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

HB 1239

Brief Description: Addressing parenting plans and residential schedules in dependency proceedings.

Sponsors: Representatives Kagi, Walsh, Goodman, Haler, Roberts, Appleton, Moeller and Kenney.

Brief Summary of Bill

- Authorizes a juvenile court at any time in a child dependency case to enter or modify an agreed parenting plan for a child who is subject to a dependency proceeding.

Hearing Date: 1/27/09

Staff: Sydney Forrester (786-7120)

Background:

Children's dependency cases are initiated in juvenile court because Washington's juvenile courts have exclusive original jurisdiction over dependency matters. Non-parental custody matters, often called third-party custody cases, may be initiated in juvenile court or in family court. Petitions for third-party custody may be filed by a non-parent when the child is not in the custody of either of her parents or when the non-parent is alleging neither of the child's parents is a suitable custodian. If a third-party custody matter is initiated in family court, the family court must first determine whether the child is the subject of a dependency proceeding in juvenile court before proceeding. If the child is the subject of a dependency matter, the juvenile court presiding over the dependency case may hear and decide the third-party custody action when necessary to facilitate or implement a permanency plan of care for a child who has been found to be dependent.

A permanent third-party custody order entered in a dependency proceeding must be:

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1. agreed to by the child's parents and the third-party custodian;
2. approved by the court; and
3. based on a finding that the order is in the child's best interests.

Other parties to the child's dependency case, including the Department of Social and Health Services (DSHS) or other supervising agency, the child's guardian ad litem, and the child if age 12 or older, may also concur with the order. After the third-party custody order is entered and the dependency matter is dismissed, the DSHS or other supervising agency no longer supervises the child's placement.

Summary of Bill:

A juvenile court presiding over a child dependency matter may, at any time in the dependency case, also hear and decide matters to establish or modify a permanent parenting plan, in order to resolve issues between the parents of the child alleged to be dependent. A permanent parenting plan established or modified by the juvenile court in a dependency case must be:

1. agreed to by the child's parents; and
2. approved by the court.

The parenting plan will determine legal custody of the child; the child's living arrangements as to her parents, including any visitation or other contact; and the decision-making authority between parents for the child's health, education, and religious upbringing. Permanent parenting plans are subject to later modification only if the court finds adequate cause to re-open the parenting plan based on a substantial change of circumstances on the part of the child or the nonmoving party (the parent not seeking a modification).

After the entry or modification of a permanent parenting plan and the dismissal of the dependency petition, the DSHS or other supervising agency no longer supervises the child's placement.

Appropriation: None.

Fiscal Note: Requested on January 15, 2009.

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