CHAPTER 1000 INTRODUCTION

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1100 CONTEXT AND PURPOSE OF THIS MANUAL

A. **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.

B. **Procedure** defines **how** the agency and its staff implement policy.

C. **Practice guidelines** identify how the agency and its staff will behave as they implement policy and procedure.

D. 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: **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.

1. The six essential functions for which DCFS is responsible are:

a. Intake	b. Assessment	c. Planning
d. Service Delivery	e. Review	f. Resolution

E. 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.

F. 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

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

1. We believe children need to grow up in a safe and healthy environment free from abuse and neglect.

2. We believe protecting children is primarily the responsibility of families, relatives, and communities.

3. We believe that children should be raised by their own families whenever possible.

4. We believe it is necessary to intervene to protect children when families are unable to do so.

5. 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.

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

1. 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.

2. We believe every family has strengths. We are committed to assisting families to build upon their strengths and ameliorate their shortcomings.

3. We strive to help families discover their options, make constructive choices, and understand the consequences of their actions.

4. 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.

5. We believe it is our responsibility to make reasonable and concerted efforts to help the families we serve to succeed.

C. **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.

1. We believe it is important to utilize community resources and expertise in a collaborative effort to improve services and enhance agency coordination.

2. We strive to be open and responsive to community concerns and to work quickly to resolve differences and improve service delivery whenever possible.

3. We believe it is important to educate community professionals and the public as to our policies, procedures, resources, and limitations.

4. We encourage staff involvement in community projects, groups, boards, and committees that focus on the prevention, identification, and treatment of child abuse and neglect.

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

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

1. We strive constantly to improve our professional understanding and skills through training, workshops, community consultations, and ongoing evaluation of our policies, procedures, and practices.

2. We encourage creative problem-solving and professional risk-taking.

3. We are committed to developing cultural sensitivity and competence and to seeking out staff with diverse backgrounds, perspectives, and cultures.

4. We strive to support the professional growth and development of staff and to provide opportunities for advancement.

5. 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.

1410 Children And Family Services RCW 74.14A

A. The family unit is the fundamental resource of American life that should be nurtured.

1. The family unit should remain intact in the absence of compelling evidence to the contrary.

2. The Legislature declares that the goal of serving emotionally disturbed and mentally ill children, potentially dependent children, and families-in-conflict is to provide services to them in their own homes and to avoid out-of-home placement of the child, when that form of care is premature, unnecessary, or inappropriate.

1420 Family Preservation Services - RCW 74.14C

It is the intent of the Legislature to make accessible, within available funds, intensive services to children and families that are designed to prevent the unnecessary imminent placement of children in foster care, and are designed to facilitate reunification of 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

A. 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.

B. 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.

C. The goal or purpose of Child 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.

D. 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.

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

1440 Families In Conflict RCW 13.32

A. 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.

B. 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.

C. Legislative Intent

1. It is the intent of the Legislature to:

a. Preserve, strengthen, and reconcile families experiencing problems with at-risk youth;

b. Provide a legal process by which parents who are experiencing problems with at-risk youth can request and receive assistance from juvenile courts in providing appropriate care, treatment, and supervision to such youth; and

c. Assess the effectiveness of the Family Reconciliation Services program.

2. The Legislature does not intend by this enactment to grant any parent the right to file an at-risk youth petition or receive juvenile court assistance in dealing with an at-risk youth. The purpose of this enactment is to create a process by which a parent of an at-risk youth may request and receive assistance subject to the availability of juvenile court services and resources. Recognizing that these services and resources are limited, the Legislature intends that counties have the authority to impose reasonable limits on the utilization of juvenile court services and resources in matters related to at-risk youth. Any responsibilities imposed upon the department under this act shall be contingent upon the availability of funds specifically appropriated by the Legislature for such purpose.

RCW 13.32A.015

1445 Notification Of Child's Whereabouts

A. Reporting by the department. See sections 2580, 3400, or 4550 of the Practices and Procedures Guide for the reporting process.

1. Children Receiving Services From Department Of Social And Health Services/Children's Administration:

a. The Children's Administration will link parents to missing children by reporting missing children information to the missing children clearinghouse for those who are receiving departmental services in each of its administrative regions.

b. Per RCW 13.60.040, the department shall notify the clearinghouse and the child's legal custodian, advising the custodian of the child's whereabouts or that the child is subject to a dependency action when the department has obtained information that a minor child has been located at a facility funded by the department.

2. The department shall inform the clearinghouse when reunification occurs.

[1999 c 267 § 18.] RCW 13.60.040

1450 Child Welfare Services RCW 74.13

A. 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:

1. guidance, care, control, protection, treatment or rehabilitation;

2. 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

3. 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 that 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.

1470 Adoption RCW 26.33

A. 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.

B. 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.

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 care 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

1490 Adoption Support RCW 74.13

The purpose of Adoption support is:

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

A. 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

B. Every petition filed in proceedings shall contain a statement alleging whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903. If the child is an Indian child as defined under the Indian child welfare act, the provisions of the act shall apply.

C. Whenever the court or the petitioning party in a proceeding knows or has reason to know that an Indian child is involved, the petitioning party shall promptly provide notice to the child's parent or Indian custodian and to the agent designated by the child's Indian tribe to receive such notices. Notice shall be by certified mail with return receipt requested. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, notice shall be given to the secretary of the interior in the manner described in 25 C.F.R. 23.11. If the child may be a member of more than one tribe, the petitioning party shall send notice to all tribes the petitioner has reason to know may be affiliated with the child. The notice shall:

1. Contain a statement notifying the parent or custodian and the tribe of the pending proceeding; and

2. Notify the tribe of the tribe's right to intervene and/or request that the case be transferred to tribal court.

RCW 26.10.034, 26.33.040,

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.
RCW 49.60.030 42 USC 2000d, Section 601: Civil Rights Act of 1964, Titles VI and VII

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

1700 COMPLAINT RESOLUTION

A. Children's Administration (CA) must develop and implement an informal, non-adversarial complaint resolution process.

1. The process is to be used by CA clients, foster parents, and other affected individuals who have complaints regarding a CA policy or procedure, or the application of such a policy or procedure, related to programs administered under chapter 74.13 RCW.

2. The process does not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

RCW 74.13.045

1800 ACCREDITATION

A. Accreditation is a structured process designed to facilitate organizational change and improvement within individual local offices.

1. Standards require improved case management, documentation, internal case management practices, and accountability.

2. Accreditation requires the establishment of clear communication with biological parents, foster and adoptive parents, providers, the courts, and members of the community.

1810 Legislative Finding

A. The Legislature finds that the accreditation of children's services by an independent entity can significantly improve the quality of services provided to children and families.

B. Accreditation involves an ongoing commitment to meeting nationally recognized standards of practice in child welfare and holds organizations accountable for achieving improved outcomes for children.

1820 Goal

A. The department shall undertake the process of accreditation with the goal of completion by July 2006.

B. The department, in conjunction with a national independent accreditation entity, shall report to the appropriate legislative committees its progress towards complete accreditation on an annual basis, starting December 2001.

RCW 74.13.0100

CHAPTER 2000 INTAKE

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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

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

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.

1. 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.

2. In all other cases, the department shall notify the law enforcement agency within seventy-two (72) hours after a report has been received.

3. 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

2120 Immunity from Liability

A. Referrers that report or testify 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.

B. A person, who in good faith and without gross negligence, cooperates in an investigation arising as a result of a report made pursuant to RCW 26.44.060, shall not be subject to civil liability arising out of his or her cooperation. This subsection does not apply to a person who caused or allowed the child abuse or neglect to occur.

RCW 26.44.060

2130 Eligibility for Child Protective Services

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

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

B. CPS shall be provided by the department on behalf of any child who is reported to be 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.

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

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

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

2133 Protocol for Methamphetamine Investigation

A law enforcement agency in the course of investigating: (1) An allegation under RCW 69.50.401 relating to manufacture of methamphetamine; or (2) an allegation under RCW 69.50.440 relating to possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine, discovers a child present at the site, shall contact the department immediately.

RCW 26.44

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

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

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 order of the court: Provided, that if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

2. If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or

3. That the department may delete the name and identifying information regarding persons or organizations who have reported 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

H. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other licensed provider.

RCW 13.50.150

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

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.

CHAPTER 3000 ASSESSMENT

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3100 REQUIREMENT FOR ALL ASSESSMENTS

3110 Limited English Proficiency (LEP)

When assessing cases, a LEP assessment shall be initiated and appropriate services provided from the entry level of service throughout the continuum of care.

RCW 49.60.030; RCW 74.04.025; 42 USC 2000d, Sec. 601: Civil Rights Act of 1964, Title VI

3200 CHILD PROTECTIVE SERVICES (CPS)

3210 Investigation

A. Investigate (assess) referrals which allege child abuse and neglect (CA/N) or the risk of CA/N to determine the existence or absence of CA/N.

RCW 26.44.030; RCW 26.44.050

B. The department shall arrange for legal intervention when needed.

RCW 13.34.040

C. CA social workers are responsible for informing parents of their legal rights and responsibilities as set forth in RCW 13.34.060.

RCW 13.34.060; RCW 13.34.090; RCW 26.44.105

D. CPS may interview children outside the presence of the parents but must notify parent(s) of the interview at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation.

RCW 26.44.030

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

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

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

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

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.

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

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

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

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

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

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

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 34.05 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

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.

RCW 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 health, safety, or 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

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

3231 Evaluating Children in Foster Care

A. Designated professionals are to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges.

B. The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:

1. Placement within the foster care system for two years or more;

2. Multiple foster care placements;

3. Repeated unsuccessful efforts to be placed with a permanent adoptive family;

4. Chronic behavioral or educational problems;

5. Repetitive criminal acts or offenses;

6. Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and

7. Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance.

C. Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must:

1. Effectively address the educational, physical, emotional, mental, and medical needs of children and youth; and

2. Incorporate an array of family support options, to individual needs and choices of the child and family.

D. Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section.

E. The department is to accomplish the tasks of this section within existing resources.

RCW 74.14A.050 and 2000 c 232 s 1

3231 Coordination of Services

A. The department of social and health services shall develop methods for coordination of services to parents and children in child dependency cases. To the maximum extent possible under current funding levels, the department must:

1. Coordinate and integrate services to children and families, using service plans and activities that address the children's and families' multiple needs;
2. Develop treatment plans for the individual needs of the client in a manner that minimizes the number of contacts the client is required to make; and

3. Access training for department staff to increase skills across disciplines to assess needs for mental health, substance abuse, developmental disabilities, and other areas.

RCW 13.34

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.

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 with a developmental disability in out-of-home care pursuant to RCW 74.13.350, 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 that continued 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 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.

RCW 74.13.350; RCW 13.34.270

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.

F. Nothing in this section shall prevent the department from filing a dependency 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

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

3300 FAMILY RECONCILIATION SERVICES (FRS)

3310 FRS Case Assessment

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

A. Exploration of the seriousness of the situation that triggered the crisis.
RCW 13.32A.040; RCW 74.14A.025

B. Determination of family strengths.
RCW 13.32A.040

C. Assessment of the need for CPS services, including reporting of all cases of suspected child abuse.
RCW 13.32A.090

CHAPTER 4000 CASE PLANNING

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4100 REQUIREMENTS FOR ALL CASE PLANNING

4110 Developing a Plan And Ongoing Case Planning

A. The case plan is developed by the agency legally responsible for custody and supervision of the child.

1. 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.

2. 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.

3. 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

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. Upon any placement, the department of social and health services shall inform each out-of-home provider if the child to be placed in that provider's care is infected with a blood-borne pathogen for which the child was tested if known by the department._These providers include foster parents, relative care providers, and group home staff.

RCW 26.44.030; RCW 74.13.280

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

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.

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:

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 or 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:

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.

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;

3. Upon the ombudsman's request, grant the ombudsman or the 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

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 wellbeing 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

A. A permanency plan shall be developed no later than 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

B. Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals:

1. Return of the child to the home of the child's parent, guardian, or legal custodian;

2. Adoption;

3. Permanent legal custody;

4. Guardianship; or

5. 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.

6. 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.

   a. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provisions 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, 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 13.34.145

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

   c. Independent living services include assistance in achieving basic educational requirements such as a GED, enrollment in vocational and technical training programs offered at community and vocational colleges, and obtaining and maintaining employment; and accomplishing basic life skills such as money management, nutrition, preparing meals, and cleaning house. A baseline skill level in ability to function productively and independently shall be determined at entry. Performance shall be measured and must demonstrate improvement from involvement in the program. Each recipient shall have a plan for achieving independent living skills by the time the recipient reaches age twenty-one. The plan shall be written within the first thirty days of placement and reviewed every ninety days. A recipient who fails to consistently adhere to the elements of the plan shall be subject to reassessment by the professional staff of the program and may be declared ineligible to receive services.

      RCW 74.13.031

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

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

RCW 13.34.145

E. Nothing in Chapter 13.34 RCW 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

F. The court hearing the dependency petition may hear and determine issues related to Chapter 26.10 RCW in a dependency proceeding as necessary to facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for the child.

1. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish a permanent custody order. This agreed order may have the concurrence of the other parties to the dependency including the supervising agency, the *guardian ad litem* of the child, and the child if age 12 or older, and must also be in the best interest of the child.

2. If the petitioner for a custody order under Chapter 26.10 RCW is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a custody order. Once an order is entered under Chapter 26.10 RCW, and the dependency petition dismissed, the department shall not continue to supervise the placement.

