

SENATE BILL REPORT

SB 5413

As Reported By Senate Committee On:
Human Services & Corrections, February 22, 2001

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

Brief Description: Improving accountability in child dependency cases.

Sponsors: Senators Stevens, Hargrove, Long and Roach.

Brief History:

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

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 Substitute 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.

In termination cases, the state must establish a child is dependent by clear, cogent, and convincing evidence if the parent has agreed that his or her child is a dependent child and the state has not proven the child is dependent in a court trial.

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

Substitute Bill Compared to Original Bill: The original bill was not considered.

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 Shelm, 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.