
Judiciary Committee

HB 2735

Title: An act relating to the representation of children in dependency matters.

Brief Description: Encouraging the need for representation of children in dependency matters.

Sponsors: Representatives Goodman, Appleton, Rolfes, Seaquist, Finn, Rodne, Williams, Haigh, Pettigrew, Nelson, Darneille, Hasegawa and Ormsby.

Brief Summary of Bill

- Requires the Department of Social and Health Services (DSHS) and the guardian ad litem (GAL) to notify a child in a dependency who is age 12 or older that the child has the right to request an attorney.
- Requires the DSHS or the GAL to notify the child of his or her right to petition the court to re-instate a previously terminated parent's rights if the child is eligible to petition and the previously terminated parent contacts the DSHS or the GAL.
- Requires the Administrative Office of the Courts to develop recommendations for voluntary training and caseload standards for attorneys representing children in dependencies.

Hearing Date: 1/27/10

Staff: Trudes Tango (786-7384).

Background:

Children in Dependency.

The Department of Social and Health Services (DSHS) or any person may file a petition in court to determine if a child should be a dependent of the state due to abuse, neglect, abandonment, or because there is no parent or custodian capable of caring for the child. Once a child is found dependent, the court conducts periodic reviews and makes determinations about the child's placement and the parent's progress in correcting parental deficiencies.

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.

The court must appoint a guardian ad litem (GAL) for the child unless the court finds the appointment unnecessary. If the child is 12 or older and requests an attorney, or if the GAL or the court determines that the child needs one, the court may, but is not required to, appoint an attorney to represent the child. If an attorney is appointed, the county pays the costs.

Reinstatement of Parental Rights.

If the parent fails to take the corrective measures needed to allow the child to return home safely, the court can eventually terminate the parent's parental rights. A dependent child may petition the court to reinstate the previously terminated parental rights of his or her parent if, among other things, the child is 12 years old or older and has not achieved a permanency plan within three years of the final order terminating parental rights. A court may hear a petition filed by a child under the age of 12 upon a motion and for good cause shown. A permanency plan identifies a particular outcome, such as adoption or long-term relative care, as a primary goal for the child. A child seeking to petition for reinstatement must be provided an attorney at no cost to the child.

Summary of Bill:

The DSHS and the child's GAL must notify a child in a dependency proceeding who is age 12 or older of the child's right to request an attorney and must ask the child whether he or she wants to have an attorney. The DSHS and the GAL must notify the child every year and upon the filing of any motion affecting the child's placement, services, or familial relationships.

The DSHS must note in the child's service and safety plan, and the GAL must note in his or her report to the court, the child's position regarding appointment of an attorney. The GAL must provide the court with a recommendation as to whether appointment of an attorney is in the child's best interests.

The court must also ask a child in a dependency who is age 12 or older whether he or she has been informed by the DSHS and the GAL regarding the right to request an attorney. The court must make an additional inquiry at the first regularly scheduled hearing after the child's fifteenth birthday.

If a child is eligible to petition the court to re-instate previously terminated parental rights, and a parent has contacted the DSHS or the child's GAL regarding reinstatement, the DSHS or the GAL must notify the child about his or her right to petition for reinstatement.

Within available resources, the Administrative Office of the Courts (AOC) must develop recommendations for voluntary training and caseload standards for attorneys representing children in dependency proceedings. The AOC must work with the Washington Supreme Court Commission on Children in Foster Care and report its recommendations to the Legislature by December 31, 2010.

Appropriation: None.

Fiscal Note: Requested.

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