3. Any court order determining issues under Chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.

RCW 13.34.155

4. Any order entered in the dependency court establishing or modifying a permanent custody order under Chapter 26.10 RCW shall also be filed in the Chapter 26.10 RCW action by the prevailing party. Once filed, any order establishing or modifying permanent legal custody shall survive dismissal of the dependency proceeding.

RCW 13.34.155

4140 Information Sharing

In order to facilitate communication of information needed to serve the best interest of any child who is the subject of a dependency case filed under this chapter, the Department of Social and Health Services (DSHS) shall, consistent with state and federal law governing the release of confidential information, establish guidelines, and shall use those guidelines for the facilitation of communication of relevant information among divisions, providers, the courts, the family, caregivers, caseworkers, and others.

RCW 13.34 and RCW 26.44

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.

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 13.34.145; RCW 74.14A.025; 42 USC 675, Sec. 475

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

A description of why the child cannot be adequately protected at home.

A. The in-home services considered and why they have been rejected as options.

B. 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 13.34.145

C. The parent's attitude towards placement of the child.

D. A statement of the likely harms that the child will suffer as a result of removal from the home.

E. A description of the nature of the parent-child attachment and the meaning of separation and loss to the parent and the child.

F. A description of steps that will be taken to minimize harms caused by placement to the child.

G. A description of behaviors expected before DCFS determines that supervision or placement is no longer necessary.

RCW 13.34.138

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

If removal of the child from the home has occurred, the case plan shall also 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 parent's home that meets the special needs of the child.

RCW 13.34.136

D. A description of the biological parents' wishes regarding the characteristics of the type of home selected.

RCW 13.34.260

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

A. Assurances that the child's placement in any particular foster care setting takes into account the proximity to the school in which the child is enrolled at the time of placement.

42 USC 675, Sect. 475

F. A description of the long-term permanent plan for the child.

RCW 13.34.136

G. A description of how the supervising agency intends to carry out judicial determinations.

RCW 13.34.136; 42 USC 675, Sec. 475

H. A description of how the agency will attempt to ensure the child receives safe and proper care.

RCW 13.34.136; 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 13.34.136; 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. Children removed from their home must be screened for multiple needs if they are expected to remain in care beyond 30 days. Any needs of the child identified in the screening process need to be addressed.

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.; RCW 13.34.145

L. A discussion of what progress and compliance with the case plan has been made.

RCW 13.34.136

M. A description of the visitation plan between the child and parents.

RCW 13.34.136

N. A list of dates the parent was notified of changes in the placement or visitation plan.

RCW 13.34.136

O. A list of the requirements the parents must complete before resuming custody of the child.

RCW 13.34.136

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 13.34.136

R. The expected completion date for the permanent plan.

RCW 13.34.136

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

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, and training in parenting, conflict management, and dispute resolution skills.

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 to include all identified needs resulting from a screening within 30 days of placement;

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; RCW 74.13.300

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

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 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

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 considered 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 shall be integrated through the foster care team.

RCW 13.34.260; 42 USC 671a

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

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

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

B. Training culturally competent foster parents.

C. Providing interpreters and communication services such as sign language translators for LEP clients.

D. Selecting culturally responsive home-based and community services.

E. 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

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

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

CHAPTER 5000 SERVICE DELIVERY

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5100 FOCUS OF SERVICE DELIVERY

A. Interventions and services shall focus and build upon family strength and be responsive to individual and cultural needs.

RCW 74.14C.005

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.; 42 USC 675, Sec. 475
RCW 13.34.145; RCW 74.14A.020; RCW 74.14A.025;

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; RCW 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, 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

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

C. Any person who, without legal authorization, provides shelter to a minor and who knows at the time of providing the shelter that the minor is away from the parent's home without the permission of the parent, or other lawfully prescribed residence, shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department's local DCFS office.

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

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 under 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

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 abuse or neglect.

6. 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

F. If a law enforcement officer takes a child into custody pursuant to paragraph E 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

G. An officer taking a child into custody under RCW 13.32A.050 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 no 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 home or facility 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.

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.

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; or a licensed youth shelter. The officer shall immediately notify the department if no placement option is available and the child is released.

RCW 13.32A.060

H. If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of 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

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 13.32A.060

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, except that, through June 30, 2002, a child placed in a secure facility under a court order entered under RCW 13.32A.250 must remain in the secure facility as provided in RCW 13.32A.065. 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

K. A juvenile may be taken into custody pursuant to RCW 13.40.040, but may not be held in detention unless meeting the provisions of RCW 13.40.040. 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 and 13.40.050

L. Effective June 9, 2000, no placement of a juvenile in a secure facility under RCW 13.32A.060, 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033, or 74.13.034 as a result of an order entered under RCW 13.32A.250 or 28A.225.090 may displace or prevent the placement of a juvenile in a secure facility under RCW 13.32A.050, 13.32A.060, or 13.32A.130. If a secure facility is located in a separate, secure section of a juvenile detention facility, no more than 50 percent of its capacity may be occupied by juveniles placed under RCW 13.32A.250 or 28A.225.090. If any capacity of a secure facility located in a juvenile detention facility is taken by a juvenile placed under RCW 13.32A.050, 13.32A.060, or 13.32A.130, that juvenile must be placed in the secure facility and a juvenile placed under RCW 13.32A.250 or 28A.225.090 be moved immediately to the juvenile detention facility.

RCW 13.32A.067

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.

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 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, 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.

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

5440 Crisis Residential Center (CRC)

A. A child admitted to a secure facility shall remain in the facility for at least 24 hours after admission but for no more than five consecutive days. If the child admitted under this section is transferred between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days per admission.

RCW 13.32A.130

B. The facility administrator shall determine within 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

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.

RCW 13.32A.130

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

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.

RCW 13.32A.130

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

RCW 13.32A.130

G. If a reconciliation and voluntary return of the child has not been achieved within 48 hours from the time of admission, and if the administrator of the

center does not consider it likely that reconciliation will be achieved within the five 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

H. Effective June 9, 2000, and through June 30, 2002, this section does not apply to children admitted to a secure facility that is a separate, secure section of a juvenile detention facility under a court order issued under RCW 13.32A.250 or 28A.225.09(2). In no case may a child in contempt be confined in a secure facility that is freestanding outside a juvenile detention facility.

RCW 13.32A.130

I. DCFS shall, within 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

J. 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.

RCW 13.32A.110

K. Effective June 9, 2000, the department has no responsibility to attend hearings, provide transportation, case management, or any other services to youth confined in a secure facility that is a separate, secure section of a juvenile detention facility unless it is otherwise ordered by a court under a petition relating to a CHINS, an at-risk youth, or truancy.

RCW 13.32A.135

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, 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

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, 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

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 admitted or placed;

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

   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 and resolved by the juvenile 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

2. The child has been admitted to a CRC and:

   a. Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since placement;

   b. The staff, after searching with due diligence, have been unable to contact the parent of such child; and

   c. The child has no suitable place to live other than the home of his or her parent.

RCW 13.32A.140

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

   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

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 and resolved by the juvenile 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 the department has completed a family

assessment. The family assessment shall involve the multi-disciplinary team, 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

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 of 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 under chapter 13.32A RCW.

RCW 13.32A.150

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) A youth pursuant to RCW 13.32A.150; (b) the child or the child's parent pursuant to RCW 13.32A.120; or (c) 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.

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 CRC, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence other than a HOPE center 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 other than a HOPE center 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

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; or

   d. Order an out-of-home placement at the request of the child or the department not to exceed 90 days.

3. At any time, the court may order the department to review the matter for the purpose of filing a dependency petition under chapter 13.34 RCW.

4. 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.

RCW 13.32A.179

5. 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.

      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

6. 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

7. 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 be 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.

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 if 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

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

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

1. A child placed in confinement for contempt under RCW 13.32A.250 shall be placed in confinement either in a secure juvenile detention facility operated by or pursuant to a contract with a county or, through June 30, 2002, a secure facility that is a separate, secure section of a juvenile detention facility. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

RCW 13.32A.250

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

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 or, effective June 9, 2000, through June 30, 2002, to a secure facility. The

order may be entered *ex parte* without prior notice to the child or other parties. Following the child's admission to detention or, effective June 9, 2000, through June 30, 2002, to the secure facility, a review hearing must be held in accordance with RCW 13.32A.065.

RCW 13.32A.250

G. 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

H. Dismissal of an Out-of-Home Placement-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; RCW 13.32.A.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.

RCW 13.32A.179; RCW 13.32A.190

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.

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

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.

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

RCW 13.32A.150

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 other than a HOPE center 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 child or the child's parent.

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 13.34.136; 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

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

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 abuse or neglect.

6. 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

C. 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

D. 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

E. If the law enforcement officer who initially takes the child 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

F. If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of 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

5620 Time Limitation for CRC Placements

A child admitted to a secure facility shall remain in the facility for at least 24 hours after admission but for no more than five consecutive days. 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**

B. Investigate, including a criminal history/arrest record and CPS check, any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children prior to authorizing that person to care for children:

1. If a child is placed with a relative under a section of RCW 13.34. 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 74.15.030

2. When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in Chapter 74.34, including but not limited to services provided under Chapter 74.30 or 74.39A RCW.

RCW 43.43.832

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.

1. The fingerprints shall be forwarded to the Washington State Patrol and Federal Bureau of Investigation (FBI) for a criminal history records check.

2. 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 create a hardship on the licensee, the department shall pay the expense.

3. 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

4. If a FBI check is required in addition to the state background check by the department, effective June 9, 2000, an applicant for employment with an agency licensed or certified under chapter 74.15 RCW who is not disqualified based on the results of the state background check shall be eligible for a 120 day provisional approval to hire, pending the outcome of the FBI check. See Appendix A for the definition of "applicant."

   a. The department may extend the provisional approval until receipt of the FBI check.

   b. If the FBI check disqualifies an applicant, the department shall notify the requestor that the provisional approval to hire is withdrawn and the applicant may be terminated.

RCW 43.43.832

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

5631 Conflict of Interest in Placement

See chapter 2000, section 2131(D) for related directives regarding conflict of interest in investigations.

A. No child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:

1. There is an adult in the home who, as a result of:

   a. His or her employment; and

b. An allegation of abuse or neglect of the child, conducts or has conducted an investigation of the allegation; or

2. The child has been, is, or is likely to be a witness in any pending cause of action against any adult in the home when the cause includes:

a. An allegation of abuse or neglect against the child or any sibling of the child; or

b. A claim of damages resulting from wrongful interference with the parent-child relationship of the child and his or her biological or adoptive parent.

B. For purposes of this section, "investigation" means the exercise of professional judgment in the review of allegations of abuse or neglect by:

1. Law enforcement personnel;

2. Persons employed by, or under contract with, the state;

3. Persons licensed to practice law and their employees; and

4. Mental health professionals as defined in chapter 71.05 RCW.

C. The prohibition set forth in paragraph A of this section may not be waived or deferred by the department under any circumstance or at the request of any person, regardless of who has made the request or the length of time of the requested placement.

RCW 74.13.280

5640 After Placement of a Child

DCFS shall:

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

RCW 74.13.080

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

D. Arrange for a child expected to remain in care beyond 30 days to have a screening for multiple needs within 30 days of placement.

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

42 USC 675, Sec. 475

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 for any child who has been in a foster home for 90 consecutive days or more. The passport shall contain education records obtained pursuant to RCW 28A.150.

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.

B. In addition to the requirements of paragraph A above, the department shall notify a foster parent before placement of a child with 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.

C. The department shall hold harmless the provider of education information for any unauthorized disclosures caused by the department.

RCW 74.13.285

D. The department is authorized to disclose education records it obtains pursuant to RCW 28A.150 to a foster parent, guardian, or other entity authorized by the department to provide residential care for children.

RCW 28A.150

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 that the child is to be moved at least five (5) days prior to moving the child unless:

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

2. The child is being returned home.

3. The child's safety is in jeopardy.

4. The child is residing in a receiving home or a group home.

RCW 74.13.300

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 for 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

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 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 as established under RCW 74.13.285, 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 except that, for medical purposes only, a treating physician may disclose the department records to another treating physician.

RCW 13.34.340

5700 JUVENILE DEPENDENCY AND RIGHTS OF CHILDREN AND FAMILIES

A. 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.

B. The department shall have the authority to provide independent living services to youths, including individuals eighteen through twenty years of age, who are or have been in foster care.

RCW 74.13.031

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

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 that the parents are provided notice and an opportunity to be heard before the order may be entered.

3. The petition and supporting documentation must be served on the parent, and if the child is in custody at the time the child is removed, on the entity with custody other than the parent. Failure to effect service does not invalidate the petition if service was attempted and the parent could not be found.

RCW 13.34.050

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

RCW 13.34.060

5730 Contempt of Court

A. Failure of a party to comply with an order entered under chapter 13.34 RCW is civil contempt of court as provided in RCW 7.21.030. The maximum term of confinement 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

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

C. A child held 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

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 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

See the *Practices and Procedures Guide,* chapter 5000, section 5200 on using the Federal Parent Locator service that is available to CA through an Inter-Agency Data Sharing Agreement with the Division of Child Support (DCS). The use of the Federal Parent Locator service will help to ensure that parents receive notification when a child is taken into custody.

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. 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

C. Written Notification

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 shall notice be provided more 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

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

RCW 13.34.062

E. Tribal Notification-When the court knows or has reason to believe that the child involved is a member or eligible to be 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. If the identity or location of the Tribe cannot be determined, such notice shall be transmitted to the Secretary of the Interior.

