

HOUSE BILL REPORT

SSB 5431

As Passed House - Amended:

April 8, 2009

Title: An act relating to subsequent foster family home placements.

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 History:

Committee Activity:

Early Learning & Children's Services: 3/19/09, 3/26/09 [DPA].

Floor Activity

Passed House - Amended: 4/8/09, 98-0.

Brief Summary of Substitute Bill (As Amended by House)

- Requires the Department of Social and Health Services (DSHS) and the court to consider placing a child returning to foster care with a grandparent with whom the child has a significant relationship.
- Establishes a secondary preference for placing a child who is returned to foster care with a foster family with whom the child previously lived.
- Directs the DSHS and the court to weigh the child's length of stay and attachment to caregivers and consider a nonexclusive list of factors when determining what placement is in the best interests of a child being returned to foster care.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: Do pass as amended. Signed by 7 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel, Goodman and Seaquist.

Staff: Sydney Forrester (786-7120)

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.

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 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 Amended Bill:

Whenever a child is returning to foster care, the DSHS and the court must consider placing the child with a grandparent with whom the child has a significant relationship. If a grandparent or other relative is unavailable or inappropriate to meet the child's needs, the DSHS and the court must give preference 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. When selecting the placement option that is in the best interests of a child being returned to foster care, the DSHS and the court must weigh the length of stay and the child's attachment to previous caregivers and consider:

- the love, affection, and strength of the relationship between the child and the caregiver;

- the length and quality of the relationship between the child and the caregiver, including the roles performed by the caregiver and the emotional ties between the child and the caregiver;
- the child's reasonable preference, if the court finds the child is of sufficient age or maturity to express a preference;
- the good faith of the caregiver in seeking to have the child placed in his or her home;
- the criminal history, if any, of the caregiver as determined by a criminal history background check required by law;
- the caregiver's history of any adverse actions, including findings relating to child abuse and neglect by the caregiver;
- if applicable, the number of placement changes the child already has experienced and the potential impact of an additional change in placement to the caregiver's home;
- the child's current level of functioning at home and in school or early learning programs, and child care programs;
- whether placement with the caregiver would allow the child:
 - a. to remain in the same school, child care center, or early learning program, or to continue participating in any extracurricular activities that contribute to the child's healthy development with peers;
 - b. to participate in court-ordered visitation with parents and siblings;
 - c. to access any court-ordered services intended to promote the child's health, safety, and well-being; or
 - d. to participate in other activities designed to achieve the permanency goal for the child; and
- any other factors relevant to the child's best interests.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is very simple. If a child is returned to foster care after a failed attempt at reunification, the DSHS must give first consideration to an appropriate foster family with whom the child lived, unless a relative is available to care for the child. The child's former foster family is in the best position to be able to help the child who must return to foster care. When no relative is available, the first consideration should be a former foster family.

Some say this bill is common sense, but that is not always the case. When a child re-enters foster care, the DSHS or child-placing agency looks at its licensed foster parents for possible placement. If the social worker is good, she will probably try to place the child with a foster family the child already knows. But if that foster family has changed its licensing agency, from the state to a child-placing agency or vice versa, the social worker may not be looking at that foster family as a potential placement option.

When foster children are moved, they often think the foster family has decided they no longer want the child. By allowing for the possibility of returning the child to the same home, it would help alleviate this misconception and allow the child to be in a foster home where she knows the rules and feels a sense of belonging. The number of different placements a child has relates directly to the numerous behavioral problems that compromise the child's ability to function.

We should also be listening to the child's voice, especially if the child says she doesn't want to return to a particular foster home. It may be nothing more than she doesn't like appropriate rules, but it could mean something is wrong in that home.

(Opposed) None.

Persons Testifying: Senator Stevens, prime sponsor; and Gary Malkasian, Foster Care Justice Alliance.

Persons Signed In To Testify But Not Testifying: None.