

SENATE BILL REPORT

SB 5210

As Reported By Senate Committee On:
Human Services & Corrections, February 12, 1999
Ways & Means, March 8, 1999

Title: An act relating to placing children in shelter care.

Brief Description: Altering shelter care laws.

Sponsors: Senators Stevens, Hargrove, Long, Zarelli, Patterson and Franklin.

Brief History:

Committee Activity: Human Services & Corrections: 1/26/99, 2/12/99 [DPS].
Ways & Means: 3/8/99 [DP2S].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5210 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan and Stevens.

Staff: Lynn Hale (786-7430)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5210 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Staff: Risa Sandler (786-7708)

Background: Concern exists that present law does not adequately protect the bond between a parent and a child. It has been suggested that the Legislature should protect this bond by creating a duty to place children taken into protective custody with a relative whenever possible. Presently, a child taken into protective custody is placed in either a shelter care facility or with a relative. Current law does not require that priority placement of the child should be with a relative.

Summary of Second Substitute Bill: The Legislature has determined that an intervention into the life of a child is also an intervention into the life of a parent, guardian, or legal custodian. The Legislature finds that the bond between parent and child is a critical element

of child development. If a child cannot be with a parent, the child should if possible be placed with a relative with whom the child has a relationship.

The procedure for placing children in shelter care has been 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 ten 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.

Second Substitute Bill Compared to Substitute Bill: The Department of Social and Health Services must place children with relatives and document efforts to make these placements within available resources. Clarification is added that an entitlement or right to a particular placement is not established.

Substitute Bill Compared to Original Bill: The bond between a parent and child has been changed to be a critical element of child development rather than of paramount importance. The relative must be able to meet any special needs of the child. The relative no longer needs to be known to the child. The requirement that the child be comfortable with the relative is removed. If the child is not initially placed with a relative, the supervising agency must try to find a relative on the next business day.

The written notice provided to the parent has been changed to provide the parent with notice of his or her existing right to have an order of a court commissioner reviewed by a superior court judge.

The provisions concerning placement after the shelter care hearing when children have not been returned to their parents have been changed. If a child was initially placed with a relative, the court can order continued placement with a relative unless the health or safety of the child would be jeopardized. If the child was not initially placed with a relative, 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.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: There is unanimous support for the policy of expediting relative searches as early in the process as possible.

Testimony Against: There is concern about the feasibility of a relative search prior to the initial emergency placement of the child. Information is often not known immediately concerning children who are new to the department.

Testified: PRO: Gary Preble, Preble Law Firm; Carole Holland, Children's Administration; Majken Ryherd Keira, Washington State CASA; Laurie Lippold, Children's Home Society; George Manalo-LeClair, Children's Alliance; Mike Petco.