RCW 13.34.070

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 as provided in RCW 13.34.090.

RCW 13.34.062

C. Reasonable efforts to advise and to give notice, as required in RCW 13.34.060 and this section 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, petitioner 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; and

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 13.34.062

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 in 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

5750 Shelter Care

A. A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. No child may be held longer than 72 hours, 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 health, 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 after the child is taken into custody.

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. Case Conference Agreement Conditions

1. Following shelter care and no later than twenty-five days prior to fact-finding, the department, upon the parent's request or counsel for the parent's request, shall facilitate a conference to develop and specify in a written service agreement the expectations of both the department and the parent regarding the care and placement of the child.

2. The department shall invite to the conference the parent, counsel for the parent, the foster parent or other out-of-home care provider, caseworker, *guardian ad litem,* counselor, or other relevant health care provider, and any other person connected to the development and well-being of the child.

RCW 13.34

3. 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 13.34.062

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

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

RCW 13.34.062

E. The department shall submit a recommendation to the court as to the further need for shelter care unless otherwise ordered by the court. The parent(s) may request that a multidisciplinary team, family group conference, prognostic staffing or case conference be convened for the child's case. Participation may include the parent and counsel.

RCW 13.34.062

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 RCW 13.34.060, 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.

1. 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 RCW 13.34.060.

2. If a relative is not available, the court shall order continued shelter care or order placement with another suitable person and shall set forth its reasons for the order.

3. 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 supervising agency or the department to make reasonable efforts to advise the parent, guardian, or legal custodian of

   the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

RCW 13.34.062

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

RCW 13.34.062

H. The return home of a child for a second time initiates one or both of the following processes:

1. If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

2. If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

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 rules of evidence shall apply at the fact-finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW 13.34.090 (1). The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances exist.

RCW 13.34.070

B. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who:

1. Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt.

2. Are known to the department as having been in contact with the family or child within the past 12 months; and

3. Would be an appropriate placement for the child.

Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

RCW 13.34.110

C. Stipulation Agreements-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

1. The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW 13.34.030. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW 13.34.130 at the same time.

2. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney, guardian ad litem, or court-appointed special advocate for the child, if any.

3. If the Department of Social and Health Services is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.

4. Entry of any stipulated or agreed order of dependency or disposition is subject to approval by the court. The court shall receive and review a social study before entering a stipulated or agreed order and shall consider whether the order is consistent with the allegations of the dependency petition and the problems that necessitated the child's placement in out-of-home care. 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.

5. Prior to the entry of any stipulated or agreed order of dependency, the parent, guardian, or legal custodian of the child and his or her attorney must appear before the court and the court within available resources must inquire and establish on the record that:

   a. The parent, guardian, or legal custodian understands the terms of the order or orders he or she has signed, including his or her

responsibility to participate in remedial services as provided in any disposition order;

b. The parent, guardian or legal custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his or her relationship with the child with the time frames required by state and federal law if he or she fails to comply with the terms of the dependency or disposition orders or fails to substantially remedy the problems that necessitated the child's placement in out-of-home care;

c. The parent, guardian, or legal custodian understands that the entry of the stipulated or agreed order of dependency is an admission that the child is dependent within the meaning of RCW 13.34.030 and shall have the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence, and that the parent, guardian, or legal custodian shall not have the right in any subsequent proceeding for termination of parental rights or dependency guardianship pursuant to this chapter or nonparental custody pursuant to chapter 26.10 RCW to challenge or dispute the fact that the child was found to be dependent; and

d. The parent, guardian, or legal custodian knowingly and willingly stipulated and agreed to and signed the order or orders, without duress, and without misrepresentation or fraud by any other party.

6. If a parent, guardian, or legal custodian fails to appear before the court after stipulating or agreeing to entry of an order of dependency, the court may enter the order upon a finding that the parent, guardian, or legal custodian had notice of the right to appear before the court and chose not to do so. The court may require other parties to the order, including the attorney for the parent, guardian, or legal custodian, to appear and advise the court of the parent's, guardian's, or legal custodian's notice of the right to appear and understanding of the factors specified in this subsection. A parent, guardian, or legal custodian may choose to waive his or her presence at the in-court-hearing for entry of the stipulated or agreed order of dependency by submitting to the court through counsel a completed stipulated or agreed dependency fact-finding/disposition statement in a form determined by the Washington State Supreme Court pursuant to General Rule GR 9.

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 13.34.115

E. Service of summons may be made under the direction of the court by any person 18 years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or DSHS employee.

RCW 13.34.070

F. To aid the court in its decision on disposition, a social study 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. See Appendix A for the definition of social study.

RCW 13.34.120

G. At least 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 parents, guardians, or legal custodians 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 child 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 child attends school may be relevant 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:

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, including housing assistance, that least interferes 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 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.

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.

RCW 13.34.130

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 13.34.270

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:

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. 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.

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.
RCW 13.34.134

6. In lieu of the allegations of paragraphs B.2 through B.6, page 5-32 below, the petition may allege that the parent has been convicted of:

a. Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

b. Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

c. Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in paragraph a or b above; or

d. 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.

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 all of the following unless paragraph A.6 or B.6 of this section applies:

1. That the child has been found to be a dependent child;

2. That the court has entered a disposition order pursuant to RCW 13.34.130;

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 months pursuant to a finding of dependency;

4. That the services ordered under RCW 13.34. 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;

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:

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 or for periods of time that present a risk of imminent harm to the child and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

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 or for periods of time that present a risk of imminent harm to the child, 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

RCW 13.34.180

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

RCW 13.34.180

C. 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 months after the child was found.

RCW 13.34.180

D. **Notice of Rights in a Termination Action**

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

RCW 13.34.180

E. **Custodial Care-**If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department or to a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption. If an adoptive home has not been identified, the department or agency shall place the child 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

F. **Findings and Order Terminating Parental Rights-**After hearing pursuant to RCW13.34.110 or 13.34.130, the court may enter an order terminating all parental rights to a child only if the court finds that:

1. The allegations contained in the petition as provided in RCW 13.34.180 are established by clear, cogent, and convincing evidence; or

2. The provisions of RCW 13.34.180(1) (a), (b), (e), and (f) are established beyond a reasonable doubt and if so, then RCW 13.34.180(1)(c) and (d) may be waived. When an infant has been abandoned, as defined in RCW 13.34.030, the abandonment has been proved beyond a reasonable doubt, then RCW 180(1)(c) and (d) may be waived; or

3. The allegation under RCW 13.34.180(2) is established beyond a reasonable doubt. In determining whether RCW 13.34.180(1)(e) and (f) are established beyond a reasonable doubt, the court shall consider whether one or more of the aggravated circumstances listed in RCW 13.34. exist; or

4. The allegation under RCW 13.34.180(3) is established beyond a reasonable doubt; and

5. Such an order is in the best interests of the child.

RCW 13.34.190

G. **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

5770 Guardianship

A. Any party to a dependency proceeding, including the supervising agency, may file a petition in juvenile court requesting that guardianship be created as to a dependent child. DSHS shall receive notice of any guardianship proceedings and have the right to intervene in the proceedings.

RCW 13.34.230

B. Any person over the age of twenty-one (21) years who is not otherwise disqualified by this section, any nonprofit corporation, or any Indian tribe may be appointed the dependency guardian of a child under RCW 13.34.232. No person is qualified to serve as a dependency guardian unless the person meets the minimum requirements to care for children as provided in RCW 74.15.030.

RCW 13.34.236

C. A guardianship may be established if the court finds by a preponderance of the evidence that:

1. The child has been found to be a dependent child under RCW 13.34.030;

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 months pursuant to a finding of dependency under RCW 13.34.030;

4. The services ordered under RCW 13.34.130 and a modified section of RCW 13.34. 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; and

6. A guardianship, rather than termination of the parent-child relationship or continuation of efforts to return the child to the custody of the parent, would be in the best interest of the child.

RCW 13.34.231

D. If the court has made a finding under RCW 13.34.231, it shall enter an order establishing a dependency guardianship for the child. The order shall:

1. Appoint a person or agency to serve as dependency guardian for the limited purpose of assisting the court to supervise the dependency.

2. Specify the dependency guardian's rights and responsibilities concerning the care, custody, and control of the child.

3. Specify the dependency guardian's authority, if any, to receive, invest, and expend funds, benefits, or property belonging to the child.

4. Specify an appropriate frequency of visitation between the parent and the child.

5. Specify the need for any continued involvement of the supervising agency and the nature of that involvement, if any.

RCW 13.34.232

E. Unless the court specifies otherwise in the guardianship order, the dependency guardian shall maintain the physical custody of the child and have the following rights and duties:

1. Protect, discipline, and educate the child.

2. Provide food, clothing, shelter, education as required by law, and routine health care for the child.

3. Consent to necessary health and surgical care and sign a release of health care information to appropriate authorities, pursuant to law.

4. Consent to social and school activities of the child.

5. Provide an annual written accounting to the court regarding receipt by the dependency guardian of any funds, benefits, or property belonging to the child and expenditures made there from.

RCW 13.34.232

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

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

H. Any party may request the court under RCW 13.34.150 to modify or terminate a dependency guardianship. 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 in all cases shall be served upon the department. If the department was not previously a party to the guardianship proceeding, the department shall nevertheless have the right to: (1) Initiate a proceeding to modify or terminate a guardianship; and (2) intervene at any stage of such a proceeding.

RCW 13.34.233

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

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

K. Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department or a licensed child placing agency for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34. and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

RCW 13.34.233

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 dependency guardianship is not subject to the review hearing requirements of RCW 13.34. unless ordered by the court under RCW 13.34.232.

RCW 13.34.235

5780 Developmentally Disabled Children

5781 Judicial Determination for Out-of-Home Placement

A. Whenever the department places a child with a developmental disability in out-of-home care pursuant to RCW 74.13.350, the department shall obtain a judicial determination within 180 days of the placement that continued 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 is required.

RCW 13.34.270

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 and that the child has been placed in out-of-home care pursuant to RCW 74.13.350.

1. The petition shall request that the court review the child's placement, make a determination whether continued placement is in the best interests of the child, and take other necessary action as provided in RCW 13.34.270.

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, and telephone.

RCW 13.34.270

5800 ADOPTION

5810 Adoption Support

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

RCW 74.13.100

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

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

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 to search for birth parent or adopted child described in RCW 26.33.343.

RCW 26.33.330

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 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

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:

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.

RCW 70.24.105

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:

> *"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."*

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

RCW 70.24.105

b. 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

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 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

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

CHAPTER 6000 CASE REVIEW

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6100 PERIODIC REVIEWS

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

1. The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (3) or 13.34.134.

   RCW 13.34.138

2. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and, if necessary, revised permanency time limits.

3. The review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements shall be accomplished within existing resources.

   RCW 13.34.138

4. 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 13.34.138

B. An administrative review for children in placement by consent of the parent(s), conducted every six 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.

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

F. The court's ability to order housing assistance under RCW 13.34.130 and this section 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 13.34.138

6110 Citizen Review Boards

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

RCW 13.70.003

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 90 days following commencement of the placement episode, the first review shall occur. The second review shall occur within six months following commencement of the placement episode. The final board review shall occur no later than six 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 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 90 days following commencement of the placement episode.

3. The second review shall occur within six months following commencement of the placement episode.

4. The next review shall occur within one 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. A board review or a court review hearing 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.

6. After the permanency planning hearing, a court review hearing must occur at least once a year as provided in RCW 13.34.138.

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 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 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

6120 Permanency Plan Review

For developmentally disabled children in out-of-home care pursuant to RCW 74.13.270, 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

The following requirements apply for all children in out-of-home care:

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 months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than 12 months following commencement of the current placement episode.

RCW 13.34.145

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 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 a permanent custody order is entered, or the dependency is dismissed.

RCW 13.34.145

C. No later than 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

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

D. At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.138 and shall review the permanency plan prepared by the agency.

1. 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, the court shall enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and 13.34.138.

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 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.

RCW 13.34.145

E. If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

RCW 13.34.145

F. The juvenile court may hear a petition for permanent legal custody when: (1) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (2) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian.

1. During the pendency of such proceeding, the 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

3. 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 the requirements of paragraph D above, are met.

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 12 months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

RCW 13.34.145

H. Except as provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34., 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

I. If reasonable efforts are not ordered under RCW 13.34.132, a permanency hearing shall be held within 30 days of the court order to file a petition to terminate parental rights. 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.

RCW 13.34.134

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 of a dependency petition regarding a child who is the subject of the action.

RCW 13.34.270

6130 Conferencing Information

The department shall, within existing resources, provide to parents requesting a multidisciplinary team, family group conference, prognostic staffing, or case conference, information that describes these processes prior to the processes being undertaken.

RCW 13.34

6200 RISK ASSESSMENT

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

RCW 26.44.030

6300 ADOPTION

A. If a child has not been adopted within six months after the date of the order and a guardianship of the child under RCW 13.34.231 or chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW, has not been entered by the court, the court shall review the case every six months until a decree of adoption is entered except for those cases which are reviewed by a citizen review board under chapter 13.70 RCW.

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

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

RCW 26.33.200

D. 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

6400 CHILD FATALITY REVIEW

A. The department of social and health services shall conduct a child fatality review in the event of an unexpected death of a minor in the state who is in the care of or receiving services described in chapter 74.13 RCW from the department or who has been in the care of or received services described in chapter 74.13 RCW from the department within one year preceding the minor's death.

