

# SENATE BILL REPORT

## ESSB 6196

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As Passed Senate, February 12, 1998

**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:** Human Services & Corrections: 1/14/98, 2/4/98 [DPS].  
Passed Senate, 2/12/98, 48-0.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6196 be substituted therefor, and the substitute bill do pass.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

**Staff:** Joan Mell (786-7447)

**Background:** The Department of Social and Health Services has requested technical amendments to RCW 13.34.130 and 13.34.270 (dependency statutes) and 74.13.350 and 74.13.021 (public assistance).

RCW 74.13.350, enacted last session, enables parents to enter into a voluntary placement agreement with respect to a developmentally disabled child. This statute was created to avoid putting parents in the emotionally difficult position of having to say they cannot care for their child.

While this new provision was enacted, the language from RCW 13.34.130 was not simultaneously stricken.

**Summary of Bill:** Parents can pursue civil action under the dependency statutes if the department requests a voluntary out-of-home placement agreement in cases of developmentally disabled children. The department must inform parents of their right to civil action in writing.

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.

Technical corrections are made.

**Appropriation:** None.

**Fiscal Note:** Requested.

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

**Testimony For:** Criteria for out-of-home placement is not needed in the dependency statutes given recent enactment of volunteer out-of-home placement agreements.

**Testimony Against:** None.

**Testified:** Jennifer Strus, DSHS (pro).