

SENATE BILL REPORT

2SHB 2616

As Reported by Senate Committee On:
Human Services & Corrections, February 27, 2014
Ways & Means, March 3, 2014

Title: An act relating to parents with intellectual or developmental disabilities involved in dependency proceedings.

Brief Description: Concerning parents with intellectual or developmental disabilities involved in dependency proceedings.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Freeman, Walsh, Kagi, Roberts, Smith, Orwall, Tarleton and Pollet).

Brief History: Passed House: 2/13/14, 98-0.

Committee Activity: Human Services & Corrections: 2/27/14 [DP-WM].

Ways & Means: 3/03/14 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Staff: Joan Miller (786-7784)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey, Becker, Billig, Braun, Conway, Dammeier, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Kohl-Welles, Padden, Parlette, Rivers, Schoesler and Tom.

Staff: Breann Boggs (786-7433)

Background: Permanency Plan. When a child is removed from the home of a parent, the Department of Social and Health Services (DSHS) or supervising agency assumes

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responsibility for developing a permanency plan no later than 60 days after assuming responsibility. The permanency planning process must include reasonable efforts to return the child to the parent's home.

The permanency plan must identify the primary goal of the case and may identify alternative goals. These goals could include the following: returning the child to the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care; successful completion of a responsible living program; or independent living. Unless the court has ordered the filing of a petition to terminate parental rights, the plan must include the steps that will be taken to return a child home. All aspects of the plan must include the goal of achieving permanence for the child.

The plan must further specify what services the parents will be offered to allow them to resume custody, the requirements parents must meet to resume custody, and a time limit for each service and requirement.

Dependency Review Hearings. A court must review the status of all dependent children at least every six months from the date a child is placed in out-of-home care or the date dependency is established, whichever is first. The purpose of these hearings is to review the progress of the parties and determine whether court supervision should continue.

The first review hearing must be an in-court review and be set six months from the date of the child's placement in out-of-home care or no more than 90 days from the entry of the disposition order, whichever is first.

A child may not be returned home at a review hearing unless the court finds that the reason for removal no longer exists. If a child is returned home, casework must continue for six months, when there must be a hearing on the need for continued intervention. If a child is not returned home at a review hearing, the court must establish in writing various determinations. Some of these determinations include the following:

- whether DSHS or the supervising agency is making reasonable efforts to provide services to the family and eliminate the need for out-of-home placement;
- whether the parties complied with the case plan; and
- whether progress was made in correcting the problems that led to out-of-home care.

Summary of Bill (Recommended Amendments): DSHS must make reasonable efforts to consult with the Developmental Disability Administration (DDA) to create an appropriate service plan for a parent with a developmental disability who is eligible for services through DDA and whose child has been removed from the home. For a parent meeting the statutory definition of developmental disability who is eligible for services through DDA, the service plan must be tailored to correct a parental deficiency by taking into account the parent's disability. DSHS must determine the appropriate method to offer services based on the parent's disability.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Amendments): Removes the term intellectual from the intent section and title. Removes the intent that the court apply the active effort standard to DSHS at dependency review hearings for parents with developmental disabilities.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony on Second Substitute House Bill (Human Services & Corrections): PRO: This bill is important because many people who have developmental disabilities do want to get married and have children, just like everyone else. My son and his fiancée have family to help them when they decide to have children, but not everyone has that. Not knowing how to care for children, they may make mistakes and need a little assistance. Under this bill, they would receive that help. Even though I have an intellectual disability, I have helped care for my cousin since middle school. I also plan to help care for my new niece. I am getting married this summer and hope to have my own children. I should have the right to raise a family even if I need a little extra help. My husband and I both have disabilities and have been married for over 11 years. Over the years, we have discussed having children. Many factors go into making such a life-changing decision. For us, we did not want to be subject to dealing with Child Protective Services because of our disabilities. As a result, we chose not to have children. This bill is important for other families, so they know that a plan can be put into place to give them the necessary skills to be a parent. I am a 63-year-old woman with cerebral palsy as well as significant learning disabilities, and I have two children of my own. As a child, I was not taught anything. I did not even learn how to tie my shoes until I was 13 years old because back then people did not realize I would live anywhere near the life I am living now. Everything I have learned, I learned the hard way. It would have been helpful to have other people around me who had disabilities and children, so I could have learned more about how to take care of a home and children. This bill would provide tailored support for people like me. This bill resulted out of practice in law in dependency court. What I found is that when it comes to parents with developmental disabilities, there was not a protocol for how to deal with these families. I have since learned that DSHS does have a procedure, but it is not known to all case workers and supervisors. This bill requires a little more attention be paid because of these parents' special needs, and I am asking DSHS to work with DDA to come up with a plan. When you have a concrete, specific plan, you get better results. This bill is important, so people will not be afraid to have children and, if they do get in the system, they know they will have the special attention that they require.

OTHER: The provisions of this bill that require DSHS to make reasonable efforts to work with DDA is something we already do. One of the things that has been problematic for us is that DDA has a long waiting list for services. Rather than amending the dependency statute, I would recommend passing Substitute Senate Bill 6387, which provides additional funding for developmental disability services. That is really what the issue is. If you do move this bill, I would suggest you strike the intent section or amend it to reflect the body of the bill. This section requires active efforts by DSHS, which is used only in regard to the Indian Child Welfare Act and may be construed as a greater standard than reasonable efforts.

Persons Testifying (Human Services & Corrections): PRO: Representative Freeman, prime sponsor; Diana Stadden, The Arc of WA State; Emily Rogers, Self Advocates in Leadership; Brittany Graves, Cheryl Monk, citizens.

OTHER: Jennifer Strus, DSHS.

Staff Summary of Public Testimony on Second Substitute House Bill (Ways & Means):
PRO: The bill would save the state money. Connecting young parents with developmental or intellectual disabilities to free DDA services such as the ARC of Washington State saves the state money in the long run. The National Council on Disabilities supports this bill and is following what happens here today. Parents with developmental disabilities are interested in the passage of this bill. If you keep it short, maybe the bill will pass.

Persons Testifying (Ways & Means): PRO: Diana Stadden, the ARC of WA; Emily Rogers, Self Advocates in Leadership; Bob Cooper, WA Defenders Assn., WA Assn. of Criminal Defense Lawyers; Chris Kaasa, American Civil Liberties Union of WA; David Lord, Disability Rights WA.