B. Upon conclusion of a child fatality review required pursuant to subsection (1) of this section, the department shall issue a report on the results of the review to the appropriate committees of the legislature and shall make copies of the report available to the public upon request.

74.13 RCW

CHAPTER 7000 CASE RESOLUTION

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7100 DEPENDENCY

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

RCW 13.34.145

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 to a placement 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 13.34.040.

RCW 13.34.040

CHAPTER 8000 CARETAKERS

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8100 FOSTER FAMILY HOMES

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

RCW 74.15.010

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

8105 All Licensees

A. **Probationary License**

1. A probationary license is a license issued as a disciplinary measure to a licensee 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 well-being 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

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

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

B. A 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 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

C. **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; and

   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; and

   c. The initial license is issued for a period not to exceed 90 days.

RCW 74.15.120

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

1. An applicant may be denied a license, or any license issued under chapter 74.15 RCW and RCW 74.13.031 and it may be suspended, revoked, modified, or not renewed by the department upon proof that the applicant or licensee has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the licensing requirements adopted under the provisions of chapter 74.15 RCW and RCW 74.13.031; or that 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.

2. 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

3. 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

4. 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

E. Specific licensing standards are found in chapters 388-148 WAC for foster homes, group care facilities, and child-placing agencies; 388-160 WAC for Overnight Youth Shelters; 388-145 WAC for Emergency Respite Centers; and 388-140 WAC for Group Receiving Centers.

8108 Foster Parents' Rights

Foster parents have the right to be free of coercion, discrimination, and reprisal in serving foster children, including the right to voice grievances about treatment furnished or not furnished to the foster child.

RCW 74.13

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

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

8130 First Aid/CPR and HIV/AIDS Training

All out-of-home providers licensed by the department shall receive training related to blood-borne pathogens, including prevention, transmission, infection control, treatment, testing, and confidentiality.

Laws of 2003

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

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

8200 RELATIVE CARETAKERS

Guidance governing the approval of relatives as caretakers is found in ~~f~~ chapter RCW 74.15 and Chapter 388-148 WAC.

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

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

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.

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

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.

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 parent

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.

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.

8500 IN-HOME CHILD CARE

There is no statutory requirement related to In-Home Child Care providers. Refer to the CA *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 388-148 WAC.

8700 INDIVIDUALS ENGAGED BY CHILDREN'S ADMINISTRATION

Individuals engaged by Children's Administration include, but are not necessarily limited to, paid employees, contractors, volunteers, student interns, and work study students. When such persons are directly responsible for care, supervision, or treatment of children, Children's Administration must complete a Background Check as delineated in 74.15.030 and 43.43.832 RCW and Chapter 388-06 WAC.

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

While supportive to DCFS client families, Child Day Care Licensing is administered by the Division of Child Care and Early Learning, MAA.

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).

RCW 74.13.031

CHAPTER 9000 ADOPTION SUPPORT

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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 care 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-care institution or is a child who is both eligible for, and likely to be placed in, either a foster home or a child-care 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

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

1. Size of the family including the adoptive child.
2. The usual living expenses of the family.
3. The special needs of any family member, including educational needs.
4. Family income.
5. Family resources and plan for savings.
6. The medical and hospitalization needs of the family and its means of purchasing or otherwise receiving such care.

7. Any other expenses likely to be needed by the child to be adopted.

8. 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.

9. Payments may continue if the family moves out of state, subject to review.

RCW 74.13.112

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

RCW 74.13.115

11. 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

12. 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

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

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;

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

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

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

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

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

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

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

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;

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:

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 card 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.

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.

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

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.

"**ABANDONED**" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. 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.

RCW 13.34.030

"**ABUSE OR NEGLECT**" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

RCW 13.32A.030

"**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

"**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

"**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.

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.

3. Any prospective adoptive parent, as defined in RCW 26.33.020.

RCW 43.43.830

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

1. Is absent from home for at least 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

"**BLOOD BORNE PATHOGENS**" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus (HBV), Hepatitis C, Tuberculosis, and STDs including HIV.

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

"**CHILD**," "**JUVENILE**," "**MINOR**," and "**YOUTH**" means 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; and/or

2. Who has been reported to law enforcement as absent without consent for at least 24 consecutive hours on two or more separate occasions from the home of either parent, a CRC, an out-of-home placement, or a court-ordered placement; 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, or education; or services designed to maintain or reunite the family; and/or

   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

"**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

"**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:

1. 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.

2. Protecting and caring for dependent or neglected children.

3. 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.

4. Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or where needed.

5. 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

"**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: (a) the child returns home; (b) an adoption decree, a permanent custody order, or a guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

RCW 13.34.030

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

RCW 13.32A.030

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

RCW 13.32A.030; RCW 26.33.020; RCW 26.44.020

"**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 who:

1. Has been abandoned;
2. Is abused or neglected as defined in RCW 26.44 by a person legally responsible for the care of the child;
3. Has no parent, guardian or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a substantial danger to the child's psychological or physical development.

RCW 13.34.030

"**DEVELOPMENTAL DISABILITY**" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the department to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age 18, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

RCW 13.34.030

"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

"**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

"EMERGENCY RESPITE CENTER" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with

developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW.

RCW 74.15.020

"**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

"**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. Under the federal definition, "**foster care**" means 24-hour substitute care for children placed away from their parents or guardians and for whom the department has placement and care responsibility. This includes but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care in accordance with the federal definition regardless of whether the foster care facility is licensed and payments are made by the department for the care of the child, whether adoption subsidy payments are being made prior to the finalization of the adoption, or whether there is federal matching of any payments that are made.

RCW 74.14C.010; 45 CFR 1355

"**FOSTER CARE TEAM**" means the foster parent currently providing care, the currently assigned social worker, and the parent or parents.

RCW 13.34.260

"**FOSTER FAMILY HOME**" means an agency which regularly provides care on a 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. For the purpose of federal Title IV-E eligibility, "**foster family home**" means the home of an individual or family licensed or approved as meeting the standards established by the Division of Licensed Resources (or with respect to foster family homes on or near Indian Reservations, by the tribal licensing or approval authority), that provides 24-hour out-of-home care for children.

RCW 74.15.020; 45 CFR 1355

"**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 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

"**GUARDIANSHIP**" means, for the purposes of permanency planning, a dependency guardianship, 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

"**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

"**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 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

"**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 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."

"**INDIGENT**" means a person who, at any stage of a court proceeding, is:

1. Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, Medicaid, or supplemental security income; or

2. Involuntarily committed to a public mental health facility; or

3. Receiving an annual income, after taxes, of 125 percent or less of the federally established poverty level; or

4. Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

RCW 13.34.030

"**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

LEGALLY FREE-A child is legally free for adoption if the child has no legal parent, either because the parent has died or because parental rights have been terminated (through relinquishment or involuntary termination) by a court order.

"**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

"**LEGAL GUARDIANSHIP**" means a judicially-created relationship between child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, and decision-making. The term "legal guardian" means the caretaker in such a relationship.

45 CFR 1355

"**MULTI-DISCIPLINARY TEAM**" means a group formed to provide assistance and support to a child who is an at-risk youth or a child in need of services and the child's parent. The team shall include the parent, a department social worker, a local government representative when authorized by the local government, and, when appropriate, members from the mental health and substance abuse disciplines. The team may also include, but is not limited to, the following persons: Educators, law enforcement personnel, probation officers, employers, church persons, tribal members, therapists, medical personnel, social service providers, placement providers, and extended family members. The team members shall be volunteers who do not receive compensation while acting in a capacity as a team member, unless the member's employer chooses to provide compensation or the member is a state employee.

RCW 13.32A.030

"**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

"**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

"**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

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

RCW 26.44.020

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

42 USC 5115A

"**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:

1. 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

2. 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;

3. 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

    a. He has acknowledged his paternity of the child in writing filed with the registrar of vital statistics;

    b. With his consent, he is named as the child's father on the child's birth certificate; or

    c. He is obligated to support the child under a written voluntary promise or by court order;

4. 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;

5. 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

6. 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

"**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:

1. 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;

2. Stepfather, stepmother, stepbrother, and stepsister;

3. 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;

4. Spouses of any persons named in (a), (b), or (c) above, even after the marriage is terminated; or

5. "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

"**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

"**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

"**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.

RCW 13.34.030

"**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

"**SOCIAL STUDY**" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

1. A statement of the specific harm or harms to the child that intervention is designed to alleviate;

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

3. If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; 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; and the parents' attitude toward placement of the child;

4. A statement of the likely harms the child will suffer as a result of removal;

5. A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs; and

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

RCW 13.34.030

"**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

"**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

"**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

"**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, 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

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

1. 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;

2. Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

3. 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;

4. Individual and group counseling; and

5. 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

"**UNENROLLED INDIAN CHILD**" means an unmarried person under the age of 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. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

RCW 26.44.020

"**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

"**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 C: SHARED DECISION MAKING

SHARED DECISION MAKING

Shared decision making will be systematically employed by DCFS for key decisions. Shared decision making takes different forms as it is implemented throughout the Division. Shared decision making means identifying those decisions that need to be shared with supervisors, area managers, regional administrators, and headquarters. Shared decision making means a commitment to team decision making whenever possible; such teaming to include peers, members of other units, foster parents, DSHS staff from other divisions and community professionals involved in our cases. Shared decision making means participation and partnership on cross program treatment teams (wrap-around teams). Shared decision making means sharing tough decisions with the community through the use of consultation teams.

The Shared Decision Making Committee was convened at the request of Rosie Oreskovich, Assistant Secretary, for Children's Administration. The committee represented all Regions, Headquarters, and Community representatives. Members were: Nancy Zahn, Dee Wilson, Carol Bailey, Ruthie Morris, Arlene Miletich, Shirley Moore, Ed Cote, Dr. Jill Cole, Charlene Ramirez, Lee Doran, Carol Clarke, and Peggy West.

Our committee has structured our report in three key areas:

- **Shared Decision Making *Within* the Division**

  This proposal for sharing decision making with supervisors, managers, and headquarters attempts to establish a minimum baseline expectation statewide. Currently decisions that are expected to be "shared up" are at the discretion of individual Regional Administrators and Area Managers. We found extreme variations in expectations between regions and within regions by Area Managers. It is no wonder line staff are confused and desperately ask "just who is to make what decisions"!

  The first portion of our report proposes a common baseline of accountability for key decisions that will be the same statewide. We are in some instances formally creating new policy expectations (in some instances these areas are informal "common sense" expectations, in some instances these are areas that are "getting us in trouble", and in some instances these are areas where three of six regions require "sharing up" and the others do not.) And there are some areas where we have set a decision point at a level lower than some regions currently require.

  We identified those areas where Tribes need to be informed and given the opportunity to review and/or approve the decision. We attempted to entwine the areas of the Tribal/State agreement throughout the report as opposed to doing a separate document to reflect ICW Tribal issues.

  This proposal is submitted for review and comment by the Greater DCFS Management Team at the April Retreat. We recognize that different folks visualize differently and that there are different ways to format these charts; this format is the way that worked for our committee. We also recognize the need to refine group decision areas (such as grouping licensing, CPS, CWS, etc.).

One of the questions asked of us was whether or not there should be a common expectation for information sharing/monthly reports. We reviewed several currently in use and found wide variation. Common themes were data regarding workload, compliance issues, constituent complaints/difficult cases, personnel and office issues, community activities/issues, good news, and "other". We believe we have captured these areas in establishing common expectations for information sharing. We see our role to establish the expectation for information sharing; the regions need to determine the format (verbal, written, report, etc.).

- **Shared Decision Making Teams**

Shared decision making means systematically employing teams for key decision making. Team decision making will provide opportunities for critical thinking and creative problem solving; share responsibility for decisions; share liability; and provide opportunities for ensuring quality assurance.

Our committee proposes several key decisions that should be team decisions. In some instances, the Division already employs a team decision making format; that needs to continue. We are proposing new requirements for team decision making. We recognize this has a substantial workload impact and will require the initial up front work of establishing the team composition and structure, the decision making protocols, and the team building necessary for the establishment and maintenance of successful teams.

We suggest the following teams be established in each region: Prognostic staffing, permanency planning, CPS/Licensing, CPS/Abuse Neglect, Administrative Review, Adoption Review, DDD/DCFS Teams per Regional agreements, and community cross program teams (wrap-around). The first five teams are new expectations; it is this committee's belief that the last four teams currently exist in most areas.

We recognize the issues highlighted by Health and Safety concerns require immediate action to establish teaming in CPS/Licensing and identify that as the first priority. This committee believes that most long term benefit to children and families will come from implementing prognostic staffing teams. We recommend this team be the priority team to implement. Next in priority, we would recommend permanency planning team staffings, CPS/Abuse Neglect teams.

Each Region needs to clarify with Tribes and ICWAC the nature of tribal/ICWAC participation in DCFS teams.

Cross-program teams (wrap-around) exist in all areas of the state. These teams are external teams for which DCFS staff are key participants. These teams are generally developed under the auspices of Children's Mental Health statutes and are generally managed by RSN's, and/or education. Teams include decision making for admission to mental health facilities and programs and also individual treatment teams. Our committee identifies the need for Regions to develop guidelines clarifying these teams' authority to make case planning decisions and authorize funds. Problem resolution mechanisms also need to be in place for these teams. Regions need to clarify with Tribes and ICWAC the nature of tribal/ICWAC

participation in these community teams (as it relates to Indian children in DCFS caseloads).

