

HOUSE BILL ANALYSIS

HB 1121

Title: *An act relating to dependent children.*

Brief Description: *Revising legal custody of children.*

Sponsors: *Representatives Veloria, Cooke, Tokuda, Wolfe, Dunn and Costa.*

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Meeting Date: *February 6, 1997.*

Bill Analysis Prepared by: *Doug Ruth (786-7134).*

Background: *As part of a dependency proceeding where a child is removed from the home, the agency that is charged with the child's care must present to the juvenile court a permanency plan identifying the long-term goals for permanent care of the child. The agency may choose from a statutorily defined list of goals. These goals include adoption, long-term relative care, foster care, guardianship, independent living, or return of the child to the parents, a guardian, or a legal custodian. The plan must encourage maximum parent-child contact and the resumption of parental custody.*

If after a specified amount of time, the permanent care goal selected by the agency has not been implemented, the juvenile court must hold a permanency planning hearing to review the agency's progress. These permanency planning hearings are held at least every 12 months until a goal has been implemented or the dependency is dismissed. In addition, the court reviews the status of a dependent child every six months to determine parental progress and whether the child may be returned home.

If the agency has achieved the goal of placing the child in long-term foster or relative care, the court reviews the child's status every nine or 12 months, depending on the child's age, to determine whether placement remains appropriate.

Permanent child custody orders are court orders that transfer child custody from the parents of a child to a non-parental individual, such as a grandparent. Permanent child custody orders are not included among the list of long-term goals the department may recommend the court adopt in a dependency proceeding.

Current law establishes the content, scope, and procedures for obtaining a permanent child custody order. To grant an order, the court must find that the parent of the child is either unfit, or that placement of the child with the parent would detrimentally affect the child's growth and development. An individual, or individuals, receiving permanent custody of a child has the authority to determine the child's care, upbringing, education, health care, and religious training. As part of a permanent custody order, the court may award visitation rights to the parents and require them to provide child support and health insurance for the child.

Summary of Bill: *Permanent child custody orders are added to the list of long-term goals that an agency may implement as part of its permanency plan. Consequently, the department may identify permanent child custody by a non-parental individual as the preferable option for the child's future care.*

Entry of a permanent custody order acts to dismiss a dependency proceeding and ends the court's supervision of the child's care. The court is then relieved of conducting periodic permanency planning hearings and status reviews. Once a court has entered a permanent custody order, the individual's custody over the child may be altered only through judicial modification of the order.

Because the court ordering permanent child custody (superior court) is a separate court from the one supervising the child's dependency (juvenile court), the bill explicitly permits concurrent jurisdiction by both courts.

Appropriation: *None.*

Fiscal Note: *Available.*

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