 - 6/15/98

**“DEVELOPMENTALLY DISABLED CHILD”** is a child who has a developmental disability as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian and with the department mutually agree that services appropriate to the child’s needs cannot be provided in the home. **RCW 74.13.021**

Revisions #3 - 10/1/97; #4 - 6/15/98

**"DEVELOPMENTALLY DISABLED PERSON"** means a person who has a disability defined in RCW 71A.10.020. **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**

**"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 74.14C.020. **RCW 74.14C.010**

Revisions #3 - 10/1/97; #6 – 6/5/99

**"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**

**"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**

**"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; RCW 13.34.030**

Revision #6 – 6/5/99

**"GUARDIANSHIP"** means, for the purposes of permanency planning, a dependency guardianship pursuant to chapter 13.34 RCW, a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian Tribe. **RCW 13.34.145**

Revision #4 - 6/15/98

**"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.

“**HOPE Center**” means an agency licensed by the department to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for 30 days while services are arranged and permanent placement is coordinated. No street youth may stay longer than 30 days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to 30 days.

**RCW 74.15.020**

Revision #7 - 12/20/99

"**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**

“**IMMINENT HARM**” for purposes of RCW 13.34.050(1) shall include, but not be limited to, circumstances of sexual abuse, or sexual exploitation as defined in RCW 26.44.020.

**RCW 13.34.050**

Revision #4 - 6/15/98

"**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 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**

**"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**

Revision #6 – 6/5/99

**"NEAR FATALITY"** means an act that, as certified by a physician, places the child in serious or critical condition. The department is under no obligation to have an act certified by a physician in order to comply with this section.

**RCW 74.13.500**

Revision #7 - 12/20/99

**"NEGLIGENT TREATMENT OR MALTREATMENT"** means an act or omission that 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. The fact that siblings share a bedroom is not, in and of itself, "negligent treatment or maltreatment." **RCW 26.44.020**

Revision #3 - 10/1/97

**"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; RCW 13.34.030**

**"PARENT"** means, except where 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**

**"PERMANENT CUSTODY ORDER"** means, for purposes of permanency planning, a custody order entered pursuant to chapter 26.10 RCW.

**RCW 13.34.145**

**“PERMANENT LEGAL CUSTODY”** means, for purposes of permanency planning, legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian Tribe. **RCW 13.34.145**

Revision #4 - 6/15/98

**"PHARMACIST"** shall mean any registered pharmacist under the provisions of chapter 18.64 RCW. **RCW 26.44.020**

Revision #6 – 6/5/99

**"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**

**"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**

**"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
- (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;

Revisions #1 - 4/25/96; #2 - 12/15/96; #7 - 12/20/99

- (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
- (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**

"**PREVENTIVE SERVICES**" means preservation services, as defined in chapter 74.14C, and other reasonably available services, including housing services, capable of preventing the need for out-of-home placement while protecting the child. Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.

**RCW 13.34.030**

Revisions #2 - 12/15/96; #6 - 6/5/99; #7 - 12/20/99



**"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**

**"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 parents in accordance with state law;
- (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**

Revisions #2 - 12/15/96; #3 - 10/1/97; #7 - 12/20/99

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

**"RESIDENCE STATE"** means the state where the child is living. **RCW 74.13.154**

**"RESPONSIBLE LIVING SKILLS PROGRAM"** means an agency licensed by the department that provides residential and transitional living services to persons ages 16 to 18 who are dependent under chapter 13.34 RCW and who have been unable to live in his or her own legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages 14 and 15 may be eligible if no other placement alternative is available and the department approves the placement. **RCW 74.15.020**

Revision #7 - 12/20/99

**"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**

**"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**

**"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) Assault with intent to commit rape; (c) Incest or indecent liberties; (d) Child molestation; (e) Sexual misconduct with a minor; (f) Crimes with a sexual motivation; (g) An attempt to commit any of the aforementioned offenses. **RCW 70.125.030**

Revisions #2 - 12/15/96; #6 – 6/5/99

**"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"** means 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**

