

SENATE BILL REPORT

SB 5665

AS REPORTED BY COMMITTEE ON CHILDREN & FAMILY SERVICES
MARCH 6, 1991

Brief Description: Changing provisions relating to dependent children.

SPONSORS: Senators L. Smith, Stratton and Craswell.

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: That Substitute Senate Bill No. 5665 be substituted therefor, and the substitute bill do pass.

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

Staff: Lidia Mori (786-7755)

Hearing Dates: February 14, 1991; March 6, 1991

BACKGROUND:

Concern exists that children linger in the foster care system longer than is necessary to meet federal and state requirements regarding reunification efforts and longer than is beneficial for the child.

When a child has been found to be dependent and the court is deciding where the child should temporarily live, the court reviews a social study regarding the child and a proposed service plan for the parents and child. In preparing the proposed service plan, there is no requirement that a face-to-face conference occur with the parties regarding the plan.

At the disposition hearing the court can require that a petition for termination of parental rights be filed if it finds that the supervising agency recommends the filing, it is in the best interests of the child, and that aggravated circumstances exist.

A permanency planning hearing must be held by the time a child has been in substitute care for a period of 18 months. At this time, the court must approve a permanent plan of care which can include adoption, guardianship, or placement of the child in the home of the child's parent. However, the court can also continue the dependency in increments of 12 months or less while efforts to reunify the child with the parent continue.

Foster parents do not have the right to be present at dependency disposition hearings or review hearings. They also do not have the right to testify at them or provide written

statements to the court which are included in the court record.

SUMMARY:

The goal of the Legislature is to achieve permanency for every child as soon as possible. The first priority is reunifying the child with the natural family. The second priority, when reunification is not possible, is adoption. Other alternatives include, but are not limited to, long-term foster care, independent living, custody to a relative on a permanent basis with or without legal guardianship, or custody to a foster parent on a permanent basis with or without legal guardianship.

After a child has been found to be dependent and prior to the disposition hearing, the department creates a proposed service plan for the parents and child. If possible, the department shall make a documented effort to have a face-to-face conference with the parties regarding the plan.

The list of aggravated circumstances which the court must consider in deciding whether to order that a petition for termination of parental rights be filed is amended and increased.

If the court finds at the permanency planning hearing that a presumption exists that there is little likelihood conditions will be remedied so that the child can be returned to the parent in the near future, the court shall direct the supervising agency to pursue a permanency plan that includes an option for the child other than return to the home of the child's parent. The presumption arises from the failure of a parent to participate in the court-ordered services, to demonstrate substantial improvements in the circumstances that led to the child's removal, or to participate on a regular basis in court-ordered visitation with the child. The presumption can be rebutted by a preponderance of the evidence.

Foster parents have the right to reasonable notice of the dispositional hearing and dependency review hearings for the foster child in their care. They also have the right to attend the court proceedings and present testimony. After a foster child has been in the care of foster parents for six months, the foster parents may file a document with the court indicating their desire to adopt the child.

EFFECT OF PROPOSED SUBSTITUTE:

Failure of the parent to maintain regular visitation or other contact with the child as required by the case plan is not an aggravated circumstance on which a court could base a decision to order the filing of a petition for termination of parental rights.

Foster parents are not required to be given notice of dispositional or dependency review hearings for the foster

child in their care and do not have the right to attend such hearings.

Foster parents are not allowed the option of filing a document with the court indicating their desire to adopt a foster child who has been in their care six months or more.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

The bill helps children find permanent homes more quickly. Some children in foster care have no permanent plan even though they have been in foster care for three years or more. DSHS will avoid providing a service if it can, therefore, language of bill should be tight.

TESTIMONY AGAINST:

Concern that the bill might make the relationship between the foster parent and natural parent hostile and competitive. Concern that caseworkers won't be able to trust the observations of foster parents.

TESTIFIED: Phillip Vandemann, M.D. (pro); Deborah Johnson (pro); Lee Ann Miller, AAG; Colleen Waterhouse, DCFS; Margaret Casey, Childrens' Alliance (pro)