

# HOUSE BILL REPORT

## HB 1581

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**As Reported by House Committee On:**  
Early Learning & Human Services  
Ways & Means

**Title:** An act relating to shared parenting and out-of-home placement program.

**Brief Description:** Regarding shared parenting placement agreements for children with disabilities placed in out-of-home care.

**Sponsors:** Representatives Walsh, Roberts, Kagi, Dickerson and Kenney.

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 2/10/11, 2/17/11 [DPS];  
Ways & Means: 2/23/11, 2/24/11 [DP2S(w/o sub ELHS)].

**Brief Summary of Second Substitute Bill**

- Creates a provision for a voluntary agreement between a parent or legal guardian and the Department of Social and Health Services (DSHS) authorizing the placement of a child in a licensed or certified facility or program because of the child's developmental disability.
- Allows a parent or legal guardian, through a voluntary agreement, to retain custody of a child and to share parenting responsibilities while the child is in an out-of-home placement.
- Requires the DSHS, under a shared parenting placement agreement, to provide out-of-home residential services for a child's health and safety.

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### HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dickerson, Goodman, Johnson and Orwall.

**Minority Report:** Do not pass. Signed by 1 member: Representative Overstreet.

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*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.*

**Staff:** Linda Merelle (786-7092).

**Background:**

Children who are in the custody of their parents and who have been determined to have a developmental disability may receive services while they remain in the home or they may receive services as a resident in a Residential Habilitation Center, an out-of-home placement.

Currently, some children who have intensive behaviors may receive in-home services to allow parents to continue to take care of them in their home. These children are on the Children with Intensive Behavior Services waiver which serves approximately 50 children.

In 1998 the Voluntary Placement Program was started to provide services for an out-of-home placement for a child as an alternative to a Residential Habilitation Center. There are approximately 178 children statewide on the voluntary placement services caseload. Some families who are unable to gain access to voluntary placement services have placed their child in Residential Habilitation Centers for short-term or long-term stays. A placement in a Residential Habilitation Center is a way in which families may access otherwise unavailable services.

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**Summary of Substitute Bill:**

Shared Parenting Placement Agreements.

This bill adds a new chapter to the Revised Code of Washington (RCW) 71A regarding voluntary shared parenting placement agreements, which is a written agreement between a child's parent or legal guardian and the Department of Social and Health Services (DSHS), authorizing the DSHS to place the child in a licensed or certified facility or program. Under the shared parenting agreement, the parent or legal guardian retains custody of the child.

The shared parenting agreement must contain, at a minimum, provisions that specify:

- the legal status of the child;
- the rights and obligations of the parent or legal guardian; and
- the rights and obligations of the DSHS while the child is in a placement.

Any party to a shared parenting placement agreement may terminate the agreement at any time. Under the shared parenting placement agreement, the DSHS, to the extent that funding is available, must provide out-of-home residential services that will provide for the child's health and safety.

Least Restrictive Environments.

If a child is transferred from a least restrictive setting to a more restrictive environment, a planning team must develop a transition plan to a less restrictive environment within 10 days of the transfer.

The RCW 74.13.350 regarding voluntary placement agreements under the child welfare provisions of the RCW is repealed.

**Substitute Bill Compared to Original Bill:**

The substitute bill no longer contains the provision requiring that a child must be returned to the care of the parent or legal guardian if the shared parenting placement agreement is terminated. It makes clear that if the parent or legal guardian determines that the child should have an out-of-home placement, the DSHS, to the extent that funding is available, must provide services for the child.

The substitute bill removes the provision which requires that the child's developmental disability assessment must determine the level and extent of residential and other services to be provided in a community. The provisions requiring the DSHS to convene a planning team to develop an individual service and support plan within 30 days of an out-of-home placement have been removed. The DSHS is no longer required to place the child who is the subject of a shared parenting placement agreement on a community-based waiver. The DSHS is not required to license or certify new facilities or programs to serve children under the agreements. The requirement of a judicial determination that the placement for the child is in the child's best interest has been removed.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute 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) Anything we can do to support children and keep them in their home and offer respite to the caregivers is important. The option of out-of-home placement can be a savior to families.

An out-of-home placement may be necessary. Sometimes caregivers cannot appreciate the complexity of a child's disorder and the inability of any one person to care for them. The option of the shared parenting placement agreement seems to be economically sensible because the parents may still pay for many of the child's needs and it gives the child a chance at belonging.

With the shared parenting, the parents remain involved. The voluntary placement program is in statute currently. This bill moves the voluntary placement program from the section of the the statutes governing the Children's Administration to the section governing the Division of Developmental Disabilities. Under this bill, if a person is placed in a Residential Habilitation Center, the person does not relinquish any rights.

(Opposed) None.

**Persons Testifying:** Representative Walsh, prime sponsor; Mitch Freedman; Dawn Sidell, Washington Parents for Safe Child Care; and Ed Holen, Developmental Disabilities Council.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON WAYS & MEANS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Human Services. Signed by 17 members: Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Carlyle, Cody, Dickerson, Haigh, Hudgins, Hunt, Kagi, Kenney, Ormsby, Parker, Pettigrew, Seaquist, Springer and Sullivan.

**Minority Report:** Do not pass. Signed by 10 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Chandler, Haler, Hinkle, Ross, Schmick and Wilcox.

**Staff:** Carma Matti-Jackson (786-7140).

### **Summary of Recommendation of Committee On Ways & Means Compared to Recommendation of Committee On Early Learning & Human Services:**

The second substitute bill clarifies that the implementation of out-of-home placements using a shared parenting agreement is permissive and is subject to specific appropriations for this purpose.

**Appropriation:** None.

**Fiscal Note:** Requested on February 22, 2011.

**Effective Date of Second Substitute 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 provides an additional tool for families who need it. Voluntary placements for children with developmental disabilities are currently denied and not funded. Parents have to reach a point of police intervention in order to get a placement for their child. When a child with developmental disabilities is inappropriately disciplined or expelled from school, it directly contributes to negative behaviors and crisis in the home, which puts that child at risk for out-of-home placement. This proposal gives families another option. It makes good fiscal sense to take care of a child in crisis in a voluntary out-of-home community placement. In the nineties, Washington used voluntary placement but it was seen as too expensive. Just because voluntary placements are not funded does not mean that emergencies do not still happen. Now children have to be placed in an institution to get care. Use of the shared

parenting agreement as a tool for voluntary out-of-home placements moves the state along in the right policy direction.

(Opposed) None.

**Persons Testifying:** Representative Kagi; Stacy Gillett, ARC of Washington State; and Ed Holen, Washington State Developmental Disabilities Council.

**Persons Signed In To Testify But Not Testifying:** None.