

HOUSE BILL REPORT

HB 2682

As Passed House:
February 19, 2020

Title: An act relating to out-of-home services.

Brief Description: Concerning out-of-home services.

Sponsors: Representatives Senn, Kilduff, Leavitt and Pollet; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Human Services & Early Learning: 1/29/20, 1/31/20 [DP].

Floor Activity:

Passed House: 2/19/20, 98-0.

Brief Summary of Bill

- Removes judicial determination and permanency planning hearings as part of out-of-home services provided by the Developmental Disability Administration when a child who receives out-of-home planning services remains under the legal custody of their parent or legal guardian.
- Recodifies statutes governing voluntary out-of-home services from Title 74 RCW, which references the Department of Children, Youth, and Families, to Title 71A RCW, which references the Department of Social and Health Services.

HOUSE COMMITTEE ON HUMAN SERVICES & EARLY LEARNING

Majority Report: Do pass. Signed by 12 members: Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry, Goodman, Kilduff, Klippert, Lovick and Ortiz-Self.

Staff: Nico Wedekind (786-7290) and Luke Wickham (786-7146).

Background:

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.

Out-of-home placements, also known as voluntary placement services, are temporary residential placements for children with developmental disabilities, administered through the Developmental Disability Administration (DDA), a division of the Department of Social and Health Services (DSHS). To qualify for voluntary placement services, a child must:

- be 17 years old or younger;
- require residential placement due solely to their disability; and
- need more services and supports than can be provided in the family home.

Prior to entering into a voluntary out-of-home placement, the child's parent or legal guardian must sign a voluntary placement agreement. The agreement stipulates that:

- the child's parent or legal guardian retains legal custody of the child unless the child has been taken into custody by the Department of Children, Youth, and Families (DCYF) pursuant to a protective court order, or the child has been placed in shelter or foster care due to abuse, abandonment, neglect, or not having a parent or capable legal guardian;
- any party to the voluntary placement agreement may terminate the agreement at any time; and
- if a child's placement is disrupted under the terms of the voluntary placement agreement, the child will return to his or her parent's or guardian's physical care until a new placement is available.

The DDA is responsible for the child's placement and care. Whenever the DDA places a child in out-of-home care, the DDA must develop a permanency plan for the child within 60 days of assuming responsibility for the child's placement and care. By statute, this plan must be heard by a court within a year of the child's placement and must involve a judicial determination whether the child's best interests are served by continuing out-of-home placement.

There are currently about 100 children being provided with out-of-home services.

Summary of Bill:

Juvenile courts no longer have jurisdiction over all proceedings relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian, and the DDA and the DCYF.

The DDA is no longer required to obtain a judicial determination that continued out-of-care placement provided to a child with a developmental disability is in the best interest of a child, nor is there a required permanency planning hearing required in cases where the child has remained in out-of-home care for at least 15 months and an adoption decree or guardianship order has not previously been entered.

Voluntary placement agreements are renamed "person-centered service plans." The statutes governing person-centered service plans and out-of-home services are recodified from Title 74 RCW, which references the DCYF, to Title 71A, which references the DSHS.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Though volunteer placement services are available, many families do not utilize them because they do not know about the services or there are too many hoops to jump through to receive the services. It is important to get children the services they need and provide families the break and some of the skills they need to maintain their family strength. The last thing a family, a set of parents, or family members should be forced to do when they are going through a crisis is to go through dependency hearings and lose parental rights or supervision of their child. To have to go through the judicial system on top of struggling emotionally is very scary and is an unnecessary step that just adds stress. Instead, youth and their families should be able to get temporary services from the DDA and the DSHS when they need them, and then be able to return to their families. This legislation clarifies that a program already exists and services are available but makes sure the program does not penalize families who are temporarily struggling and eliminates unnecessary impacts to the court system.

(Opposed) None.

Persons Testifying: Representative Senn, prime sponsor; Diana Stadden, The Arc of Washington State; and Deborah Roberts, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.