
**Early Learning & Children's
Services Committee**

HB 1333

Brief Description: Concerning child welfare protections.

Sponsors: Representatives Hinkle, Kagi and Walsh.

Brief Summary of Bill

- Requires the Department of Social and Health Services (Department) to conduct background checks and determine needed services for caregivers prior to placing a child in the home.
- Requires the court to review the permanency plan if a child is removed from a parent due to abuse and neglect a second time.
- Requires annual training of law enforcement on child abuse and neglect and encourages collaboration between the Department and law enforcement.
- Requires agencies involved in dependency cases to identify those cases that have not been resolved in the federally required time limits and the reasons why they have not been resolved.

Hearing Date: 2/9/07

Staff: Sonja Hallum (786-7092).

Background:

Dependency and Termination of Parental Rights Background

If there are allegations of abandonment, abuse or neglect, or no parent who is capable of caring for a child, the state may investigate the allegations and initiate a dependency proceeding in juvenile court. If the court finds the statutory requirements have been met, the court will find the child to be a dependent of the state.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Whenever the court orders a dependent child to be removed from the home, the court will enter a dispositional plan which will include the obligations of the parties including the parents, the supervising agency or Department of Social and Health Services (Department), and the child. The dispositional order will contain an order for the placement of the child either within the home or outside of the home. If the child is placed outside the home, he or she may be placed with a relative or in non-relative foster care.

Within 60 days of assuming responsibility for the child, the Department is required to provide the court with a permanency plan for the child. The permanency plan will contain the desired goal for the child which may include a plan to return the child home, adoption, long-term placement, or guardianship, including a dependency guardianship. The court must hold the permanency planning hearing when a child has been in out-of-home care for nine months. The hearing must take place within 12 months of the current placement.

The status of all dependent children must be reviewed by the court every six months. During the review the court will examine the progress of the parents in meeting the requirements of the dispositional plan. At this hearing the court may return the child to the home if the parent has made sufficient progress.

If the parent fails to make progress in curing the parental deficiencies which led to the dependency, or if one of the statutory aggravating factors exist, a termination petition may be filed. Federal law requires that after a child has been in foster care for fifteen of the past twenty-two months, the state must file a petition to terminate parental rights unless the child is being cared for by relatives, there is a compelling reason why termination would not be in the best interest of the child, or the state has failed to offer the necessary services to the parent.

If the court finds the statutory grounds for termination are met, the court will terminate the parental rights and the parent will no longer have rights, privileges, or obligations toward the child.

Task Force Background

In 2005, the legislature formed a task force to review issues pertaining to the health, safety and welfare of children receiving services from child protective services and child welfare services. In 2006, the task force reported several recommendations to the legislature for improving child protective services and child welfare services.

Summary of Bill:

Transition Issues

Prior to placing a child in the home of a parent, the Department is required to identify all caregivers for the child and assess whether they are in need of services. If the Department recommends that the caregiver engage in services, and the caregiver fails to do so, the Department must notify the court.

The Department is also required to conduct background checks on all adults residing in the home and notify the parents that they have an on-going duty to notify the Department of any person who is residing in the home or acting as a caregiver for the child.

Permanency Issues

If a child is removed from a parent due to abuse or neglect allegations, returned to the home of the parent, and subsequently removed due to allegations of abuse or neglect, the court must hold a permanency planning hearing to review the case. The court must decide what appropriate action to take including whether to change the permanency plan or require that a termination petition be filed. The court must use the best interest of the child as the primary consideration in deciding the appropriate action to take. The hearing must be held within thirty days of when the child was removed from the home.

Training

The Criminal Justice Training Commission is required to implement a course of training for all law enforcement officers on child abuse and neglect. The Training Commission is also required to develop annual in-service trainings and all law enforcement officers are required to receive annual training on child abuse and neglect issues.

Law enforcement and the Department are encouraged to develop protocols to improve contact and communication. Law enforcement and the Department are also encouraged to cross-train to gain perspective on the roles and responsibilities of the various agencies involved in investigating child abuse and neglect.

Reporting

The Department, Attorney General, and judicial branch must identify all dependency cases in which the permanency goals have not been reached within fifteen months of when the child was placed in out-of-home care. The agencies must also identify the reason for non-compliance. The agencies are required to annually report this information to the legislature.

Appropriation: None.

Fiscal Note: Requested on January 17, 2007.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.