

basic education certificated instructional staff salary which is less than the average of the district's 1986-87 actual basic education certificated instructional staff salaries, as reported to the superintendent of public instruction prior to June 1, 1987, and the legislature may grant minimum salary increases on that base: PROVIDED, That the superintendent of public instruction may adjust this allocation based upon the education and experience of the district's certificated instructional staff.

(3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the biennial appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

Passed the House May 7, 1989.

Passed the Senate May 7, 1989.

Approved by the Governor June 1, 1989.

Filed in Office of Secretary of State June 1, 1989.

CHAPTER 17

[Second Substitute Senate Bill No. 5065]

CHILDREN—SUBSTITUTE CARE—CITIZEN REVIEW

AN ACT Relating to children; amending RCW 13.34.145; reenacting and amending RCW 13.34.130; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature recognizes the importance of permanency and continuity to children and of fairness to parents in the provision of child welfare services.

The legislature intends to create a citizen review board system that will function in an advisory capacity to the judiciary, the department, and the legislature. The purpose of the citizen review board system is to:

(1) Provide periodic review of cases involving substitute care of children in a manner that complies with case review requirements and time lines imposed by federal laws pertaining to child welfare services;

(2) Improve the quality of case review provided to children in substitute care and their families; and

(3) Provide a means for community involvement in monitoring cases of children in substitute care.

In order to accomplish the foregoing purposes, the citizen review board system shall not be subject to the procedures and standards usually applicable to judicial and administrative hearings, except as otherwise specifically provided in this chapter and RCW 13.34.130, 13.34.145, and 26.44.115. Nothing in this chapter and RCW 13.34.130, 13.34.145, and 26.44.115 shall limit the ability of the department to utilize court review hearings and administrative reviews to meet the periodic review requirements imposed by federal law.

NEW SECTION. Sec. 2. Periodic case review of all children in substitute care shall be provided in at least one class 1 or higher county, in accordance with this act.

The administrator for the courts shall coordinate and assist in the administration of the local citizen review board pilot program created by this act.

NEW SECTION. Sec. 3. Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the local citizen review board established pursuant to this chapter.

(2) "Child" means a person less than eighteen years of age.

(3) "Conflict of interest" means that a person appointed to a board has a personal or pecuniary interest in a case being reviewed by that board.

(4) "Court" means the juvenile court.

(5) "Custodian" means that person who has legal custody of the child.

(6) "Department" means the department of social and health services.

(7) "Mature child" means a child who is able to understand and participate in the decision-making process without excessive anxiety or fear. A child twelve years old or over shall be rebuttably presumed to be a mature child.

(8) "Parent" or "parents" means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings.

(9) "Placement episode" means the period of time that begins with the date 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 an adoption decree or guardianship order is entered.

(10) "Records" means any information in written form, pictures, photographs, charts, graphs, recordings, or documents pertaining to a case.

(11) "Resides" or "residence," when used in reference to the residence of a child, means the place where the child is actually living and not the legal residence or domicile of the parent or guardian.

(12) "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.

NEW SECTION. Sec. 4. The supreme court is requested to:

- (1) Establish and approve policies and procedures for the creation, recruitment, and operation of local citizen substitute care review boards;
- (2) Approve and cause to have conducted training programs for board members;
- (3) Provide consultation services on request to the boards;
- (4) Establish reporting procedures to be followed by the boards to provide data for the evaluation of this chapter;
- (5) Monitor the boards to ensure the impartiality of reviews and consistency of review standards throughout the state;
- (6) Employ staff and provide for support services for the boards which shall be provided with staff through the local juvenile court in accordance with guidelines and procedures established by the supreme court;
- (7) Direct the administrator for the courts to carry out duties prescribed by the supreme court relating to the administration of this chapter;
- (8) Submit a report to the governor, the appropriate committees of the legislature, and the public on January 1, 1991, and biennially thereafter. The report shall address the following issues:

(a) State laws, policies, and practices affecting permanence and appropriate care for children in the custody of the department and other agencies;

(b) Whether the boards are effective in bringing about permanence and appropriate care for children in the custody of the department and other agencies; and

(c) Whether adequate resources are available to permit the department to make reasonable efforts to keep families together.

