

SENATE BILL REPORT

ESSB 5244

As Passed Senate, March 15, 1995

Title: An act relating to the definition of "dependent child" for purposes of aid to families with dependent children.

Brief Description: Revising the definition of "dependent child" for purposes of aid to families with dependent children.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Owen and Hargrove).

Brief History:

Committee Activity: Human Services & Corrections: 2/8/95, 2/21/95 [DPS].
Passed Senate, 3/15/95, 48-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5244 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Staff: Dennis Martin (786-7403)

Background: Currently, a child in need under 18 years of age who chooses to leave his or her parent's home and live with a relative may be defined as a dependent child. The child may be eligible to receive Aid to Families with Dependent Children assistance while living with the relative, with or without the approval of his or her parents. The parents of the child may be required to reimburse the Department of Social and Health Services for assistance payments made on behalf of the dependent child.

Summary of Bill: When a child voluntarily leaves the home of a parent, without the consent of the parent, the child is not considered a dependent child for purposes of eligibility for Aid to Families with Dependent Children (AFDC) assistance, unless: (1) the child's out-of-home placement is approved and the parent is required to contribute to the child's support under the Family Reconciliation Act; or (2) a court has determined that the child has been abandoned, abused or neglected, or is in danger of substantial damage because the parent is incapable of caring for the child.

When the Department of Social and Health Services (DSHS) receives an application for AFDC benefits and determines that the child is not living with a parent, the department must notify the parent that an AFDC application on behalf of the child is received. If DSHS determines that the child left the home of a parent without parental consent, DSHS must advise the parent of the provisions of the Family Reconciliation Act.

DSHS is required to disclose the address of the child to the parent, when the parent requests the information in writing. DSHS must notify the adult with whom the child is staying that the information is provided to the parent, unless DSHS receives a court order enjoining disclosure or restricting parental access. If an allegation of abuse or neglect has been made, the department may not disclose the child's address until after a court hearing on the allegation.

Whenever a child voluntarily leaves a parent's home, without parental consent, no parent has an obligation or duty to repay any AFDC assistance provided on behalf of the child.

DSHS is required to seek federal waivers to fully implement the legislation and to report its efforts to the Legislature.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The current system requires parents to repay AFDC benefits, even though the child has left home without parental consent. The parents are informed that they owe DSHS for AFDC, but are not informed where their child is living and have no ability or assistance to have the child returned to the parent's home.

Testimony Against: The bill would require a federal waiver and will have a detrimental effect on children in families in conflict and on the adult relatives that provide for the children.

Testified: Senator Owen, prime sponsor; Larry Mitchell, citizen (pro); Liz Dunbar, DSHS (con).

House Amendment(s): The Department of Social and Health Services is mandated to pay the reasonable attorneys' fees of a parent for reversing or correcting a department decision which (1) requires the parent to reimburse the state for AFDC assistance to a child who has voluntarily left the parent's home; (2) denies to disclose the location of the parent's child when required under this act; or (3) denies to pay reasonable attorneys' fees when such payment is required under this act. The provision relating to payment of reasonable attorneys' fees is retroactive to January 1, 1990.

The department may not disclose the location of a child to his or her parent prior to a shelter care hearing, if the department believes there is clear and cogent evidence that the parent is responsible for the abuse or neglect of the child.

The amendment also makes technical changes to the bill.