

HOUSE BILL REPORT

HB 2844

As Reported By House Committee On:
Law & Justice

Title: An act relating to termination of the parent and child relationship.

Brief Description: Revising provision for termination of parent and child relationship.

Sponsors: Representatives Stevens, Koster, Sheahan, Hickel, Foreman, Mulliken and Johnson.

Brief History:

Committee Activity:

Law & Justice: 1/30/96, 2/2/96 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Lambert; McMahan; Robertson; Smith and Sterk.

Minority Report: Do not pass. Signed by 7 members: Representatives Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Chappell; Cody; Morris; Murray and Veloria.

Staff: Edie Adams (786-7180).

Background: State law provides procedures for the protection and placement of children who have been abused or abandoned by their parents or legal guardians. Abused or abandoned children may be taken into custody and placed in shelter care until a dependency hearing takes place to determine whether the child is a dependent child. A "dependent child" means any child who has been abandoned, who is abused or neglected by a person legally responsible for the child's care, or who has a developmental disability and whose care cannot be provided in the home.

If a court determines by a preponderance of the evidence that a child is dependent, the court must enter a disposition for the child. The disposition may be to order a program to alleviate the immediate danger to the child and to aid the parents so the child will not be endangered in the future. Under some circumstances, the court may

order that the child be removed from his or her home and be placed with a relative or the Department of Social and Health Services.

A petition seeking the termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceeding concerning that child. The petition for the termination of a parent and child relationship must allege (1) the child has been determined to be a dependent child; (2) the child has been removed from the custody of the parent for a period of at least six months; (3) services capable of correcting parental deficiencies have been provided; (4) there is little likelihood that conditions will be remedied so that the child may be returned home; and (5) that continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. A court may terminate all parental rights to a child if all of the above allegations are established by clear, cogent, and convincing evidence.

A parent's failure to improve parental deficiencies substantially within 12 months following an order of a dependency proceeding creates a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent. This rebuttable presumption arises only if all necessary services capable of correcting the parental deficiencies have been offered or provided.

Summary of Substitute Bill: In a petition seeking the termination of a parent and child relationship, the petitioner must allege and prove by clear, cogent, and convincing evidence that the child is currently a dependent child. Evidence before the court in a prior dependency proceeding may not be the sole basis for a finding that the child is currently a dependent child or that there is little likelihood that conditions endangering the child will be remedied.

The bill removes the rebuttable presumption applicable in termination hearings that there is little likelihood that conditions will be remedied if the parent has failed to improve parental deficiencies within 12 months after the disposition of the dependency proceeding.

Technical amendments are made to correct cross-references.

Substitute Bill Compared to Original Bill: The substitute bill makes clarifying and technical corrections.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Current law gives up on parents and makes it too easy to terminate parental rights. The system focuses on processing kids through the adoption pipeline to a perceived better life. The bill restores the principle of keeping families together.

Testimony Against: None.

Testified: Representative Stevens, prime sponsor; Thomas Sheldon, Squaxin Island Tribe (pro); and Deni Mathiesen, citizen (pro).