(9) Adopt rules regarding:

(a) Procedures for providing written notice of the review to the department, any other child placement agency directly responsible for supervising the placement of the child, the child's parents and their attorneys, the child's legal custodians and their attorneys, mature children and their attorneys, the court-appointed attorney and guardian ad litem of any child, any prosecuting attorney or attorney general actively involved in the case, and the child's Indian tribe if the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. 1901, et seq. The notice shall include advice that persons receiving a notice may participate in the review and be accompanied by a representative;

(b) Procedures for removing members from the board for nonparticipation or other good cause.

NEW SECTION. Sec. 5. Each board shall be composed of five members appointed by the juvenile court. Three members shall constitute a quorum.

NEW SECTION. Sec. 6. Each board shall be appointed according to the following guidelines:

(1) Members of each board shall represent the various socioeconomic and ethnic groups of the area served.

(2) No person employed by a juvenile court or by the department for purposes related to the provision of child welfare services under chapter 74.13 RCW may serve on any board. No more than one person from any private agency or individual licensed by the department to provide child welfare services under chapter 74.13 RCW may serve on any board. A majority of the members on each board shall be persons who have no current professional or volunteer relationship with the department.

(3) No person who has had a child of his or her own, or one under his or her control, placed in substitute care within the last two years may serve on any board.

(4) All board members must be of good character and must demonstrate the understanding, ability, and judgment necessary to carry out the duties under this chapter.

(5) All board members shall serve a term of two years, except that if a vacancy occurs, a successor shall be appointed to serve the unexpired term. The terms of the initial members shall be staggered. Members shall be limited to two terms unless there are insufficient volunteers to replace them.

(6) Each board shall elect annually from its membership a chair and vice-chair to serve in the absence of the chair.

(7) Board members shall be domiciled within the counties of the appointing courts.

NEW SECTION. Sec. 7. Prior to reviewing cases, all persons appointed to serve as board members shall participate in a training program established and approved by the supreme court. Board members shall participate in at least sixteen hours of training prior to reviewing cases and, thereafter, at least eight hours of training annually.

NEW SECTION. Sec. 8. (1) Before beginning to serve on a board, each member shall swear or affirm to the court that the member shall keep confidential the information reviewed by the board and its actions and recommendations in individual cases.

(2) A member of a board who violates the duty imposed by subsection (1) of this section is subject to dismissal from the board and other penalties as provided by law.

NEW SECTION. Sec. 9. Each board shall have access to the following information unless disclosure is otherwise specifically prohibited by law:

(1) Any records of the court which are pertinent to the case;

(2) Any records of the department pertaining to the child, the child's parents, or legal custodian; and

(3) Any records in the possession of an agency or other entity pertaining to the child, the child's parents, or legal custodian if such records are relevant to review of the case.

NEW SECTION. Sec. 10. The department and any other agency directly responsible for the care and placement of the child in substitute care shall require the employee who has primary case-planning responsibility for the case to attend the review. If the employee is unable to attend the review, an employee with knowledge of the case plan shall attend the review.

NEW SECTION. Sec. 11. (1) Whenever a member of a board has a potential conflict of interest in a case being reviewed, the member shall declare to the board the nature of the potential conflict prior to participating in the case review. The declaration of the member shall be recorded in the official records of the board and disclosed to all parties participating in the review. If, in the judgment of the majority of the local board, the potential conflict of interest may prevent the member from fairly and objectively reviewing the case, the board may remove the member from participation in the review.

(2) The board shall keep accurate records, including a verbatim record of board reviews, and retain these records.

(3) The board may hold joint or separate reviews for groups of siblings.

(4) The board may disclose information to participants in the board review of a case. Before participating in a board review, each participant shall swear or affirm to the board that the participant shall keep confidential the information disclosed by the board in the case review and to disclose it only as authorized by law.

(5) Members of the board shall be held immune from suit and not be held liable in any civil action for recommendations made or activities performed under this chapter.

NEW SECTION. Sec. 12. (1) This section shall apply to 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. If a dependency petition is subsequently filed and the child's placement in substitute care continues pursuant to a court order entered in a proceeding under chapter 13.34 RCW, the provisions set forth in section 13 of this act shall apply.

