

# HOUSE BILL REPORT

## ESHB 1774

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### As Amended by the Senate

**Title:** An act relating to recognizing adopted siblings and adoptive parents as relatives.

**Brief Description:** Concerning suitable persons with which a child in a dependency matter may be placed.

**Sponsors:** House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman, Pettigrew, Orwall, Kenney, Roberts, Kagi and Moscoso).

#### **Brief History:**

##### **Committee Activity:**

Early Learning & Human Services: 2/15/11, 2/17/11 [DPS].

##### **Floor Activity:**

Passed House: 3/2/11, 95-0.

Senate Amended.

Passed Senate: 4/7/11, 48-0.

#### **Brief Summary of Engrossed Substitute Bill**

- Provides that an adoptive parent of a sibling or half sibling or a person with whom a sibling or half sibling is placed may be considered a suitable person for placement of a child under the dependency statutes.

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### HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dickerson, Goodman, Johnson, Orwall and Overstreet.

**Staff:** Linda Merelle (786-7092).

#### **Background:**

Siblings in Dependency Proceedings.

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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.*

Unless there is good cause not to, the Department of Social and Health Services (DSHS) shall follow the wish of the natural parent regarding the placement of a child with a relative or other suitable person. Preferences such as family constellation, sibling relationships, ethnicity, and religion shall be considered when matching children to foster homes.

#### Siblings in Adoption Proceedings.

Where there is an agreement for the adoption of a child from foster care, the court is required by statute to encourage the adoptive parents, birth parents, foster parents, kinship caregivers, and the DSHS or other supervising agency to seriously consider the long-term benefits to the child adoptee and siblings of the child adoptee of providing for and facilitating continuing postadoption contact between siblings. To the extent feasible, and when in the best interests of the child who is adopted and his or her siblings, contact between the siblings should be frequent and of a similar nature as contact before the adoption.

#### **Summary of Engrossed Substitute Bill:**

Adoptive parents and persons with whom a sibling or half sibling is placed are included in the definition of a "suitable person" under the dependency statutes.

#### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment (1) amends the title; (2) clarifies language regarding dependency disposition order where the child remains in the home; (3) creates an additional placement option when a court orders a child to be removed from the home to include placements where siblings or half-siblings have been placed or adopted; (4) adds a provision that a child may petition the juvenile court to reinstate the terminated rights of his or her parent where a permanency plan has not been sustained or three years after a termination order was entered; (5) adds a provision allowing the court to rely on the attorney for a minor parent in a dependency hearing, instead of appointing a guardian ad litem for the minor parent, to investigate and report whether a written consent to adoption or petition for relinquishment was done knowingly and voluntarily and specifies that the court shall direct who must pay the fees of a guardian ad litem or appointed attorney; (6) adds a provision authorizing the court to appoint a special advocate in addition to existing authority to appoint a guardian ad litem, juvenile court staff or other social services professional, to investigate and report regarding parenting arrangements for a child in a dissolution proceeding; and (7) authorizes the court to appoint an investigator in addition to a guardian ad litem or special advocate to assist the court and make recommendations and specifies the required training for an investigator.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Where a child has been adopted by a foster family, the sibling of the adopted child may be placed somewhere else other than with the sibling. A child does not have any legal right or standing regarding the placement of his sister or brother. Siblings will be better off if they are raised together. Adoptive families are being passed over regarding placement of a sibling. The courts have said that a child who has been adopted by a family is legally no longer a sibling to his or her blood sibling. There is a lot of research indicates that children should be placed together. Placing siblings together increases family reunification.

(With concerns) Keeping siblings together is critical. Placing adoptive parents in equal stature as the members of the birth family will apply throughout the entire set of statutes, and that creates some concern.

(Opposed) None.

**Persons Testifying:** (In support) Representative Goodman, prime sponsor; David Putnam; and Gary Malkasion, Foster Care Justice Alliance.

(With concerns) Laurie Lippold, Children's Home Society of Washington.

**Persons Signed In To Testify But Not Testifying:** None.