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**Early Learning & Children's Services  
Committee**

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**SSB 6730**

**Brief Description:** Concerning child welfare.

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

**Brief Summary of Substitute Bill**

- Requires notice to parents and relatives about decisions relating to placement of children with relatives in dependency matters.
- Requires notice to relatives with whom a dependent child has been placed when a decision has been made to change the child's placement.
- Grants relatives meeting certain requirements the right to be heard in court on the issue of a dependent child's removal from the relative's home.
- Limits the authority of child welfare case management agencies to change the placement of dependent children who have been placed with relatives.

**Hearing Date:** 2/19/10

**Staff:** Sydney Forrester (786-7120).

**Background:**

In 2008 the Office of the Family and Children's Ombudsman (OFCO) was asked to examine child welfare practice in Colville through a regionally focused systemic investigation. This investigation was in addition to case-specific investigations conducted prior to, during, and after 2008 relating to child welfare practice in Colville and surrounding areas. In its May 2009 report of the regional review, the OFCO provided recommendations addressing a variety of issues identified in its investigation, including several recommendations relating to notice, due process, and fairness in working with foster parents and relative caregivers.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Specifically, the OFCO report recommended that:

1. Parents be informed of all relatives whom the Children's Administration considered as a placement option in a dependency, and that the outcomes of those considerations also be provided.
2. All caregivers, foster and relative, be provided with at least five days notice prior to a child being removed from the placement, unless there is an imminent risk of harm.
3. Children not be removed from relative care providers unless Child Protective Services (CPS) has made a finding that the relative has abused or neglected the child, or has violated a court order, or the child is at risk of imminent harm.
4. Relative caregivers be granted the right to a review of a decision to remove a child who has been in the relative's care for six month or longer.
5. Caseworkers be required to convene a face-to-face meeting with a caregiver when a referral has been received regarding abuse or neglect that could lead to removal of the child, that the allegations be explained, and that the caregiver be given a reasonable opportunity to respond.

#### Placement Authority and Preferences.

Throughout the dependency process, the preferred placement for a child needing out-of-home care is with a relative, with fictive kin, also called a suitable person, or with a foster parent the child previously was placed with, if reentering care. Prior to moving a child who has been placed with a foster parent for 90 days or longer, state law requires the DSHS to provide the foster parent with at least five days notice unless:

- the court has ordered an immediate change in placement;
- the child is being returned home;
- the child's safety is in jeopardy; or
- the child is residing in a receiving or group home.

The policy of the DSHS is to also follow this statute with regard to relatives.

#### Guardian Ad Litem Duties.

A guardian ad litem in dependency matters has responsibility to:

- investigate and collect information about the child's situation;
- meet with, interview, and observe the child;
- monitor all court orders for compliance;
- report to the court the child's status in an Indian tribe, if applicable;
- represent, be an advocate for, and make recommendations to the court about the best interests of the child; and
- convey the child's position or wished regarding matters pending before the court.

#### **Summary of Bill:**

At the shelter care stage of a dependency proceeding and after fact-finding, at the dispositional stage of proceedings, the DSHS or other supervising agency must inform the parent, both verbally and in writing, regarding the relatives the agency has considered for placement, and regarding the outcome of those considerations. If the DSHS or the supervising agency does not

recommend placement with a relative who was willing and available to be a placement resource for the child, the agency must inform the relative of the reasons why the relative is not being recommended as a placement.

Prior to moving a child who has been placed with a relative caregiver for 90 days or longer, the DSHS must provide the relative with at least five days notice unless:

- the court has ordered an immediate change in placement;
- the child is being returned home;
- the child's safety is in jeopardy; or
- the child is residing in a receiving or group home.

If a relative caregiver is the subject of a child abuse or neglect referral, the DSHS or supervising agency must meet with the relative in person to explain the nature of the allegation and provide the relative a reasonable opportunity to respond.

The DSHS or supervising agency may not remove a child from the relative's care unless:

- the DSHS has made a finding that the relative has abused or neglected the child, or has clearly violated a court order;
- the child is at imminent risk of harm if the removal does not occur;
- a court order has been entered moving the child to a different placement; or
- the child is being returned home.

A relative caregiver may petition the court to be heard regarding a decision to remove the child from the relative's care if:

- the child has been found to be a dependent child;
- the parents of the child have consented to the relative filing a petition to be heard on the placement decision;
- the child is in the custody of the DSHS or a supervising agency at the time the petition is filed;
- the DSHS or a supervising agency has decided to remove or has already removed the child from the relative's care; and
- the child had been in the relative's care for 12 months or more prior to the decision to remove or the removal of the child.

The relative may file such a petition within 10 days of learning of the removal decision, or the actual removal of the child from the relative's care, whichever is later.

If the requirements to file a petition to be heard are met, the court must grant the petition to be heard on the sole issue of the placement decision and shall schedule an expedited hearing on the matter. The relative has the right to be represented by counsel, at his or her own expense, and may call and cross-examine witnesses at the hearing.

The granting of a petition to be heard regarding placement does not serve to confer party status on the relative in the underlying dependency.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.