- **Shared Decision Making with Community Consultation Teams**

  DCFS currently has statutory and policy mandates for several community consultation teams. With the exception of Child Fatality Review teams, this committee does not recommend establishing any additional community consultation teams. We do however identify the need to clarify the teams. We believe staff need to understand the statutory mandates in terms of expected staffings and team membership. We also believe these teams can be strengthened and are identifying recommended areas of staffing/consultations.

  It is also essential the Division recognize these teams require nurturing and maintenance. This generally means a DCFS staff assigned to facilitate the team, arrange coffee and light refreshments, recruit new team members, etc. This workload must be legitimized and built into workload study standards if we expect these consultation teams to thrive.

  Our committee was also asked to recommend a format for problem resolution when there is conflict with community professionals serving a child/family. Our first recommendation is the utilization of existing consultation teams, such as CPT's. Recognizing that this will not always be successful, we identified as a "sharing up" decision, conflict with community professionals. At every level, we would recommend that the supervisor, area manager, Regional Administrator convene a staffing to include all professionals involved in a case as a preferred means of resolving conflict. It is our impression that in many instances the conflict revolves around information that is not fully shared with all team members and/or misunderstandings about the roles/authorities/ and responsibilities of team members. We would also envision that as the Division implements teaming for key decisions, these conflicts should decrease as it is our vision that community professionals, as well as parents, children, and foster parents, will feel they are part of the team.

SHARED DECISION MAKING

To summarize the need for shared decision-making:

- Social workers need to be supported in their decision making. They need to know clearly when to seek consultation. They also need to feel and know that supervisors and managers share responsibility for decisions.

- DCFS will establish clear expectations regarding accountability. Staff at all levels need to know which decisions they will share responsibility for.

- We make better decisions when we can consult and review with others. Team decisions are generally better than decisions made in isolation. We will have guidelines and expectations for how and when to consult teams on decisions.

Shared decision making will be systematically employed by DCFS for key decisions, and will take different forms as it is implemented throughout the Division. Shared decision making involves:

- Identifying those decisions that need to be shared with supervisors, area managers, regional administrators, and headquarters;

- A commitment to team decision making whenever possible -including peers, foster parents, professionals from other divisions and community professionals involved in our cases;

- Participation and partnership on cross program treatment teams (wrap-around teams); and

- Sharing tough decisions with the community through the use of consultation teams.

This section is structured in three key areas of shared decision making:

- Decisions Shared within the DCFS Chain-of-Command;

- Team Decision Making within the Division; and

- Shared Decision Making with Community Consultation Teams.

The following comments about shared decision making need to be made:

- This document does NOT attempt to outline every decision that is made on a daily basis by staff at all levels. It does attempt to identify those key decisions that need to be shared.

- Equally important is what is not dealt with---SHARING DOWN. In all areas, where a case specific decision is made at a level higher than the social worker, it is essential that the decision be communicated promptly to the social worker. It is also essential that the social worker, supervisor, and area manager be given the opportunity for

review, comment, and understanding of decisions made at a higher level. It is recognized that workload does not permit the RA's to staff all decisions made at their level; it is equally recognized that whenever possible, staff at all levels should be jointly making the decision.

- This document is not meant to be a substitute for supervision. It is recognized that there will be decisions that should be shared but are not on the list. Staff will always need to use common sense and judgement in decision making. There are no magical answers that will ALWAYS guide staff. This document is meant to be a document that will GENERALLY guide staff.

- The authorized decision maker is the person the agency expects to be accountable for the decision listed. It is recognized that we all delegate differentially to staff. The authorized decision maker must be able to explain why they have delegated decision making, and the designee must be aware they are representing the delegator. Decisions to delegate are to be made on the basis of the designee's knowledge and expertise. There needs to be a system in place to do random reviews of the delegated decisions.

- Most regions have Deputies and/or SHPM 4's. These managers may have duties similar to Area Managers. Given the variety of regional organizational structures, we did not differentiate between SHPM 4's and Area Managers. Each region will need to "regionalize" the definition of Area Manager.

- Each region needs to develop their accountability/documentation standards. For example, regarding the "information to" expectations, staff need to know if this is to be shared verbally, in written form, how soon, etc.

- Policies and procedures regarding Child Fatality Reviews, CPT's, CPS-Licensing, and Supervisory Review/Conferences are currently being developed and/or updated. As these policies are issued, Shared Decision Making Guidelines need to be updated.

SHARED DECISION MAKING WITHIN THE CHAIN-OF-COMMAND

Attachment A establishes a minimum baseline expectation for sharing information and decisions with supervisors and regional managers.

Those areas where Tribes need to be informed and given the opportunity to review and/or approve our internal decisions are identified.

TEAM DECISION MAKING

Shared decision making means systematically employing teams for key decision making (**Attachment B**). Team decision making will provide:

- opportunities for critical thinking and creative problem solving;

- shared responsibility and improved compliance with decisions;

- shared liability; and

- opportunities for quality assurance.

Several key decisions that should be shared by a team (**Attachment C**) are identified. In some instances, the Division already employs a team decision-making format that will continue. New requirements for team decision making are recommended. The substantial workload impact involved is recognized. Implementation will need to include: a realistic appraisal of current staffings which could be eliminated through the use of team decision making; initial work to establish team composition and structures and decision making protocols; and team building necessary for the establishment and maintenance of successful teams.

The following teams should be established and routinely utilized in each region:

- Prognostic Staffing
-
- Permanency Planning
- CPS/Licensing
- Community Cross Program Teams (Wrap around)
- CPS/Abuse Neglect

- Adoption Review
-
- Administrative Review
- DDD/DCFS Teams (per regional agreements)
- ICWAC
-

The teams identified in the left-hand column represent new expectations. The teams in the right-hand column currently exist in most areas.

The issues highlighted by Health and Safety reviews require immediate action. Therefore, CPS/Licensing teams are the first priority. Prognostic teams offer the most significant long term benefit to children and families and should be implemented as a high priority. Next, in rank order of descending priority, regions should phase-in implementation of permanency planning team staffings and CPS/Abuse Neglect teams..

Each Region needs to clarify with Tribes and ICWAC the nature of tribal/ICWAC participation in DCFS teams.

Cross-program teams (wrap-around) exist in all areas of the state. These teams are external teams for which DCFS staff are key participants. These teams are generally developed under the auspices of Children's Mental Health statutes and are generally managed by RSN's, and/or education. Team decisions include admissions to mental health facilities and programs and also individual treatment plans. Regions need to develop guidelines clarifying these teams' authority for case planning decisions and for the authorization of DCFS funds. Problem resolution mechanisms also need to be in place for these teams. Regions need to clarify with Tribes and ICWAC the nature of tribal/ICWAC participation in these community teams (as it relates to Indian children in DCFS caseloads).

SHARED DECISION MAKING WITH COMMUNITY CONSULTATION TEAMS

DCFS currently has statutory and policy mandates for several community consultation teams. DCFS needs a format for problem resolution when there is conflict between community and DCFS professionals serving a child or family. The first recommendation is to utilize existing consultation teams, such as CPTs. Recognizing that this will not always be successful, it is also recommended for the "sharing up" of information and decisions involving unresolved conflict with community professionals. At every level, the supervisor, area manager or regional administrator should convene a staffing to include all the professionals involved in a case conflict, as the preferred means of resolving conflict.

POLICY FOR SHARED DECISION MAKING
SOCIAL WORKER/LICENSOR
WITH SUPERVISOR

Information to Supervisor (after the event).	Review by Supervisor (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Supervisor (prior to the event).	Authorized Decision Maker
➢ Choice of provider (placement services).	Screening decision except those based on imminent harm and/or behavioral indicators only.	Social Worker	➢ Screen-ins based on risk of imminent harm only and/or based on behavioral indicators only.	Supervisor
➢ Clients feel wrongly treated.	➢ Risk tags.	Social Worker	➢ Screen-outs or low risk tags if new referral on case open within the last year.	Supervisor
	➢ Open/Close.	Social Worker	➢ Initial intervention strategies on cases with multiple referrals from more than one referent.	Supervisor
	➢ Case plans with no court action.	Social Worker	Case closure if case has multiple referrals within the last year.	Supervisor
	Incident report (at assignment).	N/A	*Screen-outs where a Tribe makes a referral.	Supervisor

DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licenser when appropriate.

POLICY FOR SHARED DECISION MAKING
SOCIAL WORKER/LICENSOR
WITH SUPERVISOR

Information to Supervisor (after the event).	Review by Supervisor (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Supervisor (prior to the event).	Authorized Decision Maker
	*Any serious inflicted injury, sexual abuse, and all child deaths on cases open in the past year.	N/A	➢ *Legal filings (e.g. dependencies; terminations).	Supervisor
	Pattern of non-compliance with MLRs or poor care in a licensed facility.	Area Manager	➢ *Out of home placement (prior to placement if possible or ASAP).	Supervisor
	Inability/failure to meet IVB requirements.	N/A	➢ *Returning a child (CPS) to home.	Supervisor
	Review for ICW issues (ethnicity; compliance; Tribes; LICWAC).	N/A	➢ Decision not to place given sexual abuse.	Supervisor

DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licenser when appropriate.

POLICY FOR SHARED DECISION MAKING
SOCIAL WORKER/LICENSOR
WITH SUPERVISOR

Information to Supervisor (after the event).	Review by Supervisor (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Supervisor (prior to the event).	Authorized Decision Maker
	Impasse with ICWAC.	DSHS Secretary	Decision not to place in cases of medical neglect involving chronic illness or special health care needs.	Supervisor
	➢ Unorthodox practice (e.g. creative; doubtful; out on a limb).	Area Manager	Inability to meet response time on cases requiring high risk standard investigation.	Supervisor
	➢ Adoption.	Area Manager unless otherwise delegated by RA.	➢ Cross cultural placements.	Supervisor
	➢ Guardianship; permanent foster care agreements.	Area Manager	➢ Returning a dependent child home.	Supervisor
	➢ Decision to place or to continue placement in homes where a founded incident report of CA/N and/or pattern of poor care in a licensed facility.	RA	➢ Disputed changes of placements (e.g. move from foster home to relatives).	Supervisor

□***DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.***

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licenser when appropriate.

POLICY FOR SHARED DECISION MAKING
SOCIAL WORKER/LICENSOR
WITH SUPERVISOR

Information to Supervisor (after the event).	Review by Supervisor (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Supervisor (prior to the event).	Authorized Decision Maker
	➢ Unorthodox placements (e.g. child in a motel; in an apartment; or in other unusual situations).	RA	Case plan/closure where interventions are not working (e.g. chronic neglect; adolescents who don't fit).	Supervisor
	➢ CPS case closures if risk is high after investigation.	Area Manager	Review home study and compliance with MLR's prior to licensing.	Licensing Supervisor
	➢ Decision not to place given serious inflicted injury.	Area Manager	Case transfer within or outside of the office.	Supervisor
	➢ Decision not to place with pattern of life endangering neglect (e.g. lack of supervision for 0-5 years of age; non-organic failure to thrive; serious medical neglect that endangers life).	Area Manager	ISP's.	Supervisor
	Second extension of 90 day rule.	Area Manager	Designated expenditures per region's delegation of authority.	Supervisor

DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licenser when appropriate.

POLICY FOR SHARED DECISION MAKING
SOCIAL WORKER/LICENSOR
WITH SUPERVISOR

Information to Supervisor (after the event).

Review by Supervisor (after the event and/or prior to approval at a higher level).	Authorized Decision Maker
Decisions to license if home appears marginal (e.g. home barely meets or arguably does not meet MLRs).	DLR Regional Manager
Decision to re-license where a home has had founded complaints.	DLR Director
Decision to re-license where a home has a corrective action plan.	DLR Regional Manager
Decision to re-license where a home has multiple complaints of any kind regarding child care or family functioning.	DLR Regional Manager

Approval by Supervisor (prior to the event).	Authorized Decision Maker
ETPs; ECPs; Waivers.	Per region's delegation of authority.
Initiating contacts to or responding to the media as representatives of the Department.	Per DSHS policy 2.08.
Services beyond program limits (e.g. extension of 90 day rule; FRS beyond 90 days; in-home CWS beyond six months; licensing applications beyond 90 days).	Supervisor
*Decision to staff with ICWAC.	Supervisor

□***DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.***

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licenser when appropriate.

POLICY FOR SHARED DECISION MAKING
SOCIAL WORKER/LICENSOR
WITH SUPERVISOR

Information to Supervisor (after the event).

Review by Supervisor (after the event and/or prior to approval at a higher level).	Authorized Decision Maker
Social worker/licenser disagreements about CPS/licensing placement decisions.	Area Manager
Decision not to comply with or to challenge court orders that require specific placements outside of policy or which require large expenditures on services.	RA
Struggles/conflicts regarding prioritizing workload.	N/A

Approval by Supervisor (prior to the event).	Authorized Decision Maker
➢ Failure to comply with court orders (e.g. foster child is ill and worker is unable to comply with court ordered visitation).	Supervisor
➢ Status of case file and compliance with agency policies at the time of case transfer.	Per regional or office policy.
➢ After Hours placements, which require licensing waivers (e.g. over-capacity, space).	On-call Supervisor can approve placements then Area Manager reviews first working day.

□***DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.***

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licenser when appropriate.

POLICY FOR SHARED DECISION MAKING
SOCIAL WORKER/LICENSOR
WITH SUPERVISOR

Information to Supervisor (after the event).

