

HOUSE BILL REPORT

HB 2616

As Reported by House Committee On:
Early Learning & Human Services
Appropriations

Title: An act relating to parents with intellectual or developmental disabilities involved in dependency proceedings.

Brief Description: Concerning parents with intellectual or developmental disabilities involved in dependency proceedings.

Sponsors: Representatives Freeman, Walsh, Kagi, Roberts, Smith, Orwall, Tarleton and Pollet.

Brief History:

Committee Activity:

Early Learning & Human Services: 2/3/14 [DPS];

Appropriations: 2/10/14 [DP2S(w/o sub ELHS)].

Brief Summary of Second Substitute Bill

- Requires that the Department of Social and Health Services make reasonable efforts to consult with the Developmental Disability Administration (DDA) when creating a service plan for parents in dependency proceedings with a developmental disability who are eligible for services through the DDA.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Kagi, Chair; Freeman, Vice Chair; Walsh, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Fagan, Goodman, MacEwen, Ortiz-Self, Roberts, Sawyer, Young and Zeiger.

Staff: Luke Wickham (786-7146).

Background:

Permanency Plan.

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.

When a child is ordered removed from the home of a parent, the Department of Social and Health Services (DSHS) or supervising agency assumes responsibility for developing a permanency plan no later than 60 days after assuming responsibility. The permanency planning process must include reasonable efforts to return the child to the home of the parent. The supervising agency must submit a written permanency plan to all parties and the court at least 14 days before the scheduled hearing.

The permanency plan must identify the primary goal of the case and may identify alternative goals. These goals could include returning the child to the his or her parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care; successful completion of a responsible living program; or independent living. Unless the court has ordered the filing of a petition to terminate parental rights, the plan must include what steps will be taken to return a child home. All aspects of the plan must include the goal of achieving permanence for the child.

The plan must further specify what services the parents will be offered to allow them to resume custody, the requirements parents must meet to resume custody, and a time limit or each service and requirement.

Dependency Review Hearings.

A court must review the status of all children found to be dependent at least every six months from the date a child was placed out of his or her parent's home or the date dependency is established, whichever is first. The purpose of these hearings is to review the progress of the parties and determine whether court supervision should continue.

The first review hearing must be an in-court review and be set six months from the beginning date of the child's placement out of home or no more than 90 days from the entry of the disposition order, whichever is first.

A child may not be returned home at a review hearing unless the court finds that a reason for removal no longer exists. If a child is returned home, casework must continue for six months, when there must be a hearing on the need for continued intervention.

If a child is not returned home at a review hearing, the court must establish in writing various determinations. Some of these determinations include:

- whether the supervising agency is making reasonable efforts to provide services to the family and eliminate the need for out of home placement;
- whether the parties complied with the case plan; and
- whether progress was made in correcting the problems that led to out-of-home care.

Summary of Substitute Bill:

The DSHS shall make reasonable efforts to consult with the Developmental Disability Administration (DDA) to create an appropriate service plan for a parent with a developmental disability who is eligible for services through the DDA and whose child has been ordered removed from their home. For parents meeting the statutory definition of

developmental disability whether eligible for services through the DDA or not, the service plan must be tailored to correct a parental deficiency taking into account a parent's disability and the DSHS must determine the appropriate method to offer services based on the parents disability.

During dependency review hearings where a child is not returned home, the court shall establish in writing whether active efforts are necessary to assist a parent with either an intellectual or developmental disability in compliance and progress with the case plan. Active efforts is defined as a showing to the court that the DSHS has actively worked with the parent or parents pursuant to existing court orders and the Individual Service and Safety Plan to engage them in remedial services and rehabilitative programs to prevent the breakup of a family beyond providing referrals for those services.

Substitute Bill Compared to Original Bill:

The substitute bill limits the consultation that must occur with the DDA to individuals who are eligible for DDA services. The substitute bill also specifies that the DSHS shall tailor a plan for services to correct a parental deficiency and determine the appropriate method for offering services based on the parent's disability for any parent meeting the definition of developmental disability whether they are eligible for DDA services or not.

Appropriation: None.

Fiscal Note: Requested on January 30, 2014.

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) Last session there was an increase in parents with intellectual or developmental disabilities in dependency proceedings. There is not always training for social workers for dealing with parents with intellectual or developmental disabilities involved in dependency proceedings. Parents with intellectual or developmental disabilities may need additional help engaging in services. This bill allows courts to require active efforts instead of the reasonable efforts that are currently used. If there was a better plan established for parents with intellectual or developmental disabilities involved in dependency proceedings, more of these parents could raise their children. There are many factors that parents with intellectual or developmental disabilities consider before having children. Many of these parents are concerned about the involvement of Child Protective Services and choose not to have children. It appears that less services are available for individuals with developmental or intellectual disabilities than there used to be. It is critical for the different parts of the DSHS to be working together and increasing communication. Some individuals with autism are told that they will likely never marry or communicate with others. However, many individuals with autism are able to develop communication skills and get married.

Individuals with intellectual or developmental disabilities are able to care for children if given the appropriate supports.

(Opposed) Dependency cases involving parents with intellectual and developmental disabilities are difficult cases for everyone. The bill is not necessary for a number of reasons. There is already a protocol for dealing with parents involved in dependency proceedings with developmental or intellectual disabilities. There is a program manager who trains individuals within the DSHS. There may not be training for brand new social workers related to parents with intellectual or developmental disabilities. The DDA is involved with individuals who are eligible for their services. The bill could require caseworkers to consult with the DDA when parents are not eligible for the services of the DDA. There are a number of technical issues with the bill that can be worked on with the sponsor.

Persons Testifying: (In support) Representative Freeman, prime sponsor; Sara McQueed; Emily Rogers, Self-Advocates in Leadership; David Lord, Disability Rights Washington; Robert McDawell; Diana Stadden, The Arc of Washington State; David Stadden; and Brittany Graves.

(Opposed) Jennifer Strus, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

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 29 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Carlyle, Christian, Cody, Dunshee, Fagan, Green, Haigh, Haler, Harris, Hudgins, G. Hunt, S. Hunt, Jinkins, Kagi, Lytton, Morrell, Parker, Pettigrew, Schmick, Seaquist, Springer, Sullivan and Tharinger.

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

Staff: Mary Mulholland (786-7391).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Early Learning & Human Services:

The second substitute bill: (1) removes the requirement that the DSHS tailor and offer services to individuals who meet the statutory definition of developmental disability and are not also eligible for DDA services; (2) removes the requirement that courts determine, in writing, whether active efforts are necessary to assist a parent with an intellectual or developmental disability; and (3) renders the bill null and void if specific funding is not provided in the operating budget by June 30, 2014.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) None.

(Opposed) None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.