

SENATE BILL REPORT

ESSB 5413

As Passed Senate, March 10, 2001

Title: An act relating to provisions to improve accountability in child dependency cases.

Brief Description: Improving accountability in child dependency cases.

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

Brief History:

Committee Activity: Human Services & Corrections: 2/8/01, 2/22/01 [DPS].

Passed Senate: 3/10/01, 48-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5413 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Staff: Joan K. Mell (786-7447)

Background: In May of 2000, Zy’Nyia Noble, age three, died from lethal blows to her body. Zy’Nyia was a dependent child, who was known to the state’s Department of Social and Health Services. Upon her death, a fatality review team conducted an investigation and issued a report, making findings and recommendations. The report concluded that lack of continuity– affected decision making in the case: The committee concluded that this issue of assuring continuity of child welfare cases is critical in improving our system to protect and care for children.–

Under current law, a dependency action is filed and a shelter care hearing is held within 72 hours of a child being placed out of the home. Following shelter care, the child may remain out of home for 75 days, or longer, before a fact-finding hearing is held to determine whether the child is dependent. During this time frame, there may be a court order setting forth specific requirements that the parents and department must follow, but the order may not be specific. It depends upon the case.

Following fact finding, a disposition hearing is held to establish conditions for the ongoing care of the child. These matters must be reviewed every six months until a termination hearing is held and permanent placement is established for the child. Not all cases end in termination, in fact most cases do not.

Summary of Bill: Upon a parent’s request, the department must facilitate a conference to develop a written service contract that sets forth expectations regarding the care and

placement of the child following the shelter care hearing and before fact finding. This service contract cannot violate the court's order at shelter care.

The department must, at any other time, facilitate a case planning conference upon the parent's request.

In dependency cases, the court must suspend or defer an order requiring a parent pay child support, if the parent has reasonably complied with the service contract.

The written notice given to parents must include language that informs parents that their right to counsel continues beyond shelter care, and that a variety of methods may be used to process their case. These processes must be described to parents.

A petition in termination cases may allege a parent's use of controlled substances, or psychological incapacity presents a risk of imminent harm to the child.

Review hearings must be held no more than 60 to 90 days from the entry of the disposition order. At this hearing, the court must consider both the parent's and the agency's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements.

Due process requirements must be met when entering stipulated or agreed orders of dependency.

The department and private agencies must meet accreditation standards by 2008.

Appropriation: None.

Fiscal Note: Requested on January 22, 2001.

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

Testimony For: Conferencing is necessary to help parents early in a case. Requiring the court to consider both the parents' and department's progress at a review hearing is important. The department requests technical changes.

Testimony Against: None.

Testified: Charles Shelan, Community Youth Services (pro); Deni Mathiesen, parent (pro); Bill Harrington, American Fathers Alliance (pro); Rosie Oreskovich, DSHS-CA (concerns); Sharon Cavanaugh, parent (pro); Dave Wood, Families United (pro); Karen Pillar, Washington State CASA (concerns); Darlene Flowers, Foster Parents Assn. of WA State (pro); Sharon Osborne, Bev Parks.

House Amendment(s): The House struck the Senate language. Section 1 was rewritten eliminating any reference to the presence of counsel, renaming the contract a written service agreement, and clarifying the agreement applies to both the department and the parent and is the unifying document in the case. The child support provision is eliminated. The notice that is provided to parents does not have to include advising the parents they have the right to

representation beyond shelter care nor that an attorney can participate with them at case conferences or other processes. Also, the notice does not include reference to the various processes the department may be asked to undertake, and the department is not required to explain these processes.

A multi-disciplinary team may be reconvened in certain cases. Law enforcement must be present and file a report when a child is returned from shelter care a second time.

The in court review at six months is eliminated. A review at six months may occur within existing resources.

Accreditation is eliminated.

In court due process for stipulated findings of fact are eliminated; defense counsel must submit a form to the court.

The title of the bill is eliminated.