Review by Supervisor (after the event and/or prior to approval at a higher level).	Authorized Decision Maker
Decision by after hours staff to allow a child to sleep-over in a DCFS office.	Area Manager
➢ Relative placement where criminal check shows prior charges/convictions for crimes against persons.	RA
➢ CPS/CWS decision not to place when physician recommends placement.	Area Manager
Worker initiated change of placement without five day written notice (conflicts with foster parents or relatives). Applies to children placed with same foster parent for 90 days or more.	Area Manager

Approval by Supervisor (prior to the event).	Authorized Decision Maker
➢ Release of youth to herself/himself instead of custodial parent in FRS situation.	Supervisor

DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licenser when appropriate.

POLICY FOR SHARED DECISION MAKING
SOCIAL WORKER/LICENSOR
WITH SUPERVISOR

Information to Supervisor (after the event).	Review by Supervisor (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Supervisor (prior to the event).	Authorized Decision Maker
	➢ Case plan on children legally free for six months or in care for one year with no permanent home identified.	Area Manager		
	➢ Administrative cases.	N/A		
	➢ All child deaths on open cases; all cases opened subsequent to child deaths.	N/A		
	➢ Decision not to place dependent child when court has ordered out of home placement. (See DCFS Manual page 4000-24.)	Area Manager		
	➢ Group care placements.	Area Manager or per region's delegation of authority.		

□***DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.***

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licenser when appropriate.

POLICY FOR SHARED DECISION MAKING
SOCIAL WORKER/LICENSOR
WITH SUPERVISOR

Information to Supervisor (after the event).	Review by Supervisor (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Supervisor (prior to the event).	Authorized Decision Maker
	➢ Serious inflicted injury or sexual abuse by the caregiver which occurs after a case is opened and/or occurs on a case closed within the 12 months.	N/A		
	➢ High profile cases and referrals of politically prominent persons.	N/A		
	➢ Pattern of non-compliance on part of any unit member or unit in general (e. g timelines; timely court reports/ ISPs, IVB, ICW, etc.).	N/A		
	➢ Placement of DCFS kids with DCFS staff.	RA		
	➢ Waiver reports prior to sending to Headquarters.	RA		

□***DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.***

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licenser when appropriate.

POLICY FOR SHARED DECISION MAKING
SOCIAL WORKER/LICENSOR
WITH SUPERVISOR

Information to Supervisor (after the event).	Review by Supervisor (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Supervisor (prior to the event).	Authorized Decision Maker
	Workload issues; need for additional staff; issues regarding office organization.	N/A		

□***DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.***

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licenser when appropriate.

POLICY FOR SHARED DECISION MAKING
SOCIAL WORKER/LICENSOR
WITH SUPERVISOR

Information to Supervisor (after the event).	Review by Supervisor (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Supervisor (prior to the event).	Authorized Decision Maker
➢ Scheduling of CPTs; interagency staffings.	➢ Community board memberships.	RA	Case related conflicts with community agencies or professionals which have not been resolved at the social worker/licensor level (staffings encouraged).	Supervisor
➢ Conflicts with providers and community professionals (Tribes, LICWAC, GALS, schools, therapists). *Recommendations of staffing groups.	➢ Social worker/licenser participation on community task force or community groups.	Area Manager or RA		

□***DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.***

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licenser when appropriate.

POLICY FOR SHARED DECISION MAKING SUPERVISOR WITH AREA MANAGER

Information to Supervisor (after the event)	Review by Supervisor (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Supervisor (prior to the event).	Authorized Decision Maker
Internal conflicts between/among staff, supervisors, or units.	Out-of-state travel requests.	DSHS Secretary		
Threats to worker safety or against DSHS staff.	Outside employment by staff if no conflict of interest.	RA		
Suspected misconduct by DSHS employees.	Outside employment by staff if potential conflict of interest.	Office Chief		
Communications by social worker/licensor to those outside of the chain of command (e.g. letters directly to DSHS Secretary).	Extended annual/sick leave requests.	Per region's delegation of authority.		
Safety hazards.				
Facility problems.				
Questionable practice by peer.				

▯ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

**POLICY FOR SHARED DECISION MAKING
SUPERVISOR
WITH AREA MANAGER**

Information to Area Manager (after the event).	Review by Area Manager (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Area Manager (prior to the event).	Authorized Decision Maker
➢ Categories of clients that are difficult to serve due to resource deficits.	➢ After Hours placements which require licensing waivers (e.g. over capacity, space).	On -call Supervisor can approve placements then Area Manager reviews first working day.	**CPS closure on cases that are high risk after investigation.	Area Manager
➢ Release of youth to herself/himself instead of custodial parent in FRS situation.	➢ Decision not to follow CPT recommendations on mandatory staffings.	RA	Decision not to follow CPT recommendations for non-mandatory staffings.	Area Manager
➢ Unresolved client complaints.	➢ Decision to leave child in foster home or group home following founded CA/N.	RA	**CPS decision not to place when physician recommends placement.	Area Manager

▯ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
SUPERVISOR
WITH AREA MANAGER

Information to Area Manager (after the event).	Review by Area Manager (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Area Manager (prior to the event).	Authorized Decision Maker
Backlog in other units that impact workload (e.g. adoption home studies).	■ Relative placement where criminal check shows prior charges/convictions for crimes against persons.	RA	➢ Worker initiated change of placement without 5 day written notice (conflicts with foster parents or relatives). Applies to children with same foster parent for 90 days or more.	Area Manager
	Decision to relicense where a home has had founded complaints.	RA	➢ Case plan on children legally free for 6 months or in care for 1 year with no permanent home identified.	Area Manager
	Decision to relicense where a home has a corrective action plan.	RA	➢ Decision not to place dependent child when the Court has ordered out of home placement. (See DCFS Manual page 4000-24).	Area Manager

▯ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
SUPERVISOR
WITH AREA MANAGER

Information to Area Manager (after the event).	Review by Area Manager (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Area Manager (prior to the event).	Authorized Decision Maker
	Decision to relicense where a home has multiple complaints of any kind regarding childcare or family functioning.	RA	**Decision not to place in FRS/CWS situation where physician/MHP says child must be placed (suicidal/ medical condition) or child has serious medical or mental health issues where child's life may be in danger.	Area Manager
	Decision to staff and/or initiate corrective action if there is a pattern of non-compliance with MLR's or poor care in a licensed facility.	RA	▯Cross cultural permanent plans.	Area Manager
	Pattern of non-compliance with MLR's or poor care in a licensed facility.	Area Manager	*Decision not to place an adolescent sex offender referred by DJR, Juvenile Court, or detention when victims are in the home.	Area Manager

▯ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
SUPERVISOR
WITH AREA MANAGER

Information to Area Manager (after the event).	Review by Area Manager (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Area Manager (prior to the event).	Authorized Decision Maker
	Administrative cases.	N/A	*Group care placements.	Area Manager of per region's delegation of authority.
	*All child deaths on open cases; all cases opened subsequent to child deaths.	N/A	Revocations or suspensions.	RA or per region's delegation of authority.
	Serious inflicted injury or sexual abuse by the caregiver, which occurs after a case is opened and/or occurs on a case closed within the last 12 months.	N/A	Contents of Administrative Reports of Incidents; CIR's.	Area Manager and DLR Director
	*High profile cases and referrals of politically prominent persons.	N/A	Conflict or disagreement with Tribes.	Area Manager and DLR Director
	Impasse with ICWAC.	DSHS Secretary.	*Unorthodox practice (e.g creative, doubtful, out on a limb).	Area Manager

▯ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
SUPERVISOR
WITH AREA MANAGER

Information to Area Manager (after the event).		Review by Area Manager (after the event and/or prior to approval at a higher level).	Authorized Decision Maker		Approval by Area Manager (prior to the event).	Authorized Decision Maker
		Workload issues; need for additional staff; issues regarding office organization.	N/A		ETP's; ECP's; Waivers.	Per region's delegation of authority.
		□Unorthodox placements (e.g. child in motel; child in apartment; or other unusual situations).	RA		Decision by after hours staff to allow a child to sleep-over in a DCFS office.	Area Manager
		Disagreements between or among units regarding assignments (e.g. CPS vs. FRS; CPS/licensing issues).	Area Manager & DLR Director			
		Pattern of non-compliance on part of any unit member or unit in general (e.g. timelines; timely court reports/ISP's; IVB; ICW; etc.).	N/A			
		*Failure to comply with Court orders including Tribal Court orders.	N/A			

□ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
SUPERVISOR
WITH AREA MANAGER

Information to Area Manager (after the event).		Review by Area Manager (after the event and/or prior to approval at a higher level).	Authorized Decision Maker		Approval by Area Manager (prior to the event).	Authorized Decision Maker
		Decision not to comply with or to challenge Court orders that require specific placements outside of policy or which require large expenditures on services.	RA			
		Placement of DCFS kids with DCFS staff.	RA			
		Out-of-state travel requests.	DSHS Secretary			
		CPT appointments.	RA			
		Waiver reports prior to sending to Headquarters.	RA			
		Media requests for information.	Per DSHS Policy 2.08.			

▯ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
SUPERVISOR
WITH AREA MANAGER

Information to Area Manager (after the event).	Review by Area Manager (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Area Manager (prior to the event).	Authorized Decision Maker
Significant problems in relationships with community agencies.	Community board memberships.	RA	Case related conflicts with community agencies or professionals which have not been resolved at supervisory level (staffings encouraged).	Area Manager
Concerns about Juvenile Court process or ability of key providers to serve clients.			Cases requiring clarification of agency position (e.g. conflict with interagency staffing groups).	Area Manager
Opportunities for interagency collaboration.			Staff's participation on boards, task forces and committees; or social work advocacy in the community.	Area Manager

▯ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
SUPERVISOR
WITH AREA MANAGER

Information to Area Manager (after the event).	Review by Area Manager (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Area Manager (prior to the event).	Authorized Decision Maker
➢ Threats to staff or licensed facilities.	Performance indicators (e.g. placement rate, filing rate, permanency planning statistics).	N/A	➢ Initiating contacts to the media as representatives of the Department.	Per DSHS Policy 2.08.
➢ Unit's training needs.	Monthly review of workload statistics and unit performance.	N/A	➢ Initiating contacts to Legislators as representatives of the Department.	Per DSHS Policy 2.08.
➢ Resource/service gaps or shortages.	Serious threats to staff.	N/A	➢ Personnel actions/ counseling memos, evaluations.	Area Manager
➢ Communications by staff to those outside of the chain of command (e.g. letters directly to the Secretary).	Pattern of budget overruns.	N/A	➢ Filling vacancies, leave without pay requests.	Area Manager
➢ Safety hazards. ➢ Facility Problems	Corrective action plans for licensed facilities, group homes, staff. Outside employment by staff if there is a potential conflict	Licensing Area Manager Office Chief	➢ Hiring decisions.	RA or per region's delegation of authority.

▯ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
SUPERVISOR
WITH AREA MANAGER

Information to Area Manager (after the event).	Review by Area Manager (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Area Manager (prior to the event).	Authorized Decision Maker
➢ Major computer/equipment problems (e.g. networks going down frequently).	Outside employment by staff if no conflict of interest.	RA		
➢ Give Area Manager feedback about decisions/ concerns, policies, styles.	Supervisor not having monthly conferences with staff.	N/A		
➢ Extended annual/sick leave requests.				
➢ Misconduct by staff.				
➢ Questionable practice by peer.				
➢ Suspected non-compliance/ misconduct by contractor.				
➢ Staff feelings/morale.				
➢ Consistently outstanding staff				

▯ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
SUPERVISOR
WITH AREA MANAGER

Information to Area Manager (after the event).	Review by Area Manager (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Area Manager (prior to the event).	Authorized Decision Maker
performance; consistently poor staff performance.				

▯ DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.

< CPT staffing either recommended or mandated. See CPT policy.

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
AREA MANAGER
WITH REGIONAL ADMINISTRATOR

Information to Regional Administrator (after the event).	Review by Regional Administrator (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Regional Administrator (prior to the event).	Authorized Decision Maker
Serious inflicted injury or sexual abuse by the caregiver which occurs after a case is opened and/or occurs on a case closed within the last 12 months.	*All serious injury and/or sexual abuse on cases open in licensed facilities.	N/A	Decision not to comply with or to challenge Court orders that require specific placements outside of policy or which require large expenditures on services.	RA
Decision not to place an adolescent sex offender referred by DJR, Juvenile Court, or detention when victims are in the home.	*All child deaths on open cases; all cases opened subsequent to child death.	N/A	Content of Administrative Report of Incidents; CIR's.	RA
Conflict with ICWAC; Tribes.	*Unresolved ICWAC impasse.	DSHS Secretary	*Unresolved conflicts regarding changes of placement per complaint protocol (e.g. child in care longer than 90 days).	RA
	Report on cross cultural placements.	N/A	Relative placement where criminal check shows prior charges/convictions for crimes against persons.	RA
			Placement of DCFS kids with DCFS staff.	RA

▯ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
AREA MANAGER
WITH REGIONAL ADMINISTRATOR

Information to Regional Administrator (after the event).	Review by Regional Administrator (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Regional Administrator (prior to the event).	Authorized Decision Maker
	Decision by after hours staff to allow a child to "sleep-over" in a DCFS office.	Area Manager	➢ Revocations or suspensions.	RA or designee.
			➢ Waiver reports prior to sending to Headquarters.	RA
			➢ Waivers involving founded C/AN.	RA
			➢ Decision to re-license where a home has had founded complaints.	RA
			➢ Decision to re-license where a home has a corrective action plan.	RA
			➢ Decision to re-license where a home has multiple complaints of any kind regarding child care or family functioning.	RA

▯ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
AREA MANAGER
WITH REGIONAL ADMINISTRATOR

Information to Regional Administrator (after the event).	Review by Regional Administrator (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Regional Administrator (prior to the event).	Authorized Decision Maker
			*Unorthodox practice (Area Managers feel uncomfortable).	RA
			*Decision not to follow CPT recommendations on mandatory staffings.	RA
			*Unresolved conflicts with Tribes.	State Tribal Accord
			➢ Unresolved complaints per the complaint protocol.	RA
			*Relative placement where criminal check shows prior charges/convictions for crimes against persons.	RA
			*Unorthodox placements (e.g. child in a motel, in an apartment, or in other unusual situations).	RA

▯ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
AREA MANAGER
WITH REGIONAL ADMINISTRATOR

Information to Regional Administrator (after the event).	Review by Regional Administrator (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Regional Administrator (prior to the event).	Authorized Decision Maker
➢ Significant issues with community agencies or professionals.			➢ Case related conflicts with community agencies or professionals which have not been resolved at the Area Manager level (staffings encouraged).	RA
➢ Significant concerns about Juvenile Court process.			➢ Community board memberships.	RA
➢ Opportunities for resources.				
➢ Resource/service gap or shortages.				
➢ Staff's participation on boards, task forces and committees; or social work				

▯ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
AREA MANAGER
WITH REGIONAL ADMINISTRATOR

Information to Regional Administrator (after the event).	Review by Regional Administrator (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Regional Administrator (prior to the event).	Authorized Decision Maker
advocacy in the community.				