**"STAFF SECURE FACILITY"** means a structured group care facility licensed under rules adopted by the department with a ratio of at least one adult staff member to every two children. **RCW 13.32A.030**

Revision #6 – 6/5/99

**"STATE"** means, for the purposes of adoption assistance, a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a territory or possession of or administered by the United States. **RCW 74.13.154**

Revision #3 - 10/1/97

**"STREET YOUTH"** means a person under the age of 18 who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence. **RCW 74.15.020**

Revision #7 - 12/20/99

**"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**

Revision #6 – 6/5/99

**"TRANSITIONAL LIVING SERVICES"** means at a minimum, to the extent funds are available, the following:

- (a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;
- (b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;
- (c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;
- (d) Individual and group counseling; and
- (e) Establishing networks with federal agencies and state and local organizations such as the United States Department of Labor, Employment and Training Administration programs including the Job Training Partnership Act which administers Private Industry Councils and the Job Corps; vocational rehabilitation; and volunteer programs.

**RCW 74.15.020**

Revision #7 - 12/20/99

**"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."**

**"UNFOUNDED"** means available information indicates that, more likely than not, child abuse or neglect did not occur. **Chapter 26.44.020**

Revisions #4 - 6/15/98; #6 – 6/5/99

**"VOLUNTARY PLACEMENT AGREEMENT"** means a written agreement between the department and a child's parent or legal guardian authorizing the department to place the child in a licensed facility. **RCW 74.13.350**

Revision #3 - 10/1/97

**"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."**



# APPENDIX B

## INDEX





**ADOPTION**

Adoption Consent	5000-36
Adoption Information	8000-5, 8000-6
Adoption Support	1000-11, 5000-34, 9000-1, 9000-3, 9000-4
Adoptive Family Homes	8000-3
Adoptive Home Study	8000-3
Case Planning	4000-16
Case Records	5000-36
Confidentiality	5000-35
Court Review	6000-7
Interstate Compact	5000-2
Open Adoption	8000-5, 8000-6
Petition	6000-8, 8000-4, 8000-5, 9000-3
Post-Adoption Services	5000-37
Post-Placement Report	6000-8, 8000-4
Preplacement Report	5000-35, 6000-7, 8000-3, 8000-4
Purpose	1000-9
Review Hearing	6000-7
Sealed Records	5000-35

**ADOPTION SUPPORT**

Agreements	9000-1, 9000-3, 9000-4
Eligibility	9000-1, 9000-4, 9000-6
Non-Recurring Expenses	9000-4
Payments	9000-2, 9000-3
Purpose	1000-11
Reconsideration	9000-4
Limitation	9000-5

**APPLICANT**

Defined	A-1
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**ASSESSMENT**

Child Protective Services	3000-2
Drug/Alcohol	3000-2, 3000-3
Limited English Proficiency (LEP)	3000-1, 4000-15
Out-of-Home Placement	3000-2, 3000-3, 4000-9, 5000-9

Revision #4 - 6/15/98

**AT-RISK YOUTH**

Defined		A-2
Petition	5000-5, 5000-6, 5000-7, 5000-8, 5000-9, 5000-10, 5000-11	
Purpose of Services		1000-7
Service Availability		2000-5

**BACKGROUND CHECKS**

Adoption Preplacement		5000-35
Applicant for Employment		8000-7, 8000-8
Employees, Volunteers, and Others		5000-14, 8000-7
Fingerprinting		5000-14
Parents		8000-6
Placement		1000-10, 5000-14

**CANADIAN INDIAN CHILD**

Defined		A-3
---------	--	-----

**CARETAKERS**

Adoption		8000-3, 8000-4
Foster Family Homes		8000-1
Initial License		8000-2
Probationary License		8000-1, 8000-1a
Purposes of Licensing		1000-9
Relatives		8000-3

**CASE PLANS**

Content	4000-3, 4000-4, 4000-5, 4000-6, 4000-7 4000-8, 4000-9, 4000-10	
Court		4000-4, 4000-5
Development		4000-1
Dissemination		4000-8
Ongoing		4000-1
Review		6000-6
Written		4000-4

