

HOUSE BILL ANALYSIS

ESSB 6217

Title: An act relating to technical and clarifying amendments to the dependency and termination of parental rights statutes.

Brief Description: Changing provisions relating to dependent children.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Costa and Winsley).

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Meeting Date: February 23, 2000.

Bill Analysis Prepared by: Tracey Taylor (786-7196).

Background: A child may be abandoned, abused, or neglected, or lack a parent, guardian or custodian capable of adequate care. The goal of the dependency statutes is to provide a child a safe, stable, and permanent home.

Over the years, the Legislature has refined and reworked the dependency process. The cumulative effect of the requisite statutory amendments may have made the section difficult to decipher.

Summary of Bill: This bill makes technical changes in an attempt to clarify existing law. Some of the terms used in the statutes are corrected to reflect current language, including adopting definitions of terms as used elsewhere in the section. Longer sections, such as RCW 13.34.130, are broken up and placed in separate sections.

The changes include:

1. *Social study.* The predisposition report requirement is placed in the definition section under social study definition.— The required elements of the social study are similar to the predisposition report. The department shall provide an opportunity for the parents to review and comment on the study at the local office nearest the parents' residence.
1. *Fact-finding hearing and standard of proof.* The fact-finding hearing may still be continued upon showing of good cause; however the 14 day minimum continuance is eliminated. In addition, the bill establishes a standard of proof for the waiver of the notification requirement for parents of clear, cogent, and convincing evidence that the

health, safety, or welfare of the child would be jeopardized, or effort to reunite the family would be hindered.

1. *Current placement episode.* To calculate the child's current placement episode, if the most recent date that a child was removed from the home of a parent, guardian or legal custodian occurred prior to the filing of the dependency petition or after the filing, but before the entry of a disposition order, such time will be considered.
1. *Drug-affected babies.* In determining whether to terminate a parent-child relationship, a mother who has given birth to three or more drug-affected infants (resulting in a petition being filed) is no longer considered to create aggravated circumstances. The statute required a petition to be filed; however the subsection creating the petition was vetoed in 1998.
1. *Discharge.* A child may not be discharged to an independent living situation before the child is 18 years old, unless the child becomes emancipated. The permanency plan goal does not include a responsible living skills program.
1. *Foster care team.* A foster care team— is defined as the foster parent currently providing care, the currently assigned caseworker, and the parent or parents.
1. *Department records.* The department records in the possession of a treating physician may be disclosed, absent court order, to another treating physician.
1. *Financial support.* The current statute for enforcement of judgement for financial support will be moved to immediately follow the statute for an order of support for a dependent child.
1. *Child support schedule.* The child support schedule statute is repealed. It was decodified in 1993 when it was amended without reference to its repeal.
1. *Termination order.* The statute requiring the prevailing party to present to the court written findings of fact, conclusions of law, and orders of termination of the parent-child relationship within 30 days of the court's decision, is repealed.

Appropriation: None.

Fiscal Note: Available.

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