
Children, Youth & Families Committee

HB 1194

Brief Description: Strengthening parent-child visitation during child welfare proceedings.

Sponsors: Representatives Ortiz-Self, Senn, Young, Santos, Callan, Morgan, Davis and Harris-Talley.

Brief Summary of Bill

- Requires that the first visit after a child is placed outside the home of parent, guardian, or legal custodian must take place within 72 hours of removal, unless the court finds that extraordinary circumstances exist.
- Establishes a presumption that if the court previously ordered that visitation between a parent and a child be supervised or monitored, such supervision will no longer be necessary at certain stages of child welfare proceedings.
- Requires that visitation occur in the least restrictive setting and be unsupervised unless the presence of threats or danger to the child requires the constant presence of an adult to ensure the safety of the child.

Hearing Date: 1/20/21

Staff: Luke Wickham (786-7146).

Background:

Child Welfare (Dependency) Court Proceedings.

Anyone, including the Department of Children, Youth, and Families (DCYF), may file a petition in court alleging that a child should be a dependent of the state due to abuse, neglect, or because there is no parent, guardian, or custodian capable of adequately caring for the child. These

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petitions must be verified and contain a statement of facts that constitute a dependency and the names and residence of the parents, if known.

When a child is taken into custody, the court is to hold a shelter care hearing within 72 hours. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the dependency case is being resolved.

If a court finds the need to maintain a child out of the home, the shelter care status remains until a dependency fact-finding hearing is held or the parties enter an agreed order of dependency. The fact finding must be held within 75 days after the filing of the petition, unless exceptional reasons for a continuance are found.

If a court determines that a child is dependent, the court will conduct periodic reviews and make determinations regarding the child's placement, the provision of services by the DCYF, compliance of the parents, and whether progress has been made by the parents.

The DCYF must develop a permanency plan within 60 days from the date that the DCYF assumes responsibility for the child which must identify primary outcome goals for the case. The DCYF must submit this permanency plan to the parties and the court at least 14 days before a permanency planning court hearing. A permanency planning hearing must be held in all cases where the child has remained in out-of-home care for at least nine months, but no later than 12 months following out of home placement.

Under certain circumstances after a child has been removed from the custody of a parent for at least six months pursuant to a finding of dependency, a petition may be filed seeking termination of parental rights.

Parent Child Visitation During Child Welfare Proceedings.

Visitation, referred to by the DCYF as "family time," is established in law as a right of the family, including the child and parent, in cases in which visitation is in the best interest of the child. The DCYF is required to encourage the maximum parent-child, and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is placed out of the parent's home.

Parent-child visitation may not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Such 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.

The DCYF will make a recommendation to the court regarding whether visit supervision or monitoring is necessary, and the court will order that visits be unsupervised, monitored, or supervised. Supervised visits require that someone maintain line of sight and sound supervision of the child during a visit, while monitored visits require periodic check ins.

If visit supervision or monitoring is required, that supervision or monitoring may be provided by a contracted provider, caregiver, social worker, relative, or other suitable person. Eighty percent of families with current visitation plans that require supervision or monitoring receive that service from a provider that contracts with the DCYF, while the remaining 20 percent is provided by caseworkers, family members, caregivers, or other suitable persons.

Summary of Bill:

If a child is placed outside the home of a parent, guardian, or legal custodian following a shelter care hearing, the court shall order the petitioner (usually the Department of Children, Youth, and Families) to provide regular visitation with the parent, guardian, or legal custodian, and siblings. The court must order a visitation plan that is individualized to the needs of the family with the goal of providing the maximum parent, child, and sibling contact. Visitation cannot be limited as a sanction for a parent's failure to comply with recommended services during shelter care and may only be limited where necessary to ensure the health, safety, or welfare of the child.

The first visit after a child is placed outside the home of parent, guardian, or legal custodian must take place within 72 hours of removal, unless the court finds that extraordinary circumstances require delay.

A presumption is created that if the court previously ordered that visitation between a parent and a child be supervised or monitored, such supervision will no longer be necessary following:

- a continued shelter care order (30 days after shelter care hearing);
- a case conference (30 days before a fact finding);
- entry of the permanency plan (60 days from time department assumes responsibility of the child); and
- a review hearing (every six months).

The presumption (above) to be overcome if the department submits evidence establishing that removing visit supervision or monitoring would create a risk to the child's safety.

Visitation must occur in the least restrictive setting and be unsupervised unless the presence of threats or danger to the child requires the constant presence of an adult to ensure the safety of the child.

Appropriation: None.

Fiscal Note: Requested on January 14, 2021.

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