

HOUSE BILL ANALYSIS

ESSB 5491

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

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

Sponsors: *Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Swecker, Strannigan, Schow and Hochstatter).*

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Meeting Date: *April 1, 1997.*

Bill Analysis Prepared by: *David Knutson (786-7146).*

Background: *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. At a fact-finding hearing held 75 days after filing a dependency petition, the court may continue the removal of a child from the home. This decision is made based upon a preponderance of the evidence.*

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.

Summary of Bill: *The court is required to use the standard of clear and convincing evidence to remove a child from the home on the basis that a manifest danger exists that the child will suffer serious abuse of neglect unless removed.*

A petition seeking the termination of parent and child relationship must allege that the parent is currently unfit, notwithstanding any judicial findings entered in the dependency proceeding. This allegation must be proved by clear, cogent and convincing evidence.

Appropriation: *None.*

Fiscal Note: *Available.*

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