▯ DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.

< CPT staffing either recommended or mandated. See CPT policy.

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
AREA MANAGER
WITH REGIONAL ADMINISTRATOR

Information to Regional Administrator (after the event).	Review by Regional Administrator (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Regional Administrator (prior to the event).	Authorized Decision Maker
Workload statistics (monthly).	Suspected misconduct by staff.	RA or per region's delegation of authority.	➢ Board memberships with potential conflict of interest.	RA
Pattern of non-compliance.	Pattern of budget overruns.	N/A	➢ Disciplinary actions.	RA
OCR complaints.	Report on corrective action plans/incidents reports.	N/A	➢ Supervisor evaluations.	RA
Media requests for information (major market).	FTE expenditures (monthly).	N/A	➢ Outside employment by staff if no conflict of interest.	RA
Serious threats to staff.	Performance indicators (e.g. placement rate; filing rate; permanency planning statistics.	N/A	➢ Outside employment by staff if conflict of interest.	Office Chief
Internal conflicts with impact on service delivery.	Workload issues; need for staff changes.	N/A	➢ Extended leave as required by personnel policies.	RA
Consistently outstanding staff performance; consistently poor staff	Suspected non-compliance or misconduct by	RA or per region's delegation of	➢ Hiring decisions.	RA or designee.

DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.

CPT staffing either recommended or mandated. See CPT policy.

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
AREA MANAGER
WITH REGIONAL ADMINISTRATOR

Information to Regional Administrator (after the event).	Review by Regional Administrator (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Regional Administrator (prior to the event).	Authorized Decision Maker
performance.	contractor.	authority.		

- *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*
- *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
AREA MANAGER
WITH REGIONAL ADMINISTRATOR

Information to Regional Administrator (after the event).	Review by Regional Administrator (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Regional Administrator (prior to the event).	Authorized Decision Maker
➢ Serious threats to staff or licensed facility.			CPT appointments.	RA
➢ Significant unmet training needs.			Oversight Committee appointments.	RA
➢ Staff feelings/morale.			ICWAC appointments.	RA
➢ Give RA feedback about decisions/concerns, policies, styles.			Monitoring region's budget and expenditures.	RA
➢ Corrective action plans (e.g. employee; residential care facilities; contractors; private agencies).			ECPs; ETPs; Waivers.	RA or per region's delegation of authority and/or DLR Director.
➢ Initiating contact to Legislators as representatives of the Department.			Initiating contacts to major media.	RA
➢ Communications by staff to those outside of the chain of command (e.g. letters			Out-of-state travel requests.	DSHS Secretary

DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.

CPT staffing either recommended or mandated. See CPT policy.

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
AREA MANAGER
WITH REGIONAL ADMINISTRATOR

Information to Regional Administrator (after the event).	Review by Regional Administrator (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Regional Administrator (prior to the event).	Authorized Decision Maker
directly to the Secretary).				

▯ DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.

< CPT staffing either recommended or mandated. See CPT policy.

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
AREA MANAGER
WITH REGIONAL ADMINISTRATOR

Information to Regional Administrator (after the event).	Review by Regional Administrator (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Regional Administrator (prior to the event).	Authorized Decision Maker
➢ Safety hazards.				
➢ Facility problems.				
➢ Major computer/equipment problems (e.g. networks going down frequently).				
➢ Unresolved issues with state office.				
➢ Backlog in state office.				
➢ Performance issues with state office which impacts service delivery in local offices.				
➢ Unreasonable requests for information from state office.				
➢ Intra-DSHS issues/conflicts.				
➢ Impact of policies on service delivery (both DCFS and cross				

▯ *DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.*

< *CPT staffing either recommended or mandated. See CPT policy.*

Note: Include OCCP licensor when appropriate.

POLICY FOR SHARED DECISION MAKING
AREA MANAGER
WITH REGIONAL ADMINISTRATOR

Information to Regional Administrator (after the event).	Review by Regional Administrator (after the event and/or prior to approval at a higher level).	Authorized Decision Maker	Approval by Regional Administrator (prior to the event).	Authorized Decision Maker
programs).				

▯ DCFS shall inform Tribes and offer the opportunity to review and/or approve the decision.

< CPT staffing either recommended or mandated. See CPT policy.

Note: Include OCCP licensor when appropriate.

TEAM DECISION MAKING PROPOSAL
Attachment B

Team decision making shifts the primary responsibility for key case decisions from the individual social worker to a decision making group comprised of involved parties and resource persons. We would anticipate that a shared decision making process will generally be superior to individual decision making because:

- a more thorough review and analysis of information can be achieved;
- a more diverse range of conclusions, options, and solutions can be generated and considered; and
- the likelihood of compliance by all parties affected by decisions is increased when they are involved in decision making.

There are examples of team decision making currently in use around the state, some involving division staff across programs, family members, and professionals representing other community providers and systems. This proposal recommends a more systematic and wide spread use of team decision making in service planning than is currently practiced in the division.

BENEFITS OF TEAM DECISION MAKING:

- provides opportunity for critical thinking and creative problem solving;
- shares responsibility for decisions among all involved parties;
- shares potential liability for unwanted outcomes of decisions; and
- offers an opportunity for quality assurance monitoring.

REQUIREMENTS OF TEAM DECISION MAKING:

- requires a significant investment of time for meeting organization and participation;
- depends on a degree of mutual respect and trust by participants;
- facilitated by an understanding and acceptance of roles by participants; and
- should be experienced as useful by participants, particularly the social worker and family.

PROGNOSTIC STAFFINGS

All children in placement beyond 60 days will be staffed by an internal team including the Area Manager (or designee). The staffing will focus on the case plan and permanency planning goals. Other staffing formats (ICWAC, Administrative Review, Foster Care Citizen Review Board, Wrap-around, etc.) could substitute. A prognostic staffing needs to occur

(ideally) 2 to 6 months after placement. Minimal participation would include the social worker, supervisor, area manager (or designee), foster parent, and child if age appropriate. Broader participation is encouraged in these team staffings.

The area manager could waive the staffing if the permanent plan is about to be achieved. We recommend the Legal Placement CAMIS module be amended to include the date of the prognostic staffing. Staffings need to be documented in CAMIS (SER).

PERMANENCY PLANNING STAFFINGS

Team staffings will occur prior to all Juvenile Court permanency planning hearings when the child is not in the home of choice and not likely to return to the parents within the next 90 days. All legally free children not in their home of choice will be staffed annually (more frequently if appropriate).

Minimal participation includes the social worker, foster parent, child if age appropriate, supervisor, area manager (or designee), and the adoptions supervisor (if termination is one of the plans considered and/or the child is legally free). These staffings could include a variety of other individuals such as representatives from Families for Kids. Other staffings such as ICWAC could meet the requirements. In agreement with the adoptions supervisor, this staffing could be considered the Adoption Review staffing.

In addition to permanency planning issues, these staffings should review special needs of children (such as ECP plans).

CPS/LICENSING STAFFINGS

Team staffings will include:

- licensed foster homes with 2 or more CPS referrals within 6 months;
- founded CA/N in foster care (regardless of risk level) where staff wish to leave children in the home; return children to the home; or utilize corrective action in lieu of revocation;
- licensed homes with a pattern of non-compliance with MLR's or poor care (Area Manager can waiver staffing if a corrective action plan is initiated and compliance is documented).

Minimal participation includes CPS social worker, CPS supervisor, licensor, placement worker (if different from licensor), licensing supervisor, social worker(s) for children in home, Tribe (if involved), licensing area manager (or designee), DCCEL for dually licensed homes, and AAG as appropriate.

Homes which meet the criteria for staffing but are certified by a private agency and licensed by the Regional Licensor will also be staffed. In such cases, the private agency staff will be part of the team.

CPT/INTERNAL CPS--ABUSE NEGLECT TEAMS

Internal staffings if:

- No community CPT available for mandated and/or recommended CPT staffings.
- CPS referrals on placement cases where children are in licensed care and/or relative care supervised by the Department.
- Life endangering neglect.

Minimal participation includes social worker, supervisor, area manager or designee, social worker(s) for other children in home/family, and CPS Coordinator if appropriate encourage workers to staff any complex case where a staffing is desirable.

EXTERNAL COMMUNITY TEAMS

Community Treatment Teams (wrap around):

> Regions need to develop guidelines clarifying these teams authority for case decisions and funding. Teams also need a problem solving resolution including a mechanism for resolving disputes between administrators of systems (DCFS, DDD, Juvenile Courts, Mental Health, etc.) Tribes need to be included if a tribal child is involved in these teams. Multidisciplinary teams required by RCW 13.32A will be incorporated into existing community teams wherever possible.

Community Placement Teams:

> Regions need to clarify the authority of these teams regarding placement decisions as it relates to DCFS children. Such teams generally determine mental health hospitalization, CLIP, CHAP, etc. placements. Tribes need to be included if a tribal child is involved in these staffings.

FOR ALL TEAMS, REGIONS NEED TO CLARIFY WITH TRIBES AND ICWAC THE NATURE OF THE TRIBAL/ICWAC PARTICIPATION IN TEAMING AND CONSULTATION STAFFINGS.

COMMUNITY CONSULTATION TEAMS

CHILD PROTECTIVE TEAMS

Policy Mandate: RCW 74.14B.030 and Governor's Executive Order 95-04.

Mandatory Membership: Culturally diverse and responsive.

Mandatory Staffings:

1. Consultation on all cases where there is a risk of serious harm to a child and where there is dispute over whether out-of-home placement is appropriate;
2. In all child protection cases in which the risk assessment results in a "moderately high" or "high" risk classification, and the child is age 6 years or younger;
3. In all child protection cases where serious professional disagreement exists about a risk of death or serious injury;
4. In all child protection cases that are opened on the basis of "imminent harm"; and
5. In all complex child protection cases where such consultation will help improve outcomes for children.

Recommended Staffings:

1. Alleged serious inflicted injury;
2. CWS or FRS cases when there is serious dispute among professionals regarding health and safety issues.

ICWAC

Policy Mandate: RCW 13.70.150; WAC 388-70-610. The WAC states: Local Indian Child Welfare Committees shall be established within each region. The number and locations of the local committees shall be mutually determined by the Indian tribal governments and urban Indian organizations served by that region and the DSHS regional administrator.

ICW Manual: 10.02 B,C, H.

In providing services to Indian children and their families, the service worker considers a child's tribe as the primary resource for consultation and case plan development. For that reason the service worker does not involve ICWAC in specific cases unless:

1. The tribe has failed to respond within 10 days to a written request for involvement, or

2. The tribe has requested and defined what they would like ICWAC to do on their behalf, or

3. The child is an unenrolled Indian and not eligible for tribal membership and/or enrollment, or

4. Case requires a CPT, and no tribal/BIA CPT is available, or

5. The case requires an administrative review, or

6. The tribe has indicated they do not want to be actively involved in the case, or

7. There is reason to believe a child may be Indian but membership has not been verified.

All open DCFS/private agency cases shall be staffed by ICWAC that meet the above criteria.

If the ICWAC functions as a CPT or Administrative Review Team, the ICWAC must meet the mandatory aspects of the CPT/Administrative Review in regards to team membership and team process.

- **CROSS PROGRAM CHILDREN STAFFINGS**

  - Policy mandate: N/A

These teams have their mandate from Children's Mental Health and their mandate and authority will vary by RSN. Regions need to ensure DCFS staff have clarification regarding these teams' authorities.

MINORITY ADVISORY/CROSS CULTURAL PLACEMENT TEAMS

Policy Mandate:	The Martinez OCR Agreement contains no specific requirement for such teams, although such teams would be consistent with the spirit of the agreement.

REGIONAL SAY TEAMS

Policy Mandate:	RCW 74.13.075(2). In expending funds for treatment of sexually aggressive youth, DSHS shall establish in each region a case review committee to review all cases for which the funds are used.
Mandatory Membership:	None
Mandatory Staffings:	In determining expenditure of SAY funds, the committee shall consider (a) the age of the juvenile; (b) the extent and type of abuse to which the juvenile has been subjected; (c) the juvenile's past conduct; (d) the benefits that can be expected from the treatment; (e) the cost of treatment; and (f) the ability of the juvenile's parent or guardian to pay for the treatment.
Recommen-ed Staffings:	As stated.