**CHILD ABUSE OR NEGLECT**

Abandonment		5000-27
Aggravated Circumstances		5000-26, 5000-27
Case Assessment		3000-2
Child Health and Safety		5000-1
Consultation/Mandatory Reporters		4000-1

Revision #4 - 6/15/98

**CHILD ABUSE OR NEGLECT**

Administrative Hearing	3000-2c
Defined	A-4
Drug/Alcohol Assessment	3000-2, 3000-2a
Finding Review	3000-2b, 3000-2c
Intent and Purpose of Services	1000-6
Investigation	3000-1
Perpetrator Notification	3000-2a, 3000-2b
Rebuttable Presumption	5000-28
Risk Factors	3000-3

**CHILD DAY CARE**

In-Home	8000-6
Licensed Providers	8000-8

**CHILD IN NEED OF SERVICES (CHINS)**

At-Risk Youth Petition	5000-6, 5000-7, 5000-8, 5000-10a, 5000-11
Contempt of Court	5000-9e, 5000-9f
CRC Placement Outcome	7000-1
Defined	A-3
Disposition Hearing	5000-9b, 5000-9c, 5000-9d, 5000-9e
Fact-Finding Hearing	5000-9a
Petition	
Department Assistance	5000-9
Department Filing	5000-6, 5000-7, 5000-7a, 5000-8
Dismissal	5000-10, 5000-10a
Family Assessment	5000-9
Limitation on Filing	5000-9
Notice to Department	5000-9a
Service to Parents	5000-9a

**CHILD PLACING AGENCY**

8000-7

**CHILD PROTECTIVE SERVICES**

Administrative Hearing	3000-2a, 3000-2b
Assessment	3000-1, 3000-2, 3000-4, 4000-3
Case Assessment	3000-2
Custody	5000-17
Defined	A-5
Eligibility	2000-2
Family-Focused Case Assessment	3000-2
Findings Of Investigation	3000-2a
Findings Review	3000-2a, 3000-2b

Revision #4 - 6/15/98

**CHILD PROTECTIVE SERVICES**

Information and Referral	3000-2
Intake	2000-2
Interview the Child	3000-1
Investigation	2000-1, 2000-3, 3000-1, 4000-3
Legal Intervention	3000-1
Limits of Authority	2000-3
Mandated Reports	2000-1
Notice to Parents of Allegation - CRC	5000-4
Notice to Parents of Custody	5000-19
Photograph Child	3000-1
Purpose and Intent	1000-6
Rebuttable Presumption	5000-28
Record Purge	2000-5
Records and Reviews	2000-3
Rights and Responsibilities	3000-1, 5000-18
Risk Assessment Process	3000-2, 6000-6
Severe Abuse	2000-1, 2000-1a

**CHILD WELFARE SERVICES**

Defined	A-5
Focus	5000-1
Legislative Goal	5000-1
Purpose	1000-8

**CHILDREN AND FAMILY SERVICES** 1000-5

**COMPELLING REASON**

Placement on Basis of Race/Ethnicity	4000-13, 4000-14
--------------------------------------	------------------

**CONFIDENTIALITY** 4000-1, 5000-35

**CRIMINAL HISTORY/ARREST RECORD** 1000-10, 5000-14

**CRISIS RESIDENTIAL CARE**

Defined	A-6
---------	-----

**CRISIS RESIDENTIAL CENTER**

CHINS Petition	5000-6, 5000-7, 5000-11
Defined	A-6
Family Reconciliation	5000-5a
ICPC	5000-5b

Revisions #4 - 6/15/98; #7 - 12/20/99

**CRISIS RESIDENTIAL CENTER**

Placement	
CHINS	5000-11a
Law Enforcement	5000-3a, 5000-3b
Limitations	5000-5
Outcomes	7000-1
Parental Notification	5000-3d
Parental Removal	5000-5a
Seventy-Two Hour	5000-5c
Security Defined	A-14
Semi-Secure Defined	A-14

