

SENATE BILL REPORT

SSB 5431

As Amended by House, 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: Human Services & Corrections: 2/06/09, 2/20/09 [DPS].

Passed Senate: 3/03/09, 48-0.

Passed House: 4/08/09, 98-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5431 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Jennifer Strus (786-7316)

Background: A number of children who have been in foster care and return home are forced for many reasons to return to foster care. The Department of Social and Health Services (DSHS) tries to place the child in an appropriate foster home which is sometimes not a relative nor the home in which the child had been previously placed.

Summary of Substitute Bill: When a child is returned to foster care, DSHS must give preference to placement of the child with a relative. If, after due diligence, DSHS cannot locate an appropriate relative or the relative is unavailable or inappropriate, DSHS must give preference to placement of the child with a foster family in which the child had been previously placed if the foster home is available and willing, is currently appropriate for the child's needs, and the placement is in the best interests of the child.

Appropriation: None.

Fiscal Note: Not requested.

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.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill gives recognition to the fact that children in long-term foster care do form important bonds which can help them when their other connections break down. It makes sense that the foster family that knows the child best would be in the best position to help the child again. We should listen to the voice of the child and see if the child is OK with returning to the particular foster home. It will not do the child any good to return to a foster home that the child dislikes.

OTHER: The department would prefer adding language to clarify that there would be preference to place in a former foster home if the home is available and the foster parents are willing to receive the child.

Persons Testifying: PRO: Gary Malkasian, Foster Care Justice Alliance; Ryan Murrey, State CASA Association.

OTHER: Ken Nichols, Children's Administration; Sharonda Amamillo, Thurston OAC Parent Representation Program.

House Amendment(s): For children returning to foster care, the amendment:

- Clarifies that the bill is consistent with existing statute regarding a preference for relative placement in child dependency cases, but does not create such a preference.
- Requires the DSHS and the court to consider placing the child with a grandparent who has a significant relationship with a child.
- Establishes that when a relative placement is not available, the second priority for placement is with a foster family with whom the child lived previously if certain conditions are met.
- Specifies that in determining which placement option is in the child's best interests, the DSHS and the court must weigh the child's length of stay and attachment to the caregivers in previous placements.
- Directs the court to consider a nonexclusive list of factors in selecting the child's placement and determining what is in the child's best interests.