

# HOUSE BILL REPORT

## 2SSB 5210

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**As Passed House:**

April 6, 1999

**Title:** An act relating to placement of children with a relative prior to and at a shelter care hearing.

**Brief Description:** Altering shelter care laws.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Stevens, Hargrove, Long, Zarelli, Patterson and Franklin).

**Brief History:**

**Committee Activity:**

Children & Family Services: 3/31/99 [DP].

**Floor Activity:**

Passed House: 4/6/99, 92-0.

**Brief Summary of Second Substitute Bill**

- Encourages the department to place a child in shelter care with a family member.
- Requires the agency to document its efforts to place the child with a relative.

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**HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES**

**Majority Report:** Do pass. Signed by 8 members: Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer and Kastama.

**Minority Report:** Do not pass. Signed by 1 member: Representative Carrell.

**Staff:** Marilee Scarbrough (786-7196).

**Background:**

Current law provides that a child taken into custody pursuant to a court order because the child's health, safety or welfare is endangered, or because of a report of abuse or neglect, must be placed in shelter care. Shelter care is defined as temporary physical care in a licensed facility or in a home not required to be licensed. The current statute also provides that children can not be held longer than 72 hours, unless directed to do so by court order. The statute does not contain specific provisions encouraging the department to place the child with a relative.

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**Summary of Bill:**

The procedure for placing children in shelter care is clarified. Within available resources, when a child is taken into protective custody the supervising agency must try to place the child with a relative. The relative must be willing and available to care for the child and be able to meet any special needs of the child. If it is not possible for the supervising agency to place the child with a relative immediately, the supervising agency must try to do so on the next business day.

The supervising agency must document the efforts made by it to locate and place the child with the relative. If the supervising agency is unable to place the child with a relative, the agency must place the child in a shelter care facility. This does not establish an entitlement or the right to a particular placement.

Parents are provided with written notice that if a court commissioner presides over the shelter care hearing, the parent has the right to have the decision reviewed by a superior court judge within 10 days upon a filing of a motion for revision.

At the shelter care hearing, the court hears evidence regarding the efforts made to place a child with a relative. If the court does not release the child to his or her parent and the child was initially placed with a relative, the court must order continued placement with a relative, unless there is reasonable cause to believe the safety or welfare of the child would be jeopardized. If the child was not initially placed with a relative and the child is not released to his or her parent, guardian, or legal custodian, the supervising agency must make reasonable efforts to locate a relative. If a relative is not available, the court must order continued shelter care or placement with another suitable person.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** It is important to have placement with family members. The bill has no fiscal impact. This bill helps to expedite the placement process.

**Testimony Against:** None

**Testified:** (In support) Senator Val Stevens (prime sponsor); Carole Holland, Children's Administration; and Laurie Lippold, Children's Home Society.