**CULTURAL CONSIDERATIONS**

Bases of Placement	4000-16
Case Plan	4000-5, 4000-7
Child's Background	4000-10
Diversity/Non-Discrimination	1000-12
Focus of Services	5000-1
Needs of Child/Family	4000-14, 4000-15
Post-Placement Report	6000-8
Pre-Placement Report	8000-4

**CURRENT PLACEMENT EPISODE**

Case Plan Update	4000-8
Defined	A-6
Permanency Planning Hearing	6000-5

**DEPENDENCY**

Abandonment	5000-27; 5000-29a
Aggravated Circumstances	5000-26, 5000-27
Actions Following Placement	5000-15
Casework Supervision	7000-1
Citizen Review Board	6000-3
Contempt of Court	5000-16
Court Order	3000-3, 5000-3, 5000-14
Fact-Finding	4000-4, 5000-9, 5000-21, 5000-22
Guardianship	5000-28, 5000-31, 5000-33, 5000-34
Information Disclosure	4000-2a, 4000-2b, 4000-2c, 4000-2d
Permanency Plan	4000-2d, 4000-3
Petition	4000-4, 5000-5, 5000-11, 5000-15
	5000-16, 5000-22, 5000-23, 6000-2, 6000-3, 7000-1
Rebuttable Presumption	5000-28
Rights of Children and Families	1000-8, 3000-1, 4000-2, 5000-17
	5000-18, 5000-19, 5000-20, 5000-22
Termination of Parental Rights	4000-4, 5000-26, 5000-27, 5000-29
	5000-31, 6000-6, 6000-7

Revisions #4 - 6/15/98; #7 - 12/20/99

**DEPENDENCY GUARDIAN**

Defined	A-6
Dependency Proceeding	5000-33
Foster Care Payment	5000-34
Minimum Requirements	5000-30
Modification/Termination	5000-33, 5000-34
Necessary Conditions	5000-30, 5000-31
Order	5000-31
Period	5000-32
Permanency Planning Hearing Following Removal	6000-5
Petition	4000-4
Rights and Duties	5000-32

**DEPENDENT CHILD**

Abandonment	5000-27, 5000-29a
Aggravated Circumstances	5000-26, 5000-27
Actions Following Placement	5000-15
Court Review	6000-7
Defined	A-6
Dependency Proceeding in Guardianship	5000-32
Guardianship	5000-30
Interstate Compact	8000-8
Permanency Plan - DD Child	6000-6
Risk Factors at Hearing	3000-3
Service Goal	1000-5
Rebuttable Presumption	5000-28
Termination Petition	5000-27

**DISCLOSURE OF RECORDS** 4000-2a, 4000-2b, 4000-2c, 4000-2d

**“DISCOVERY” AT SHELTER CARE HEARINGS** 5000-21

Revision #6 - 6/5/99

**DISPOSITIONAL HEARING**

Attend School	5000-24
CHINS	5000-9b, 5000-9c, 5000-9d, 5000-9e
Custodial Care	5000-29
Court Order	5000-24
Dependency Review Proceedings	5000-33
Disposition Determinations	5000-24, 5000-25
Foster Parent Attendance	5000-23, 6000-1
Notice of Rights	5000-29
Petition Seeking Termination	5000-26, 5000-27
Pre-Adoptive Parent Attendance	6000-1
Predisposition Report	5000-24

Revision #4 - 6/15/98

**DISPOSITIONAL HEARING**

Reasonable Efforts	3000-3, 4000-2, 4000-2d, 4000-4, 5000-5, 5000-17 5000-18, 5000-22, 5000-25, 5000-26, 5000-27, 6000-1
Rebuttable Presumption	5000-28
Relative Attendance	6000-1
Service of Summons	5000-23
Social File	5000-23
Social Study	4000-9, 5000-23, 5000-24
Termination of Parental Rights	4000-4, 5000-26, 5000-27 6000-6, 6000-7

**EDUCATION and HEALTH HISTORY**

	5000-13, 5000-15
Health History to Adoptive Parent	5000-36, 8000-5
Health History to Provider	5000-15
Passport	5000-15
Plan to Provider	4000-9

