SENATE BILL REPORT
SHB 2156

As Reported By Senate Committee On:
Human Services & Corrections, March 31, 2005

Title: An act relating to dependency and termination of parental rights.

Brief Description: Regarding dependency and termination of parental rights.

Sponsors: House Committee on Children & Family Services (originally sponsored by Representatives Hinkle, Kagi, Nixon, Pettigrew, McDonald, Dickerson, Pearson, Springer, Rodne and Williams).

Brief History: Passed House: 3/10/05, 94-0.
Committee Activity: Human Services & Corrections: 3/29/05, 3/31/05 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.
Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Edith Rice (786-7444)

Background: If there are allegations of abandonment, abuse or neglect, or no parent who is capable of caring for a child, the state may investigate the allegations and initiate a dependency proceeding in juvenile court. If the court finds the statutory requirements have been met, the court will find the child to be a dependent of the state. If the court orders the dependent child to be removed from the home, the court must enter a dispositional plan which will include the responsibilities of the parties including the parents, the supervising agency or the Department of Social and Health Services (DSHS) and the child. The dispositional order will contain an order for the placement of the child back into the home or into relative or foster care.

The DSHS is required to develop a permanency plan of care within 60 days of assuming responsibility for the child. The permanency plan will contain the desired goal for the child which may be return to the home, adoption, long term placement, or guardianship. The court must hold the permanency planning hearing when a child has been in out of home care for nine months. The hearing must take place within twelve months of the current placement. Permanency goals should be accomplished at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months.

The status of all dependent children must be reviewed by the court every six months. Progress of the parties is reviewed and the court may return the child to the home if parents have made sufficient progress. If the parent fails to make progress in addressing the parental deficiencies which led to the dependency, or if one of the statutory aggravating factors exist, a termination

petition may be filed. If the court finds the statutory grounds for termination have been met, the court can terminate parental rights.

Summary of Amended Bill:
A joint task force is created to address the issue of the health, safety and welfare of children receiving services from child protective services and child welfare services.

Membership includes legislators, Washington Council for the Prevention of Child Abuse and Neglect, members from child fatality review committees, DSHS, public defenders, OFCO, WASPC, DOH, Attorney General, Judges, Social Workers, foster parents, birth parents, and organizations that serve children involved in the child welfare system.

The joint task force will make recommendations to the legislature and the Governor on the following issues: state and federal law on child placement and termination of parental rights, existing DSHS work groups and plans, Child Protection teams, best practices regarding child out-of-home placement and return-- especially where there have been multiple incidents of removal and return, training of social workers, information sharing, best practices around parental chemical dependency, home based services, cultural and tribal issues and bias in placement decisions and other issues deemed relevant.

Preliminary findings are due to the legislature by Dec. 31, 2005 and a final report is due September 1, 2006.

Amended Bill Compared to Original Bill: A task force is created to make recommendations to address issues raised in recent child fatalities instead of revising current law relating to dependency and termination of parental rights.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: This bill is a starting point to address inconsistencies which place children at risk. We can't keep losing children. These are our children. Too many things took too long. Foster parents can give children continuity. Drug abuse has created a huge population of neglected children. There should be preventive measures to protect children. Three and a half years is too long for a child to remain in limbo. New laws are not the only answer, foster parents should be heard. The foster care system is geared towards reunification. We need to err in the direction of children's safety.

Testimony Against: Foster care is not a panacea. Three strikes may not solve the problem

Who Testified: PRO: Representative Hinkle, Gary Malkasian, Tonya Yanity, Crystal Connor, Danielle Baxter, Foster Parents Association of Washington, Cirila Bucio.

CON: Douglas M. White.