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## Human Services & Early Learning Committee

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### HB 1645

**Brief Description:** Concerning certificates of parental improvement.

**Sponsors:** Representatives Ortiz-Self, Frame, Gregerson, Valdez, Jinkins, Davis, Santos and Morgan.

#### Brief Summary of Bill

- Requires the Department of Children, Youth, and Families (DCYF) to implement a process where an individual who received a founded finding of abuse or neglect or a court finding that the individual's child was dependent based on abuse or neglect can petition the DCYF for a certificate of parental improvement.
- Creates a process for a person who is denied a certificate of parental improvement to seek review of the DCYF's denial of this certificate by first asking the DCYF to review the decision and if the DCYF does not change its decision, the person may request an administrative hearing to review the decision.
- Prohibits the DCYF from denying or delaying a foster care license or approval or unsupervised access solely because of a founded finding of abuse or neglect or court finding that the individual's child is dependent based on abuse or neglect if that finding is accompanied by a certificate of parental improvement.
- Prohibits school districts, educational service districts, other school entities, nursing homes, and assisted living facilities from denying a prospective volunteer solely based on a founded finding of abuse or neglect or a dependency court finding when that finding is accompanied by a certificate of parental improvement.

**Hearing Date:** 2/12/19

**Staff:** Jenny Aronson (786-7290), Luke Wickham (786-7146).

#### Background:

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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.*

### *Child Welfare.*

If an individual suspects that a child has been abused or neglected, that abuse or neglect can be reported to the Department of Children, Youth, and Families (DCYF) Child Protective Services (CPS) office or to law enforcement. There are many individuals who are required by law to report suspected abuse or neglect.

The CPS will then determine whether the report of child abuse or neglect is credible and whether the report meets the sufficiency screening criteria. If the report meets the screening criteria, CPS will assign either: (1) a 24-hour response that includes an investigation; or (2) a family assessment response for low to moderate risk allegations that requires a 72-hour response.

The DCYF, or anyone else, can file a court petition alleging that the child should be a dependent of the state due to abuse, neglect, or because no parent, guardian, or custodian is capable of adequately caring for the child. A court will hold a shelter care hearing following removal of a child from his or her home within 72 hours. At this hearing, the court will determine if the child can return home safely.

### *Foster Parent Licensure.*

When children are removed from the home of a parent or guardian due to allegations of abuse or neglect, those children may be placed with relatives or in foster care. Relatives care for almost half the children placed in out-of-home care and are required to meet certain safety requirements but are not required to be licensed. Foster parents may pursue licensure by either the DCYF or private child-placing agencies and provide temporary care to children with the goal of reunifying the child with his or her parent or guardian.

### **Summary of Bill:**

The Department of Children, Youth, and Families (DCYF) must implement a process where an individual who received a founded finding of abuse or neglect or a court finding that the individual's child was dependent based on abuse or neglect can petition the DCYF for a certificate of parental improvement.

The DCYF must respond to a request for a certificate of parental improvement within 60 days.

The DCYF may not issue a certificate of parental improvement if:

- fewer than five years have passed since the applicant's last founded finding of child abuse or neglect; or
- the applicant has any conviction or pending criminal action for:
  - any felony offense involving the physical neglect of a child;
  - any felony offense under chapter involving a physical injury or death of a child;
  - any felony domestic violence offense committed against a family or household member as defined in chapter;
  - a felony offense against a child;
  - any of the following felony offenses:
    - class A felony or an attempt to commit a class A felony;
    - criminal solicitation of or criminal conspiracy to commit a class A felony;
    - Manslaughter in the first or second degree;
    - Indecent Liberties Committed by Forcible Compulsion;

- Kidnapping in the second degree;
- Arson in the second degree;
- Extortion in the first degree;
- Robbery in the second degree;
- Drive-by Shooting; and
- Vehicular Homicide.

The DCYF shall consider the following when determining whether to issue a certificate of parental improvement:

- documentation of any founded finding of child abuse or neglect and the underlying documentation the department relied upon to make that finding;
- findings from any civil adjudication proceeding;
- referral history alleging child abuse or neglect against the applicant;
- the length of time that has elapsed since the founded finding of child abuse or neglect;
- whether a court made a finding that the applicant's child was dependent, the length of time elapsed since that dependency court process was dismissed, and the outcome of the dependency court process including whether the child was returned to the applicant's care;
- any documentation that the applicant successfully addressed the circumstances that led to an administrative finding of child abuse or neglect, including but not limited to a declaration by the applicant; recent assessments or evaluations; completion or progress toward completion of recommended court ordered treatment, services, or programs;
- any pending criminal or civil actions against the applicant;
- results of a Washington State Patrol criminal history and federal background check;
- personal and professional references from employers, professionals, and agencies familiar with the applicant who can address the applicant's current character; and
- any education, volunteer work, employment history, or community involvement of the applicant.

A person who is denied a certificate of parental improvement has the right to seek review of the DCYF's denial of this certificate by first asking the DCYF to review the decision and if the DCYF does not change its decision, the person may request an administrative hearing to review the decision.

The DCYF cannot deny or delay a foster care license or approval or unsupervised access solely because of a founded finding of abuse or neglect or court finding that the individual's child is dependent based on abuse or neglect if that finding is accompanied by a certificate of parental improvement.

School districts, educational service districts, other school entities, nursing homes, and assisted living facilities cannot deny a prospective volunteer solely based on a founded finding of abuse or neglect or a court finding that the individual's child was dependent based on abuse or neglect when that finding is accompanied by a certificate of parental improvement.

**Appropriation:** None.

**Fiscal Note:** Requested on February 8, 2019.

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