**FACT-FINDING HEARING**

CHINS	5000-9a
Foster Parent Attendance	5000-23
Social Study	5000-23
Timing 5000-22	
Written Case Plans	4000-4

**FAMILIES IN CONFLICT**

1000-7

**FAMILY HISTORY REPORT**

8000-5

**FAMILY PRESERVATION**

5000-1

**FAMILY PRESERVATION SERVICES**

Defined	A-7
Values and Goals	1000-5

**FAMILY RECONCILIATION SERVICES**

Assessment	3000-4
Crisis Residential Center	5000-3, 5000-5, 5000-11, 7000-1
Design	1000-7, 1000-8, 4000-9
Information and Referral	5000-2, 5000-37
Intake and Assessment	3000-4
Intake Eligibility	2000-5
Need for CPS Services	3000-4

Revision #4 - 6/15/98

**FAMILY RECONCILIATION SERVICES**

Notification	5000-3
Out-of-Home Placement	5000-2
Police Custody	5000-3
Reconciliation	4000-9, 5000-2, 5000-3
Reunification	1000-5, 5000-2

**FINDINGS OF INVESTIGATION** 3000-2a

**FOSTER CARE**

Defined	A-8
---------	-----

**FOSTER FAMILY HOME**

Background Check	1000-10
Defined	A-8
Initial License	8000-2
Licensing Actions	8000-2a, 8000-2b
Non-Discrimination in Licensing or Placement	8000-1
Probationary License	8000-1, 8000-1a
Welfare of Child Paramount	8000-1

**FOSTER PARENT**

Attendance at Hearings	5000-23
Child Care for Training Participation	8000-3
Consultation on Case Plan	4000-1
Criminal History/Fingerprinting	5000-14
Health History of Child in Placement	5000-15
Information on Sexually Transmitted Diseases/HIV	4000-2
Information Sharing	4000-1
Liaison	8000-3
Non-Discrimination in Licensing and Placement	8000-1
Notice of Hearings	4000-1, 6000-1
Services	4000-7
Training for Cultural Competence	4000-15

**GROUP CARE**

CHINS Order	5000-11
CRC Transportation	5000-4
Custody and Supervision for Payment	5000-13
Facility Defined	A-8
Order of Preference for Placement	4000-12
Placement Order	5000-25, 5000-34
Requirements for Payment	5000-15

Revisions #4 - 6/15/98; #7 - 12/20/99



**GUARDIAN**

Acknowledgment of Custody Notification	5000-19
Bond with Child	1000-6
Conditions for Out-of-Home Placement	5000-25
Defined	A-8
DD Child Placement	5000-26
Goal	4000-3
Hearing	5000-22
Notice of Hearing	5000-20
Notice of Rights	5000-29
Notification of Custody	5000-18a
School Attendance	5000-24

***GUARDIAN AD LITEM***

Defined	8000-6 A-8
---------	---------------

**GUARDIANSHIP**

Defined	A-8
Dependency Guardian	5000-30, 5000-31, 5000-32 5000-33, 5000-34, 6000-5
Foster Care Payments	5000-34
Order Establishing	5000-30, 5000-31
Order Terminating	5000-33, 5000-34
Permanency Planning Review	6000-4
Petition	4000-4, 5000-30, 5000-33
Planning Goal	4000-3
Review Hearing Requirements	5000-34

**HEALTH CARE**

Defined	2000-3, 5000-32, 5000-36 A-8
---------	---------------------------------

**HEALTH and EDUCATION HISTORY**

Health History to Adoptive Parent	5000-13, 5000-15 5000-36, 8000-5
Health History to Provider	5000-15
Health and Education Passport	5000-15
Plan to Provider	4000-9

