

HOUSE BILL REPORT

ESSB 6196

As Reported By House Committee On:

Children & Family Services

Title: An act relating to technical clarifying changes to developmentally disabled children's out-of-home placement.

Brief Description: Concerning judicial review for certain out-of-home child placements.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove and Long; by request of Department of Social and Health Services).

Brief History:

Committee Activity:

Children & Family Services: 2/19/98, 2/20/98 [DPA].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 10 members: Representatives Cooke, Chairman; Boldt, Vice Chairman; Bush, Vice Chairman; Tokuda, Ranking Minority Member; Kastama, Assistant Ranking Minority Member; Ballasiotes; Carrell; Dickerson; Gombosky and McDonald.

Staff: Douglas Ruth (786-7134).

Background: The Department of Social and Health Services has requested technical amendments to RCW 13.34.270 (dependency statutes) and RCW 74.13.350 and RCW 74.13.021 (public assistance).

Until 1997, developmentally disabled children whose parents were incapable of caring for them were considered dependent children and were placed in the care of the Children's Administration. In the 1997 session, the dependency laws were modified to eliminate these children from the definition of dependent children.

At the same time, the law created voluntary placement agreements to allow developmentally disabled children to receive the same services as had been provided them by the Children's Administration pursuant to dependency findings. These agreements were created to avoid putting parents in the emotionally difficult position of having to say they cannot care for their child. The agreements permit a disabled child's parents to

contract with the Children's Administration to place their child in out-of-home care. Procedures were created to insure judicial oversight of the placement. One component of this oversight was a judicial determination, made within 180 days of placement, that such a placement is in the best interests of the child.

Summary of Amended Bill: A provision in the dependency chapter relating to placing disabled individuals is eliminated as unnecessary.

In cases of out-of-home placement ending before 180 days, a judicial determination that the placement is in the best interests of the child is not required.

Grammatical corrections are made.

Amended Bill Compared to Engrossed Substitute Bill: The original bill required the department to inform parents in writing of their right to file a dependency action if the department did not accept a voluntary placement agreement.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Parents of disabled children currently have the right to file a dependency action, as does any parent. The language amended to the bill by the Senate merely notifies parents of this existing right. It probably has a large fiscal impact, although any fiscal prediction is speculative. Voluntary placement agreements were created so recently it is difficult to know if any will not be accepted due to funding, or otherwise. Parents also have the current option of appealing a decision not to accept a voluntary placement agreement to an administrative law judge.

Testimony Against: None.

Testified: Jennifer Strus, Director, Division of Program & Policy, Department of Social and Health Services (pro); and Dr. Tim Brown, Director of Division of Developmental Disabilities, Department of Social and Health Services (pro).