

# HOUSE BILL REPORT

## HB 2821

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**As Reported by House Committee On:**  
Early Learning & Children's Services

**Title:** An act relating to reinstatement of parental rights hearing procedures.

**Brief Description:** Changing hearing procedures for reinstatement of parental rights.

**Sponsors:** Representatives Kagi, Dickerson and Kenney.

**Brief History:**

**Committee Activity:**

Early Learning & Children's Services: 1/25/08, 2/1/08 [DP].

**Brief Summary of Bill**

- Establishes a standard of proof for the threshold hearing in a petition to reinstate parental rights.

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### HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

**Majority Report:** Do pass. Signed by 7 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Goodman, Hinkle and Pettigrew.

**Staff:** Sydney Forrester (786-7120).

**Background:**

*Reinstatement of Parental Rights*

The Legislature in 2007 enacted Engrossed Substitute House Bill 1624 allowing a dependent child to petition the court to reinstate the previously terminated parental rights of his or her parent. In order to file the petition, three years must have passed since the parental rights were terminated, the child must not have achieved permanency, and the child must be over the age of 12 unless there is good cause to permit a child under age 12 to file the petition. The child must be provided counsel prior to the filing of the petition.

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*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.*

After a petition is filed, the court must hold a threshold hearing to determine whether the parent has an interest in reinstating parental rights and whether the parent appears fit to care for the child. If the court finds, based on the threshold hearing, that it appears the best interests of the child may be served by reinstatement of parental rights, the juvenile court will order a hearing on the merits of the petition.

Standards of Proof

Criminal and civil laws typically specify a standard of proof applicable to judicial findings and/or jury verdicts. Standards of proof serve to establish the level of certainty by which decisions regarding a case are made. Generally, the more significant the pending issue, the higher the standard of proof.

In the law allowing for reinstatement of parental rights, the standard of proof for the court's findings in the hearing on the merits of the petition is clear and convincing evidence. For the court's findings in the threshold hearing, no standard of proof was specified in the legislation enacted in 2007.

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**Summary of Bill:**

*A preponderance of the evidence* is established as the standard of proof for the court's findings in a threshold hearing on a petition to reinstate parental rights.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This is really a technical correction to legislation we enacted last year. It provides the court with the standard of proof they should use when making the initial decision regarding a petition for reinstatement of parental rights. That standard of proof is a preponderance of the evidence.

(Opposed) None.

**Persons Testifying:** Rep. Kagi, Prime Sponsor.

**Persons Signed In To Testify But Not Testifying:** None.