**HOME STUDIES**

5000-35, 8000-8
-----------------

**IMMUNITY FROM LIABILITY**

2000-2
--------

**INDEPENDENT LIVING**

4000-3, 4000-7
----------------

Revision #4 - 6/15/98

<b>INDIAN</b>	4000-12
Defined	A-9
<b>INDIAN CHILD</b>	
Defined	A-9
<b>INDIAN CHILD WELFARE</b>	
Adoption/Placement Requirements Not Applicable	4000-16
Requirements	1000-11
Tribal Efforts toward Return Home	5000-27
Tribal Membership Considered/Post-Placement Report	6000-8, 8000-4
Tribal Notification of Custody	5000-19
Tribe as Dependency Guardian	5000-30
<b>INDIVIDUAL SERVICE AND SAFETY PLAN (ISSP)</b>	5000-15, 6000-1a
	Revision #6 - 6/5/99
<b>INTAKE</b>	2000-2, 2000-3, 2000-5, 3000-4
<b>INTER-ETHNIC PLACEMENT ACT (42 USC 671A)</b>	4000-16, 8000-1 8000-3, A-10
<b>INTERSTATE COMPACT</b>	5000-2, 8000-8
<b>JUVENILE DEPENDENCY</b>	1000-8, 5000-15
<b>LEGAL GUARDIAN</b>	
Defined	A-9
<b>LICENSE</b>	
Initial	8000-2
Probationary	8000-1
Defined	A-12
<b>LICENSING</b>	
Child Day Care	8000-8
Intent	8000-1
Licensing Actions	8000-2a
Non-Discrimination in Licensing or Placement	8000-1
Private Agencies	8000-7
Purposes	1000-9
<b>LIMITED ENGLISH PROFICIENCY (LEP)</b>	3000-1, 4000-15
<b>MANDATES TO REPORT ABUSE</b>	2000-1

<b>MEDICAL NEEDS</b>	9000-5
<b>MEDICAL REPORT</b>	8000-5
<b>NON-CUSTODIAL PARENTS</b>	5000-18, 8000-6
<b>NON-DISCRIMINATION</b>	1000-12
<b>NOTIFICATION</b>	
Acknowledgment	5000-18
CHINS	5000-8
Court Hearings	5000-9d, 5000-11
Foster Parent	5000-15, 6000-1
Law Enforcement	5000-3, 5000-4
Non-Custodial Parent	5000-17
Parents	2000-3, 5000-3, 5000-7, 5000-8, 5000-11 5000-17, 5000-18, 5000-19, 5000-20, 5000-34a
Perpetrator	3000-2a
Pre-Adoptive Parent	6000-1
Relative	6000-1
Shelter Care Hearing	5000-18, 5000-19
Tribal	5000-19
Written	5000-18, 5000-19
<b>ONGOING CASE PLANNING</b>	
Consultation	4000-1
<b>OUT-OF-HOME CARE</b>	
Care Provider Participation in Planning	4000-1
Case Planning	4000-9, 4000-10
Case Review	6000-1
Confidentiality	4000-1, 4000-2
Defined	A-10
Foster Parent Liaison	8000-3
HIV/Sexually Transmitted Disease Information	4000-2
Information Disclosure	4000-2a, 4000-2b, 4000-2c, 4000-2d
Notice of Hearings to Provider	4000-1
Permanency Plan Review	6000-5, 6000-6
Permanency Planning Goals	4000-3