- **MULTI-DISCIPLINARY TEAMS**

Policy Mandate: RCW 13.32A. These teams were established in the 1995 "runaway" legislation. Operational policy is not yet developed.

- **OVERSIGHT COMMITTEES**

Policy Mandate: RCW 74.13.031 requires the department to establish a children's services advisory committee to advise on all matters relating to child welfare, licensing of child care agencies, adoption, and related services.

Mandatory Membership: With passage of legislation in the 1995 session of the Legislature, there is no mandated membership. The department has broad latitude to include representation from a wide range of interests to assist and advise the department on issues involving DCFS.

Mandatory Review: The committee is mandated to assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters relating to the division's programs and services.

Recommended Consultation/Review: Any major policy change and/or budgetary change which will impact local communities. Oversight Committee members should be included in Child Fatality Review teams.

CHILD FATALITY REVIEW TEAMS

Policy Mandate: DSHS Administrative Policy 8.02; P. L. 93-247, section 107b; P. L. 102-295, Child Abuse Prevention and Treatment Act; RCW 26.44. Department policy requires an investigation by a community-based review team of all child deaths related to child abuse and neglect and cases involving families that have a current or recent history with DCFS.

Mandatory Membership: There is no mandatory membership. However, membership shall include community representatives selected based on their experience with child abuse and neglect cases, knowledge of the community and its resources, and knowledge of the department's systems. Members may include representatives from mental health, medical providers, law enforcement, the prosecutor's office, the local health department, the coroner or medical examiner, etc.

Mandatory Staffings: Fatality reviews shall occur with regard to
all child deaths related to child abuse and neglect as well as fatalities in open cases, cases closed within the past year, and any death, including SIDS, occurring in Children's Administration licensed, certified, or supervised out-of-home care. Reviews also apply to unlicensed facilities and homes certified for adoption.

ADDENDUM TO APPENDIX C
OFFICE OF FOSTER CARE LICENSING
SHARED DECISION MAKING POLICY
1/21/04

(For non-program specific Shared Decision Making expectations, refer to Appendix C, CA Case Services Policy Manual)

PLEASE NOTE: The Authorized Decision Maker is the person who has the authority to make the final decision. Information from the licensor, or whoever initially receives the information, needs to be shared up the chain of command prior to submitting to the Authorized Decision Maker.

Placement/Child Safety Issues	Authorized Decision Maker	Applicable Policies/Procedures
Founded CA/N where staff want to leave child in foster home; Revocation initiated & child still in home; Licensor is in disagreement over a placement decision in a licensed home or facility, which could put the child(ren) to be placed or child(ren) already in licensed care at risk.	Assistant Secretary; Assistant Secretary; Joint staffing with all involved, moving quickly up the chain of command until situation has been resolved.	Comply with Practice & Procedure manual, Chapter 4267 – Removal of Children from Licensed Care. Int. Policy 1-07. Memo from Rosie Oreskovich 2-20-02 Whenever there are any child safety concerns, contact your supervisor immediately. Also please review the Foster Care Placements Memo, by Rosie Oreskovich, sent to all CA staff 2-20-02.
Decision to continue placement(s) in a licensed home or facility, which has been identified as one of concern due to multiple complaints, safety concerns or a pattern of poor care		
Licensor has concern(s) or is made aware of immediate safety concern(s) or physical hazard(s) in a licensed home or facility, which could put a child(ren) at immediate risk.	If the licensor is on the premises, remain if possible until there is a safety plan in place or the physical hazard has been removed. Otherwise, immediate notification up the chain of command until the situation is resolved	

INVESTIGATIONS IN LICENSED FACILITIES	AUTHORIZED DECISION MAKER	APPLICABLE POLICIES/PROCEDURES
Review incoming incident reports for accuracy/screen-ing decision	OFCL Licensing Supervisor or Regional Manager	
Serious inflicted injury or sexual abuse by licensed caregiver, family member or staff in licensed homes or facilities Incident Reports which have hit the media or are likely to receive media attention All child deaths in licensed homes or facilities	DLR/CPS Supervisor submits FCIR when screened in for investigation; OFCL Regional Manager submits FCIR when screened out to licensing and is a high profile incident.	If screened in for DLR/CPS - DLR/CPS will fax the FCIR or complete the AIRS: 1. DLR HQs - DLR Director, Special Assistant to DLR Director, OFCL Office Chief, DLR/CPS Section Manager, DLR/CPS Program Manager 2. CA HQs - Special Assistant to CA Assistant Secretary, DSHS Public Relations Officer for Media Relations 3. Copy to local DCFS Regional Administrator If screened out to licensing, fax FCIR to: 1. DLR HQs -DLR Director, Special Assistant to DLR Director, OFCL Office Chief, 2. CA HQs - Special Assistant to CA Assistant Secretary, DSHS Public Relations Officer for Media Relations 3. Copy to local DCFS Regional Administrator
Licensor or social worker disagreement in regard to DLR/CPS recommendation for removal	Joint staffing with all involved, moving up chain of command until resolved	CA Policy 1-05, Removal of Children from Licensed Homes
Review of all Summary Assessments and monitoring in regard to follow-up on all identified licensing issues	OFCL Licensing Supervisor or Regional Manager	
Monitoring and review of timelines, quality and content of FCIRs		

Multiple Referral Policy	Authorized Decision Maker	
Any license which has had 4 accepted licensing refer-rals during the past 12 months, or 5 accepted referrals within 2 years, or 6 accepted referrals within 3 years shall be staffed with the Regional Manager if at least one of these investigations resulted in an "inconclusive" or "founded" valid finding of a licensing violation	The recommendations of the person(s) or team staffing the case shall be forwarded to the Office Chief for review	
Administrative Approvals and Exceptions	**AUTHORIZED DECISION MAKER**	**APPLICABLE POLICIES/PROCEDURES**
Criminal History:		CA Policy 01-07, Implementation of Background Check WAC 388-06, 3-20-02 WAC 388-06-0170 – Disqualifying Crimes – Permanent WAC 388-06-0180 – Disqualifying Crimes 5 yrs. or less WAC 388-148-0085
Disqualifying crimes on DSHS' Secretary's crime list	Assistant Secretary	
Any prior felony	OFCL Office Chief	
Domestic violence non-felony within the past 5 years	DLR Director	
Character issues (all other crimes)	OFCL Regional Manager	
Exceptions for non-safety MLRs	OFCL Regional Manager	
Founded CA/N:		
Founded CA/N	Assistant Secretary – Initial approval subsequent reviews – Regional Manager	
Another incident of founded or inconclusive CA/N	Assistant Secretary	
Monitoring Devices:		
Monitoring devices, including video cameras, recording & listening devices, intercom systems or baby monitors for children over age 5	DLR Director	CA Policy 01-06 Electronic Monitoring, 11-30-01 Amendatory WAC 388-148-0260, for foster homes only, permits use of baby monitors for children age 1–5 years

Restraints:		
Mechanical restraints or locked time-out rooms	OFCL Office Chief	CA Behavior Management Guidelines Memo, 3-3-00
Over-Capacity:		
Decision at the time of licensing to exceed capacity level of 6, to license 7 or more children	To license a sibling group: • OFCL Licensor can approve up to 7; • OFCL Regional Manager can approve 8 • OFCL Office Chief can approve 9 • DLR Director can approve 10 and above	WAC 388-148-0525(6) – Exceeding Capacity Restrictions in Extraordinary Situations (sibling group, relative, special needs child).
Over-capacity (age, space, etc.) during regular business hours	All over-capacity requests during regular business hours, including placement of sibling groups, must have the **approval** of the OFCL Licensing Supervisor or OFCL Regional Manager	Current Status of Licensing Waivers Memo by Rosie Oreskovich, 6-18-01 WAC 388-148-0525 – Over-Capacity WAC 388-148-0025 – Age WAC 388-148-0260, 0265 – Bedrooms/Beds
Over-capacity (age, space, etc.) during after-hours on an emergency basis	An over-capacity request must be submitted the following working day to the OFCL Licensing Supervisor or OFCL Regional Manager for post placement authorizations in the event of a "short term" crisis. A "short term crisis" is generally no more than a week.	
Facility Staffing Requirements:		
Requests for changes in staffing levels (more kids per staff) for daytime or overnight staff in staffed residential or group facilities	OFCL Office Chief	WACs 388-148-0610, 0725, 0785. 0815, 0995. & 1045 - Staffing Ratios
Dual Licenses:		
Dual licenses, where the total number of children in both categories exceeds the number permitted by the most stringent capacity standards	Joint approval - DLR/DCCEL or DLR/AASA Directors or their designees	WAC 388-148-0058 (4) Dual Licenses
Dual licenses where the total number of children in both categories does not exceed the number permitted by the most stringent capacity standards	Joint approval - OFCL/DCCEL or OFCL/AASA Regional Managers	

LICENSING ISSUES	AUTHORIZED DECISION MAKER	APPLICABLE POLICIES/PROCEDURES
Review home study and compliance with MLRs prior to licensing, re-licensing or licensing amendments/modifi-cations	OFCL Licensing Supervisor or OFCL Regional Manager	Supervisory or Regional Manager Sign-Off – Foster Home Licensing File Checklist – DSHS 10-182 Rev 10-01
Decision to license or re-license complex cases – homes or facilities which appears to be marginal, barely meet MLRs, history of multiple complaints, safety concerns or pattern of poor care	Staff up the chain of command up to the Assistant Secretary level if necessary	
Decision to license or re-license where the applicant(s) has been previously deprived of custody of a child(ren) through the Department	Assistant Secretary	WAC 388-06 WAC/Character & Suitability
Decision to re-license with a current corrective action/compliance plan in place	OFCL Office Chief	
Licensed home or facility is temporarily out of compliance with WAC and health and safety of children is not compromised	OFCL Regional Manager	Current Status of Licensing Waivers Memo by Rosie Oreskovich, 6-18-01
Initial licenses	OFCL Regional Manager	
Probationary licenses for when a licensed home or facility is temporarily out of compliance –not to be used for minor compliance issues	DLR Director	WAC 388-148-0095 - Probationary Licenses
Major corrective action/compliance plan for group home facility, staff, or CPA	OFCL Office Chief, in consultation with DLR Director	
Suspected non-compliance or misconduct by licensed contractor	Joint staffing with DCFS Contracts Coordinator and DCFS Group Care Coordinator	

Denials, Suspensions, Revocations, Disqualifications	**Authorized Decision Maker**	**Applicable Policies/Procedures**
Send draft denial, suspension or revocation letter to local AAG Office for assignment of AAG	OFCL Licensing Supervisor or OFCL Regional Manager in consultation with OFCL Office Chief when necessary	WACs 388-148-0095, 0100, 0105, 0110, 0115, Denials, Suspensions, Revocations
Send draft disqualification letter to local AAG Office for assignment of AAG	OFCL Regional Manager	WACs 388-06-0200, 0210, 0220, 0230, 0240 – Disqualifications
Settlements	**Authorized Decision Maker**	**Applicable Policies/Procedures**
Voluntary closure or settlement of a licensed home or facility in lieu of denial or revocation	DLR Director	
Voluntary agreement or settlement in lieu of disqualification of a staff person	OFCL Office Chief	
Stop Placements	**Authorized Decision Maker**	**Applicable Policies/Procedures**
Initiating and Lifting Stop Placements for licensed homes	OFCL Licensing Supervisor or OFCL Regional Manager. Staff with DLR/CPS Supervisor as needed.	
Initiating and Lifting Stop Placements for group care facilities or child placing agencies	DLR Director in consultation with OFCL Office Chief.	
Disputed Stop Placements	Staffing with all involved parties, going quickly up the respective chains of command until resolved. May also require AAG consultation	
TRIBAL ISSUES	**AUTHORIZED DECISION MAKER**	**APPLICABLE POLICIES/PROCEDURES**
Conflicts or disagreements with Tribal licensing issues.	OFCL Office Chief. If unable to resolve, DLR Director	Further consultation ICW Program & Policy Indian Policy for DSHS All ICW aspects must be discussed with the DLR Director

CLIENT/COMMUNITY ISSUES	AUTHORIZED DECISION MAKER	APPLICABLE POLICIES/PROCEDURES
Unresolved client complaints or case related conflicts with community agencies or professionals	OFCL Regional Manager staffs with OFCL Office Chief	
HIGH PROFILE/MEDIA	**AUTHORIZED DECISION MAKER**	**APPLICABLE POLICIES/PROCEDURES**
Media contacts	DLR Director or OFCL Office Chief as needed	Follow DSHS Policy 2.08
PERSONNEL ISSUES	**AUTHORIZED DECISION MAKER**	**APPLICABLE POLICIES/PROCEDURES**
Posting ,hiring requests Personnel actions, counseling memos, CIRs	HRA, Personnel Officer, OFCL Office Chief/DLR Director	Delegation of Hiring Authority Memo by Nancy Zahn, 3-29-01, updated 9-24-02
FACILITY/SAFETY ISSUES	**AUTHORIZED DECISION MAKER**	**APPLICABLE POLICIES/PROCEDURES**
Threats to worker safety or against CA staff Threats to licensees, staff or children in licensed homes or facilities	DCFS Regional Administrator, DLR Director, Assistant Secretary	Alert DLR Headquarters' Building/Business Manager; Safety Officer; call 911