

# FINAL BILL REPORT

## ESHB 1782

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Synopsis as Enacted

**Brief Description:** Concerning parent participation in dependency matters.

**Sponsors:** House Committee on Early Learning & Children's Services (originally sponsored by Representatives Goodman, Roberts, Walsh, Dickerson, Darneille, Kagi and Nelson).

**House Committee on Early Learning & Children's Services**  
**Senate Committee on Human Services & Corrections**

### **Background:**

When a shelter care hearing is scheduled in a child's dependency case, a standard notice must be provided to the child's parent, guardian, or legal custodian. The notice must be understandable and take into consideration the parent's, guardian's, or custodian's primary language, level of education, and cultural issues. The shelter care notice must include specific information about:

- the date, time, and location of the hearing;
- legal rights, including the right to legal representation; and
- a description of orders the court may enter if the child is placed in out-of-home care.

Federal and state laws require the filing of a petition to terminate the parental rights (TPR petition) of the parent of a child who has been in out-of-home care when certain criteria are met relating to the length of time the child has been in foster care, the circumstances requiring the foster care placement, and the progress made towards reunification. Unless an exception applies, state law requires a TPR petition to allege specific elements to be proven at trial, one of which relates to the likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. In analyzing this determination, the court may consider:

- a parent's dependence on alcohol or drugs which renders the parent incapable of providing care for and protecting the child for extended periods of time, and the parent's unwillingness to receive and complete treatment or multiple failed treatment attempts; and
- a parent's chronic or severe psychological incapacity or mental deficiency which renders the parent incapable of providing care for and protecting the child for extended periods of time, and the parent's unwillingness to receive and complete

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treatment or the lack of available treatment that can render the parent capable of providing for the child's needs.

**Summary:**

The requirements for the shelter care notice to parents are expanded to include:

- a description of the dependency process, including that a permanent plan of care for the child will be developed if the court orders the child removed from home;
- a statement encouraging the parents to notify their attorneys and the court regarding their wishes for the child's placement, any services the parents believe are needed, and their wishes regarding visitation with their child; and
- a statement reminding parents that shelter care hearings, fact-finding hearings, and dependency review hearings are legal processes with potentially serious consequences and that failure to respond, participate in case planning and visitation, or comply with court orders may lead to the modification of a parenting plan, entry of a third-party custody order, or the eventual permanent loss of parental rights.

During the TPR process, when the court is analyzing the likelihood that conditions will be remedied so that the child can be returned to the parent in the near future, the court also may consider the failure of a parent to have contact with a child for an extended period of time after the filing of the dependency petition when two circumstances are present:

- the parent was provided an opportunity to have a relationship with the child by the department or the court; and
- the parent received documented notice of the potential consequences of this failure.

A parent's actual inability to have visitation with a child due to mitigating circumstances, such as a parent's incarceration or service in the military, does not in and of itself constitute failure to have contact with a child.

**Votes on Final Passage:**

House	96	0	
Senate	41	0	(Senate amended)
House			(House refuses to concur)
Senate	49	0	(Senate amended)
House	92	2	(House concurred)

**Effective:** July 26, 2009