

HOUSE BILL REPORT

ESSB 6217

As Reported By House Committee On:
Children & Family Services

Title: An act relating to technical and clarifying amendments to the dependency and termination of parental rights statutes.

Brief Description: Changing provisions relating to dependent children.

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

Brief History:

Committee Activity:

Children & Family Services: 2/23/00, 2/24/00 [DPA].

Brief Summary of Engrossed Substitute Bill
(As Amended by House Committee)

- Clarifies, updates, and reorganizes the dependency and termination of parental rights statute.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 10 members: Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Staff: Tracey Taylor (786-7196).

Background:

A child may be abandoned, abused, neglected, or lack a parent, guardian, or custodian capable of adequate care. The goal of the dependency statutes is to provide a child to a safe, stable, and permanent home.

Over the years, the Legislature has refined and reworked the dependency process. The cumulative effect of the requisite statutory amendments may have made the section difficult to decipher.

Summary of Amended Bill:

Technical changes are made in an attempt to clarify existing law. Some of the terms used in the statutes are corrected to reflect current language, including adopting definitions of terms as used elsewhere in statute. Longer sections, such as RCW 13.34.130, are divided and placed in separate sections.

The changes include:

1. *Definitions for chapter 13.34 RCW.* The definition of "abandoned" is removed from the definition of "dependent child" and given its own subsection. The definition of "developmental disability" is adopted from RCW 71A.10.020. The definition of "indigent" is adopted from RCW 10.101.010. The definition of "shelter care" is removed from RCW 13.34.060, and "social study" is removed from RCW 13.34.120. Both are given their own subsection.
2. *Standard of proof.* The standard for the waiver of the notification requirement for parents is clear, cogent, and convincing evidence that the health, safety, or welfare of the child would be jeopardized, or effort to reunite the family would be hindered.
3. *Current placement episode.* To calculate the child's current placement episode, if the most recent date that a child was removed from the home of a parent, guardian or legal custodian occurred prior to the filing of the dependency petition or after the filing, but before the entry of a disposition order, such time will be considered.
4. *Drug-affected babies.* In determining whether to terminate a parent-child relationship, a mother who has given birth to three or more drug-affected infants is no longer considered to create aggravated circumstances. The current statute requires a petition to be filed in order to consider the drug-affected babies under this chapter; however the subsection creating the petition was vetoed in 1998.
5. *Discharge.* A child may not be discharged to an independent living situation before the child is 18 years old, unless the child becomes emancipated. The permanency plan goal may not include a responsible living skills program.
6. *Foster care team.* A "foster care team" is defined as the foster parent currently providing care, the currently assigned caseworker, and the parent or parents.

7. *Department records.* The department records in the possession of a treating physician may be disclosed, absent court order, to another treating physician.
8. *Financial support.* The current statute for enforcement of judgement for financial support will be moved to immediately follow the statute for an order of support for a dependent child.
9. *Child support schedule.* The child support schedule statute is repealed. It was decodified in 1993, when it was amended without reference to its repeal.
10. *Termination order.* The statute requiring the prevailing party to present to the court written findings of fact, conclusions of law, and orders of termination of the parent-child relationship within 30 days of the court's decision is repealed.

Amended Bill Compared to Engrossed Substitute Bill: Reinstates the original statutory continuance language in RCW 13.34.110.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The bill clarifies the language and arranges the chapter, making it easier to understand.

Testimony Against: None.

Testified: (In support) Senator Hargrove, prime sponsor; and Jake Romo, Department of Social and Health Services.