(2) Within thirty days following commencement of the placement episode, the department shall send a copy of the written parental consent to the juvenile court with jurisdiction over the geographical area in which the child resides.

(3) Within forty-five 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 written parental consent to placement.

(4) The board shall review the case plan for each child in substitute care whose case is assigned to the board by the court. The review shall take place at times set by the board. The first review shall occur within ninety days following commencement of the placement episode. The second review shall occur within six months following commencement of the placement episode. The next review shall occur within one year following commencement of the placement episode unless the child is no longer in substitute care or unless a guardianship order or adoption decree is entered.

(5) The board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement to prevent or eliminate the need for removal of the child from the home;

(b) Whether reasonable efforts have been made subsequent to the placement to make it possible for the child to be returned home;

(c) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(d) Whether there is a continuing need for and whether the placement is appropriate;

(e) Whether there has been compliance with the case plan;

(f) Whether progress has been made toward alleviating the need for placement;

(g) A likely date by which the child may be returned home or other permanent plan of care may be implemented; and

(h) Other problems, solutions, or alternatives the board determines should be explored.

(6) Within ten working days following the review, the board shall send a copy of its findings and recommendations to the child's parents and their attorneys, the child's custodians and their attorneys, mature children and their attorneys, and the department and other child placement agencies directly responsible for supervising the child's placement. If the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. 1901 et seq., a copy of the board's findings and recommendations shall also be sent to the child's Indian tribe.

(7) If the department is unable or unwilling to implement the board recommendations, the department shall submit to the board, within ten 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.

(8) The court shall not review the findings and recommendations of the board in cases where the child has been placed in substitute care with signed parental consent unless a dependency petition has been filed and the child has been taken into custody under RCW 13.34.050.

NEW SECTION. Sec. 13. (1) This section shall apply to cases where a child has been placed in substitute care pursuant to a proceeding under chapter 13.34 RCW.

(2) Within forty-five 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 in the case by the court.

(3) The board shall review the case plan for each child whose case is assigned to the board by the court. The review shall take place at times set by the board. The first review shall occur within ninety days following commencement of the placement episode. The second review shall occur within six months following commencement of the placement episode. The next review shall occur within one year after commencement of the placement episode. Within eighteen 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, a board review or a court review hearing pursuant to RCW 13.34.130(4) shall take place at least once every six 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. A court review hearing must occur at least once a year as provided in RCW 13.34.130. The board shall review any case where a petition to terminate parental rights has been denied, and such review shall occur as soon as practical but no later than forty-five days after the denial.

(4) The board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement to prevent or eliminate the need for removal of the child from the home, including whether consideration was given to removing the alleged offender, rather than the child, from the home;

(b) Whether reasonable efforts have been made subsequent to the placement to make it possible for the child to be returned home;

(c) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(d) Whether there is a continuing need for placement and whether the placement is appropriate;

(e) Whether there has been compliance with the case plan;

(f) Whether progress has been made toward alleviating the need for placement;

(g) A likely date by which the child may be returned home or other permanent plan of care may be implemented; and

(h) Other problems, solutions, or alternatives the board determines should be explored.

(5) Within ten working days following the review, the board shall send a copy of its findings and recommendations to the parents and their attorneys, the child's custodians and their attorneys, mature children and their attorneys, other attorneys or guardians ad litem appointed by the court to represent children, the department and other child placement agencies directly responsible for supervising the child's placement, and any prosecuting attorney or attorney general actively involved in the case. If the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., a copy of the board's findings and recommendations shall also be sent to the child's Indian tribe.

(6) If the department is unable or unwilling to implement the board recommendations, the department shall submit to the board, within ten 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.

(7) Within forty-five days following the review, the board shall either:

(a) Schedule the case for further review by the board;

(b) File with the court a motion for a review hearing;

(c) Submit to the court the board's findings and recommendations, the department's implementation reports, if any, and a proposed amended court order agreed to by the parties to the action, if any.

(8) Upon receipt of the board's written findings and recommendations, the department's implementation report, if any, and the proposed amended court order, if any, the court shall either:

(a) Approve the recommendations; or

(b) Upon its own motion, schedule a review hearing.

