

SENATE BILL REPORT

SB 5127

AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 6, 1991

Brief Description: Establishing citizen review boards.

SPONSORS: Senators Craswell, Bailey, Vognild, Erwin, L. Smith, Stratton, Matson, Conner and Roach.

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: That Substitute Senate Bill No. 5127 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means.

Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

Staff: Lidia Mori (786-7755)

Hearing Dates: January 24, 1991; February 6, 1991; February 13, 1991

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5127 be substituted therefor, and the second substitute bill do pass.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, L. Kreidler, Newhouse, Niemi, Owen, L. Smith, Talmadge, West, Williams, and Wojahn.

Staff: Karen Hayes (786-7711)

Hearing Dates: March 5, 1991; March 6, 1991

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:

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.

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.

EFFECT OF PROPOSED SUBSTITUTE:

The title of the bill is changed from "Relating to Indian child welfare cases" to "Relating to foster care citizen review boards."

It is clarified that the requirements of this chapter do not affect tribal sovereignty.

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 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.

EFFECT OF PROPOSED SECOND SUBSTITUTE:

The appropriation of \$850,000 is deleted and language is added which makes the act contingent upon funding in the Omnibus Appropriations Act.

Appropriation: none

Revenue: none

Fiscal Note: available

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

TESTIMONY FOR:

Citizen review boards provide essential oversight of DCFS services for children and their families. Judges are supportive and citizens appreciate opportunity to assist families and children in the community.

TESTIMONY AGAINST: None

TESTIFIED (Children & Family Services): Gloria Hemmen, Office of the Administrator for the Courts; Audrey Feters, Yakima County FCCRB; Donna Schram, Independent Evaluator; Lisa Powers, Snohomish County FCCRB; Helen Stroube, Citizen Reviewer; Marie Jack, Citizen Reviewer; Paul Johnson, Citizen Reviewer; Bill Wilson, Citizen Reviewer; Roy Belcher, Citizen Reviewer; Carla Wilson, former State Representative; Priscilla Martens, aide to Senator Craswell; Colleen Waterhouse, DCFS; Pat Barnhart, Area Manager, DCFS; Bobbi Elbert, DCFS

TESTIFIED (Ways & Means): Gloria Hemmen, Office of the Administrator for the Courts; Audrey Feters, Yakima County FCCRB; Donna Schram, Independent Evaluator