

HOUSE BILL REPORT

E2SSB 5389

As Passed House - Amended:

April 11, 2013

Title: An act relating to sibling visitation or contact for children in foster care.

Brief Description: Concerning sibling visitation and sibling contact for children in foster care.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Billig, Fain, Hargrove, Litzow, Murray, Tom, Kohl-Welles, Rolfes, Harper and Chase).

Brief History:

Committee Activity:

Early Learning & Human Services: 3/26/13, 3/28/13 [DPA].

Floor Activity:

Passed House - Amended: 4/11/13, 95-2.

Brief Summary of Engrossed Second Substitute Bill (As Amended by House)

- Establishes that sibling visitation may not be used as a sanction or incentive for a child's behavior.
- Requires the Department of Social and Health Services (DSHS) supervisor to approve any modification in sibling visitation.
- Specifies that any party to a case may challenge the denial of visits in court.
- Restores "and sibling" to the provision that requires the DSHS or supervising agency to encourage the maximum parent and child contact.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: Do pass as amended. Signed by 9 members: Representatives Kagi, Chair; Freeman, Vice Chair; Walsh, Ranking Minority Member; Goodman, MacEwen, Overstreet, Roberts, Sawyer and Zeiger.

Staff: Lindsay Lanham (786-7120).

Background:

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.

In 2002 Engrossed Substitute Senate Bill (ESSB) 6702 required the Department of Social and Health Services (DSHS) to complete an assessment of a foster child's relationship and emotional bond with any siblings. The DSHS was required to develop a plan to ensure ongoing contact with the child's siblings if appropriate. A statutory preference for child placements able to facilitate sibling visits was established. Courts were required, under the bill, to consider the issue of sibling visits during dependency hearings.

In 2003 ESSB 5779 defined the term "sibling" and established that when a child is removed from the home of origin maintaining sibling relationships is presumed to be in the child's best interest. Courts were given the authority to order placement, contact, and visitation with a step-sibling as appropriate. It was further required that parental termination orders include information about the status of sibling relationships and the nature and extent of sibling placements, contact, or visits. Supervising agencies, under the bill, were also required to take reasonable steps to ensure that siblings maintain relationships.

In 2007 Engrossed Substitute House Bill 1624 required that the terms and conditions of sibling visits be established at the shelter care hearing. It was also established that out-of-home placements for children were contingent upon cooperation with the agency's plan and court orders regarding sibling visits.

In 2009 Second Substitute House Bill 1938 required that sibling contact be considered by parties in adoption plans. It was established in statute that sibling visits should continue after the finalization of adoption to the extent feasible.

Summary of Amended Bill:

Sibling visitation may not be used as a sanction or incentive for a child's behavior. Additionally, any modification to sibling visitation must be documented and requires the approval of the DSHS supervisor. Any party to a case may challenge the denial of sibling visitation in court. Finally, "and sibling" is restored to the provision that requires the DSHS or supervising agency to encourage the maximum parent and child contact possible.

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) The state is responsible for foster children; likewise, everyone is responsible for foster children. There are many things that cannot be done to make a foster youth's life totally normal. However, it is certainly possible that foster youth have a relationship with their siblings when appropriate. Foster youth requested this legislation because they reported that sibling visits were being restricted and used as a form of punishment or sanction. For example, if a foster youth did not mow the lawn as requested, the foster parent may not allow the youth to attend a sibling visit. Some adults may feel that restricting sibling visitation may

be helpful. When caregivers begin to feel frustrated with children or youth, the caregiver may attempt to motivate the youth by restricting access to the one thing that matters the most in the youth's life. This parenting or caregiver strategy, however, is not effective and may cause youth to give up even more or encourage runaway behaviors. That is why law is needed. Statute can help establish firm boundaries, and clarify and guide best practice.

(Opposed) None.

Persons Testifying: Senator Billig, prime sponsor; Jennifer Strus, Department of Social and Health Services; and Jim Theofelis, Mockingbird Society.

Persons Signed In To Testify But Not Testifying: None.