
Early Learning & Children's Services
Committee

SSB 5431

Brief Description: Regarding placement of a child returning to out-of-home care.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Regala, McAuliffe, Carrell, Brandland and King).

Brief Summary of Substitute Bill

- Requires preference be given to placement with a relative when a child is returned to foster care.
- Requires a secondary preference be given to placement with a former foster family, when a relative is not available and a child is being returned to foster care.

Hearing Date: 3/19/09

Staff: Sydney Forrester (786-7120)

Background:

Approximately 10 percent of children who are reunified with their families after a stay in foster care are subsequently placed back in foster care within 12 months of their return home. Whenever the court orders a child placed in out-of-home care at a shelter care hearing, the priority placement is with a relative or a suitable person who is willing and able to meet the child's needs. Suitable persons are those persons with whom the child or family has a pre-existing relationship, who have completed all necessary background checks, and who appear to be suitable and competent to care for the child.

Depending on the urgency of the child's case, placement with a relative or other suitable person may not always be possible for the initial placement following shelter care. When the initial placement is not with a relative, the Department of Social and Health Services (DSHS) continues to try to identify a relative placement for the child. At the disposition hearing (immediately

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following fact-finding), the preferred placement for a child needing out-of-home care also is with a relative, and in cases where the suitability of a relative has not been determined by the time of the disposition hearing, the court must direct the DSHS or other supervising agency to conduct the necessary background check and report back to the court within 30 days.

Absent good cause, the DSHS or supervising agency must follow the wishes of the parent regarding placement of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child will be jeopardized or the reunification will be hindered, the child must be placed with a relative with whom the child has a relationship and is comfortable and who is willing and available to care for the child. Placements with nonrelatives are conditioned on the court finding that the placement is in the child's best interests.

Placement selection for a child must be made with the goal of the fewest possible placements. Wherever possible, the initial placement must be viewed as the only placement. The use, however, of short-term placements of 30 days or less necessary to protect the child's health, safety, or welfare while the placement of choice is being arranged does not violate this principle.

Summary of Bill:

Whenever the court orders a child returned to foster care after an in-home placement, the DSHS must give preference to placement of the child with a relative. If, after due diligence, the DSHS cannot locate a relative who is available and appropriate to meet the child's needs, preference must be given to placing the child with a foster family with whom the child previously lived, so long as the foster family is available, willing, and currently appropriate for the child's needs, and the placement is in the best interests of the child.

Appropriation: None.

Fiscal Note: Available.

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