

SENATE BILL REPORT

SB 6730

As of February 2, 2010

Title: An act relating to child welfare.

Brief Description: Concerning child welfare.

Sponsors: Senators Becker, Hargrove, Stevens and Roach.

Brief History:

Committee Activity: Human Services & Corrections: 2/02/10.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

Background: At the shelter care stage of the dependency proceeding, the court must ask the parents whether the Department of Social and Health Services (DSHS) discussed with them the placement of their child with a relative or other suitable person and must determine what efforts have been made toward such a placement. DSHS is not required to notify the parents of the dependent child what relatives it has considered for placement.

DSHS is required to notify a foster parent with whom a child has been residing for at least 90 consecutive days with at least five days notice prior to moving the child to another placement unless a court order has been entered requiring an immediate change in placement; the child is being returned home; the child's safety is in jeopardy; or the child is residing in a receiving or group home. It is the policy of DSHS to also follow this statute with regard to relatives.

The guardian ad litem in dependency cases has numerous responsibilities including:

- to investigate and collect information about the child's situation;
- to meet with, interview and observe the child;
- to monitor all court orders for compliance;
- to report to the court the child's status in an Indian tribe, if applicable; and
- to represent, be an advocate for, and make recommendations to the court about the best interests of the child.

Summary of Bill: The bill as referred to committee not considered.

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.

Summary of Bill (Proposed Substitute): At the shelter care stage of a dependency proceeding, DSHS or a supervising agency must inform the parent of a dependent child, both verbally and in writing, within ten business days, what relatives the agency has considered for placement and the outcome of that consideration. If DSHS or the supervising agency does not recommend placement with a relative who was willing and available to be a placement resource for the child, then it must inform the relative, in writing within ten business days, why it is not recommending that the child be placed with that relative.

At the dispositional stage of a dependency proceeding, DSHS or a supervising agency must inform the parent of a dependent child, both verbally and in writing, what relatives the agency has considered for placement and the outcome of that consideration. If DSHS or the supervising agency does not recommend placement with a relative who was willing and available to be a placement resource for the child, then it must inform the relative, in writing, why it is not recommending that the child be placed with that relative.

Whenever a child has been placed with a relative by DSHS or a supervising agency, and the child has resided with that relative for at least 90 consecutive days, DSHS or supervising agency must notify the relative at least five days before moving the child to another placement unless:

- a court order has been entered requiring an immediate change in placement;
- the child is being returned home;
- the child's safety is in jeopardy; or
- the child is residing in a receiving or group home.

If the relative is the subject of a child abuse or neglect referral, DSHS must meet with the relative in person to explain the nature of the allegations and provide the relative a reasonable opportunity to respond to the allegations. Neither DSHS nor a supervising agency may remove a child from the relative's care unless DSHS has made a finding that the relative has abused or neglected the child, clearly violated a court order, the child is at imminent risk of harm if the removal does not occur, a court order has been entered moving the child to a different placement, or the child is returned home.

A relative of a dependent child may petition the juvenile court to be heard on DSHS or a supervising agency's decision to remove the child from the relative's care if:

- the child has been found to be a dependent child;
- the parents of the child have consented to the relative filing a petition to be heard on the placement decision;
- the child is in the custody of DSHS or a supervising agency at the time the petition is filed;
- DSHS or a supervising agency has decided to remove or has already removed the child from the relative's care; and
- the child had been in the relative's care for 12 months or more prior to the decision to remove or the removal of the child.

The relative has ten business days from the date the relative learns of the removal decision, or the child is removed from the relative's care, whichever is later, to file the petition to be heard.

If the requirements to file a petition to be heard are met, the court must grant the petition to be heard on the sole issue of the placement decision and shall schedule an expedited hearing on the matter. The relative has the right to be represented by counsel, at his or her own expense, at the hearing on the petition to be heard. The relative may call and cross-examine witnesses at the hearing.

The granting of the petition to be heard under this section does not grant the relative party status in the underlying dependency.

Appropriation: None.

Fiscal Note: Requested on February 1, 2010.

Committee/Commission/Task Force Created: No.

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