

HOUSE BILL REPORT

2SSB 5127

As Passed Legislature

Title: An act relating to foster care citizen review boards.

Brief Description: Establishing citizen review boards.

Sponsor(s): Senate Committee on Children & Family Services
(originally sponsored by Senators Craswell, Bailey, Vognild,
Erwin, L. Smith, Stratton, Matson, Conner and Roach).

Brief History:

Reported by House Committee on:
Human Services, April 3, 1991, DP;
Passed House, April 18, 1991, 97-0;
Passed Legislature, 97-0.

**HOUSE COMMITTEE ON
HUMAN SERVICES**

Majority Report: *Do pass.* Signed by 10 members:
Representatives Leonard, Chair; Riley, Vice Chair; Winsley,
Ranking Minority Member; Tate, Assistant Ranking Minority
Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; and
H. Myers.

Staff: David Knutson (786-7146).

Background: The Washington foster care citizen review system was authorized by legislation passed in 1989. Foster care citizen review boards (FCCRBs) have been established in two pilot sites, Snohomish and Yakima counties. The citizen review boards examine cases in which the state has filed a petition for dependency or the parents have agreed to voluntary out-of-home placement of a child in substitute care.

A conflict currently exists between the statute which specifies when FCCRB hearings are required to be held and the dependency statute. The dependency statute requires each case to be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The statute pertaining to FCCRB hearings requires reviews to occur within 90 days from the date of the placement episode, within six months of the date of the placement episode, and within one year of the placement episode. However, the

intent of the Legislature was to allow FCCRB hearings to take the place of automatic court reviews with the provision that any party to a dependency proceeding may request and receive a court review hearing.

Some Indian tribes have expressed concern about the fact that FCCRBs sometimes review cases involving Indian children but the board may not contain any Indian reviewers.

Summary of Bill: There must be a court review of all children found to be dependent at least every six months from the date of out-of-home placement or the date dependency is established, whichever is first, except for children whose cases are reviewed by a FCCRB.

Periodic case review of children in out-of-home care shall be provided in counties designated by the Office of the Administrator for the Courts and within funding provided by the Legislature.

When recommendations are submitted by a FCCRB to the court and they are different from the existing court-ordered case plan, the board is required to request a court review hearing. It is clarified that FCCRB recommendations are advisory only and do not modify existing court orders or court-ordered case plans.

When parental rights have been terminated and the child has not been adopted, nor has a general guardian been appointed, the child shall return to court within six months for entry of further orders. The court will review the case every six months except for those cases which are reviewed by a citizen review board.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and will take effect immediately.

Testimony For: The two pilot programs are improving the oversight of children placed in foster care and have the potential to reduce court costs and the length of stay in foster care for dependent children.

Testimony Against: The foster care citizen reviews appear to duplicate required court reviews.

Witnesses: Sam Elwonger, Society of Counsel (con); Audrey Feters, Yakima County Foster Care Citizen Review Board (pro); Gloria Hemmen, Office of Administrator for the Court (pro); and Colleen Waterhouse, Department of Social and Health Services (pro).