
**Children & Family Services
Committee**

HB 2361

Brief Description: Requiring development and implementation of policies concerning visitation for children in foster care.

Sponsors: Representatives Kagi, O'Brien, Kenney, Wood, Dickerson, Schual-Berke, Boldt, Morrell and Darneille.

Brief Summary of Bill

- Requires the Department of Social and Health Services to develop and implement policies and protocols concerning visitation for children in foster care.

Hearing Date: 1/21/04

Staff: Cynthia Forland (786-7152).

Background:

The Department of Social and Health Services (DSHS) is required to develop methods for coordination of services to parents and children in child dependency cases. This requirement includes coordinating and integrating services to children and families, using service plans and activities that address the children's and families' multiple needs, including ensuring that siblings have regular visits with each other, as appropriate.

If the court has ordered a child removed from the child's home and into the custody, control, and care of a relative, the DSHS, or a licensed child placing agency for placement in a licensed foster family home or group care facility or in a home not required to be licensed, the court must consider whether it is in that child's best interest to be placed with, have contact with, or have visits with siblings or step-siblings. There must be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

- the court has jurisdiction over all siblings subject to the order of placement, contact, or visitation or the parents of a child for whom there is no jurisdiction are willing to agree; and
- there is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event may parental visitation time be reduced in order to provide sibling visitation.

Unless the court has ordered that a termination petition be filed, whenever a child is ordered removed from the child's home, the agency charged with that child's care must provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. The agency plan must specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement. The agency must encourage the maximum parent and child and sibling contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. A child must be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

If the court has ordered that a termination petition be filed, the agency charged with that child's care must provide the court with a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency may not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings must be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

If the court enters an order establishing a dependency guardianship for a child, that order must include a specification of an appropriate frequency of visitation between the parent and the child.

Whenever a child is placed in out-of-home care, foster parents are encouraged to:

- provide consultation to the foster care team based upon their experience with the child placed in their care;
- assist the birth parents by helping them understand their child's needs and correlating appropriate parenting responses;
- participate in educational activities, and enter into community-building activities with birth families and other foster families; and
- transport children to family time visits with birth families and assist children and their families in maximizing the purposefulness of family time.

Summary of Bill:

The DSHS is required to develop consistent policies and protocols, based on current relevant research, concerning visitation for children in foster care to be implemented consistently throughout the state. The DSHS is required to develop the policies and protocols in consultation with researchers in the field and community-based agencies who provide related services in the state. The policies and protocols must include, but not be limited to:

- the structure, quality, and frequency of visitations; and
- training for caseworkers, visitation supervisors, and foster parents related to visitation.

The policies and protocols must be consistent with the provisions of chapter 13.34 RCW and implementation of the policies and protocols must be consistent with relevant orders of the court.

The DSHS is required to implement the policies and protocols concerning visitation for children in foster care across the state by January 1, 2005.

Appropriation: None.

Fiscal Note: Requested on January 14, 2004.

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