(9) The findings and recommendations of the board and the department's implementation report, if any, shall become part of the department's case file and the court file pertaining to the child.

(10) Nothing in this section shall limit or otherwise modify the rights of any party to a dependency proceeding to request and receive a court review hearing pursuant to the provisions of chapter 13.34 RCW or applicable court rules.

NEW SECTION. Sec. 14. In addition to reviewing individual cases of children in substitute care, boards may make recommendations to the court and the department concerning substitute care services, policies, procedures, and laws.

NEW SECTION. Sec. 15. The administrator for the courts may apply for and receive funds from federal, local, and private sources for carrying out the purposes of this chapter.

NEW SECTION. Sec. 16. For cases which are subject to the foster care citizen review board pilot project under section 2 of this act, a court

review hearing shall occur no later than eighteen months following commencement of the child's placement episode. Thereafter, court review hearings shall occur at least once every year until the child is no longer within the jurisdiction of the court or the child returns home or a guardianship order or adoption decree is entered. The court may review the case more frequently upon the court's own motion or upon the request of any party to the proceeding or the citizen review board assigned to the child's case.

Sec. 17. Section 4, chapter 188, Laws of 1984 as amended by section 2, chapter 189, Laws of 1988, section 2, chapter 190, Laws of 1988, and by section 1, chapter 194, Laws of 1988 and RCW 13.34.130 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(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 efforts to reunite the parent and child will be hindered, such child shall be placed with 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. An 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 and that:

(i) There is no parent or guardian available to care for such child;

(ii) The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian;

(iii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iv) 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; or

(v) The extent of the child's 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.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

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

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

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

(d) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall

be grounds for removal of the child from the relative's home, subject to review by the court.

(4) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion;

(ii) ~~((The extent to which))~~ Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

~~(((iii) Whether the agency is satisfied with the cooperation given to it by the parents;~~

~~(iv))~~ (vii) Whether additional services 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; and

~~(((v) When return of the child can be expected))~~ (viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 18. Section 3, chapter 194, Laws of 1988 and RCW 13.34.145 are each amended to read as follows:

~~((A dependency may only be maintained for a maximum period of two years, at which time the court shall:))~~

(1) In all cases where a child has been placed in substitute care for at least fifteen months, a permanency planning hearing shall be held before the court no later than eighteen months following commencement of the placement episode.

(2) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(4). In addition the court shall: (a) Approve a permanent plan of care which can include one of the following: Adoption, guardianship, or placement of the child in the home of the child's parent; ~~((2))~~ (b) require filing of a petition for termination of parental rights; or ~~((3))~~ (c) dismiss the dependency, unless the court finds, based on clear, cogent, and convincing evidence, that it is in the best interest of the child to continue the dependency beyond ~~((two years))~~ eighteen months, based on a permanent plan of care. Extensions may only be granted in increments of ~~((six))~~ twelve months or less ~~((unless a juvenile court guardianship is in effect)).~~

NEW SECTION. Sec. 19. Sections 1 through 16 of this act shall expire June 30, 1991.

Passed the Senate May 7, 1989.

Passed the House May 8, 1989.

Approved by the Governor June 1, 1989.

Filed in Office of Secretary of State June 1, 1989.

CHAPTER 18

[Substitute Senate Bill No. 5897]

ALCOHOL AND DRUG ADDICTION TREATMENT—PROVISION OF SERVICES

AN ACT Relating to alcohol and drug treatment; amending RCW 74.50.060 and 74.50.050; amending section 2, chapter 3, Laws of 1989 (uncodified); adding new sections to chapter 74.50 RCW; creating a new section; repealing RCW 74.50.020; repealing section 1, chapter 3, Laws of 1989 (uncodified); providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature recognizes that alcoholism and drug addiction are treatable diseases and that most persons with this illness can recover. For this reason, this chapter provides a range of substance abuse treatment services. In addition, the legislature recognizes that when these diseases have progressed to the stage where a person's alcoholism or drug addiction has resulted in physiological or organic damage or cognitive impairment, shelter services may be appropriate. The legislature further recognizes that distinguishing alcoholics and drug addicts from persons incapacitated due to physical disability or mental illness is necessary in