**OUT-OF-HOME PLACEMENT**

Abandonment	5000-27; 5000-29a
Age 18 - 20	5000-11, 5000-16
As a Last Resort	3000-3
Assessment	3000-2, 3000-3, 3000-5, 5000-9
Avoidance as a Goal	1000-5
Case Plans	4000-1, 4000-8
CHINS	5000-3, 5000-6, 5000-8, 5000-9
Confidentiality	4000-1, 4000-2, 4000-2a
Considerations	4000-5, 4000-6, 4000-11, 4000-12
Court Plans	4000-4, 4000-5
Criminal History/Arrest Record	1000-10, 5000-12
Crisis Residential Center Placement	5000-3
Defined	A-10
Eligibility	3000-3
Family in Conflict	5000-1
Group Care	4000-12, 5000-4, 5000-11, 5000-13, 5000-25, 5000-34
Health History	5000-13
HIV/Sexually Transmitted Disease Information	4000-2
Individual Service and Safety Plan	5000-15, 6000-1a
Information Disclosure	4000-2a, 4000-2b, 4000-2c, 4000-2d
Law Enforcement	5000-3, 5000-17
Least Restrictive Setting	3000-2, 4000-11
Legal Authority	3000-3, 5000-3, 5000-10, 5000-25, 6000-6
Medical and Dental Examination and Care	5000-14
Moving the Child	5000-14
Multiple Placements	5000-14
Notification of Foster Parents	5000-15, 6000-1
Offender Removed from Home	3000-2
Permanency Plan Review	6000-5
Permanency Planning	4000-3, 4000-4, 5000-27
Plans	4000-10
Preferences	4000-10, 4000-13
Preventive Services	4000-5, 5000-25
Defined	A-13
Primary Goal	4000-3, 5000-11
Reasonable Efforts	3000-3, 4000-2, 4000-2d, 4000-4, 5000-18, 5000-19 5000-20, 5000-22, 5000-25, 5000-26, 5000-27, 6000-4, 6000-6c
Risk Factors At All Hearings	3000-3, 6000-7
Time Limitation for CRC	5000-12
Transportation	5000-4
Voluntary	3000-3, 6000-1, 7000-1

**PARENT**

Defined A-10

**PARENTAL RIGHTS**

Non-Custodial Parent Notification 5000-17  
 Notification of Custody 5000-3, 5000-17  
 Notification of Shelter Care Hearing 5000-19, 5000-20  
 Notice in Termination Action 5000-29  
 Preferences 4000-10, 4000-13, 5000-29a  
 Rebuttable Presumption 5000-28  
 Termination 4000-4, 5000-26, 5000-27  
 Termination Action 5000-29  
 Written Notification 5000-18, 5000-19

**PASSPORT**

Health and Education 5000-15

**PERIODIC REVIEWS**

Administrative Review 6000-1  
     Defined A-1  
 Attendance at Case Reviews 6000-1  
 Cases Constituting CA/N 2000-3  
 Citizen Review Boards 6000-1, 6000-2, 6000-3, 6000-4  
 Content 6000-1, 6000-2  
 Court Review 5000-34, 6000-4, 6000-5, 6000-6  
 Permanency Planning Hearing 4000-1, 5000-27, 5000-34, 6000-4  
 6000-5, 6000-6, 6000-6c

**PERMANENCY PLANNING**

Goals 4000-2, 5000-1  
 Finalization 6000-6c  
 Guardianship 4000-3, 6000-6b  
     Defined A-8  
 Hearing 4000-1, 5000-27, 5000-34, 6000-4, 6000-5, 6000-6, 6000-6a  
 Permanency Plan 4000-2  
 Permanent Custody Order - Defined A-10  
 Permanent Legal Custody 4000-3, 6000-6b  
     Defined A-10

Revisions #4 - 6/15/98; #7 - 12/20/99

**PETITION**

Adoption	6000-8, 8000-4, 8000-5, 9000-3
At-Risk Youth	5000-5, 5000-6, 5000-9, 5000-10, 5000-11
CHINS	5000-5, 5000-6, 5000-7, 5000-8, 5000-9 5000-11, 7000-1
Defined	A-4
Dependency	4000-4, 5000-3, 5000-5, 5000-11, 5000-15 5000-21, 5000-24, 6000-2, 6000-3, 7000-1
Dependency Guardianship	5000-30, 5000-33
Guardianship	4000-4, 5000-30
School Attendance	5000-24
Termination	4000-4, 5000-26, 5000-27, 5000-28, 6000-4, 6000-6

**PHYSICAL ABUSE**

Defined	3000-2 A-10
---------	----------------

**PLACEMENT PLANNING**

Best Interest of the Child	1000-2, 1000-9, 1000-12, 3000-2, 4000-1 4000-13, 4000-16, 5000-26, 5000-31 5000-33, 5000-34, 6000-8, 8000-2
Considerations	4000-5, 4000-11, 5000-15
Cultural Needs	4000-14, 5000-1
Fewest Possible Placements	4000-10
Most Family-Like Setting	4000-10, 4000-11
Parental Placement Wishes	4000-6, 4000-13
Placement Documentation	4000-15
Preferences for Placement	4000-10, 4000-13
Private Agency Services	4000-10

