

HOUSE BILL REPORT

ESSB 6702

As Passed House:

March 5, 2002

Title: An act relating to protecting sibling relationships.

Brief Description: Protecting sibling relationships.

Sponsors: By Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Long, Costa, Franklin, Kohl-Welles, Carlson, Hewitt, Kastama, Johnson, Shin, Swecker, Hale, Rossi, Oke, Zarelli, McCaslin, Horn, Thibaudeau, West, Deccio, Rasmussen, Parlette, Sheahan, Benton, McDonald, Roach, T. Sheldon, Hochstatter, Honeyford, Morton, Finkbeiner and Winsley).

Brief History:

Committee Activity:

Children & Family Services: 2/25/02, 2/28/02 [DP].

Floor Activity:

Passed House: 3/5/02, 97-0.

Brief Summary of Engrossed Substitute Bill

- Creates a legislative presumption that nurturing sibling relationships is in the best interests of a child who is removed from his or her home.
- Requires the Department of Social and Health Services (DSHS) to ensure that siblings involved in a dependency case are provided the opportunity to maintain their relationships through visits, if appropriate.
- Requires that the court consider ordering appropriate visitation between siblings who are separated as the result of a dependency determination if it is in the best interests of the children and other conditions are met.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass. Signed by 8 members: Representatives Tokuda, Chair; Kagi, Vice Chair; Boldt, Ranking Minority Member; Darneille, Dickerson, Miloscia, Morell and Nixon.

Staff: Tracey Taylor (786-7196).

Background:

Any person may file a petition to have a child declared dependent. A dependent child is one who: (1) has been abandoned, (2) has been abused or neglected, or (3) has no parent, guardian, or custodian capable of providing adequate care, so that the child's psychological or physical development is in danger of substantial damage.

If the court issues an order to take the child into custody, the child is placed in shelter care. Parents must be notified that the child is in custody, the reasons for the removal from the home, and their legal rights, including the right to be represented by appointed counsel.

The duration of shelter care may not exceed 72 hours, excluding weekends and holidays. A shelter care hearing must be held during this period. The court determines if the child should be released to the family home or if a continued out-of-home placement is required.

After the shelter care hearing, the child may remain out of home for 75 days before a fact-finding hearing is held to determine whether, by a preponderance of the evidence, the child has been proven to be dependent. During the out-of-home placement, the court may require actions by the parents and the DSHS. Any out-of-home placement requires the development of a permanency plan for the child.

In making an out-of-home placement for a child, the DSHS considers, as established in rule: (1) the child's basic right to their own home and family; (2) the importance of providing skillful professional service to the child's birth parents to help them meet each child's needs in the home; (3) each child's individual needs, cultural, and religious background and family situation; (4) the wishes and participation of each child's parent(s); and (5) the selection of a foster home that will enhance each child's capacities and meet each child's individual needs.

Prior to a disposition hearing, a social study shall be filed with the court by the person or agency filing the petition. A social study is a written evaluation of matters relevant to the disposition of the case and should contain: (1) a statement of specific harm or harms to the child that intervention is designed to alleviate; (2) a description of specific services and activities for the parents and child that are needed in order to prevent serious harm to the child; (3) if removal is recommended, a full description of why the child cannot be adequately protected at home; (4) a statement of likely harms the child will suffer as a result of the removal; (5) a description of steps that will be taken to minimize the harm to a child that may result if separation occurs; and (6) behavior that will be expected before determination that supervision of the family or placement is no longer necessary. The study must include all social files and may also include facts relating to the child's cultural heritage. A parent can submit a counselor's or a health care provider's evaluation of the parent.

The court shall consider the social study, guardian ad litem report, the court-appointed special advocate's report, if any, and any reports filed by a party at the disposition hearing in addition to the evidence produced at the fact-finding hearing.

If the child is declared dependent, a disposition hearing is held immediately following the fact-finding hearing to establish conditions for the ongoing care of the child. The court must review the dependency at least every six months, from the beginning of the out-of-home placement or the date that dependency is established, to determine if continued court supervision is required. Dependency cases may result in termination of parental rights.

To the extent possible, the DSHS must coordinate and integrate services to children and families, using service plans and activities that address the children's and the families' multiple needs.

Summary of Engrossed Substitute Bill:

The Legislature recognizes that a child's sibling relationships are an integral aspect of the family unit worthy of nurturing and presumes that nurturing such existing relationships is in the best interests of a child removed from his or her home.

In coordinating and integrating services to children and families when at least one child has been removed from the home, the DSHS must ensure that siblings have regular visits with each other, if appropriate.

The social study shall include, in its description of steps that will be taken to minimize the harm to the child that may result if separation occurs, an assessment of the child's relationships and emotional bonds with any siblings. If appropriate, the DSHS must also include a plan to provide on-going contact between the child and child's siblings.

If making an out-of-home placement with a family member, the family member must be willing to facilitate the child's visitation with his or her siblings if visitation is part of the child's plan or the court's order.

The court must consider ordering appropriate visitation between siblings who are separated as a result of a dependency determination if the court has jurisdiction over all siblings, the contact is in the interests of each child, and there is no reasonable cause to believe that the health, safety, or welfare of any child would be jeopardized or that efforts to reunite the parent and child would be hindered by such visitation.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: Surprisingly, current law does not encourage the continuing contact of siblings involved in the dependency process. In the past, the Legislature has focused on maintaining parent-child contact and has made great progress. Now, there needs to be facilitation by the DSHS and the courts, when appropriate, to continue to foster the sibling relationships at a time when they need each other the most.

Testimony Against: None.

Testified: Senator Stevens, prime sponsor; La Verne Lamoureux, Department of Social and Health Services; and Laurie Lippold, Children's Home Society.