**PLACEMENT PREFERENCES**

Case Plan	4000-10
Most Family-Like Setting	4000-11
Parental	4000-13, 5000-29a
Relative	4000-13, 4000-16, 5000-25

**PREVENTIVE SERVICES**

Defined	4000-5, 5000-25 A-13
---------	-------------------------

**PROFESSIONAL SCHOOL PERSONNEL**

Defined	2000-1 A-13
---------	----------------

**PROTECTION OF CHILDREN**

	1000-6
--	--------

<b>RECORD DISCLOSURE</b>	4000-2a, 4000-2b, 4000-2c, 4000-2d
Shelter Care Hearing “Discovery”	5000-21
<b>RELATIVE</b>	
Caretaker	1000-9, 1000-10, 8000-3
Defined	A-13
Long Term Placement	4000-3
Information to Care-Takers	4000-1
Notification of Disposition Hearing	5000-23, 6000-1
Placement	4000-10, 4000-12, 4000-13, 4000-15 5000-21, 5000-22, 5000-25
Removal from Long Term Placement	6000-5
<b>RELINQUISHMENT</b>	
Defined	A-14
<b>REASONABLE EFFORTS</b>	
Family Reconciliation	5000-5a
Family Reunification	3000-3, 4000-2d, 5000-27
Locating Child’s Records for Adoption	5000-36a
Notice of Hearing	5000-19, 5000-20, 5000-22
Parental Notification	5000-18a, 5000-19
Parent/Child Participation in Case Reviews	6000-1
Placement Prevention	3000-3, 4000-2d, 4000-4 5000-25, 6000-6c
Problem Resolution	5000-9c
Referrer Identification	2000-2
Remedy CA/N	3000-3
Timely Placement	5000-27, 6000-6c
<b>RISK ASSESSMENT</b>	3000-2, 4000-4, 6000-7
Imminent Harm	3000-3
<b>SECURE FACILITY</b>	5000-5, 5000-13
Defined	A-14
<b>SEMI-SECURE FACILITY</b>	
Defined	A-14
<b>SERVICE DELIVERY</b>	
Focus	5000-1
<b>SEXUAL ABUSE</b>	1000-6, 2000-1
Defined	A-14

<b>SHELTER CARE</b>	6000-3
Custody	5000-3, 5000-17, 5000-21
Defined	A-15
“Discovery”	5000-21
Disposition Hearing	5000-22
Hearing	5000-18, 5000-19
Notice of Hearing	5000-19, 5000-20
Order	5000-17, 5000-22
Placement	5000-17
Record Disclosure	5000-21
Relative Placement	5000-21, 5000-22
Tribal Notification	5000-19
	Revisions #6 - 6/5/99; #7 -
 <b>SOCIAL HISTORY</b>	 5000-36, 8000-5
 <b>SUBSTITUTE CARE</b>	
Citizen Review Board	6000-2, 6000-3, 6000-4
Defined	A-15
 <b>TERMINATION</b>	
Abandonment	5000-27, 5000-29a
Aggravated Circumstances	5000-26, 5000-27
Beyond a Reasonable Doubt	5000-29a
Commitment of Custody	5000-29
Notice of Rights	5000-29
Petition	4000-4, 5000-26, 5000-27, 5000-28 5000-29, 6000-4, 6000-6
Rebuttable Presumption	5000-28
 <b>UNENROLLED INDIAN CHILD</b>	
Defined	A-16
 <b>VOLUNTARY ADOPTION PLAN</b>	 5000-29a
 <b>VOLUNTARY PLACEMENT</b>	
Agreement Defined	A-16
Crisis Residential Center	5000-5b, 7000-1
DD Child	3000-3a
Legal Authorization	3000-3
 <b>WASHINGTON STATE INDIAN CHILD</b>	
Defined	A-16





## APPENDIX C

# SHARED DECISION-MAKING

