

SENATE BILL REPORT

SSB 5916

AS PASSED SENATE, MARCH 14, 1991

Brief Description: Changing foster care provisions and providing a grievance process.

SPONSORS: Senate Committee on Children & Family Services (originally sponsored by Senators Roach, Talmadge, L. Smith and Stratton).

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: That Substitute Senate Bill No. 5916 be substituted therefor, and the substitute bill do pass.

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

Staff: Lidia Mori (786-7755)

Hearing Dates: February 28, 1991; March 6, 1991

HOUSE COMMITTEE ON HUMAN SERVICES

BACKGROUND:

Foster parents and other individuals are concerned that when they have a complaint concerning a policy or action of the Department of Social and Health Services, there is no standard, formal grievance process to access nor is there a neutral forum to hear and make decisions on such grievances.

When a foster child has been in a foster family home for 90 consecutive days or more, the department or child-placing agency is required to give five days notice before moving the child to another home. However, the five-day notice is not required to be given when the child has been living in the home for 90 days but it is a group home or receiving home. The five-day notice is also not required when a decision is made to return the child to the home of the natural parent.

Foster-adopt parents are required to be licensed as foster parents and have a home study performed as a preliminary step towards clearance to be adoptive parents. There is no separate foster-adopt license nor is there any training for caseworkers specific to placement procedures in foster-adopt homes. There is no document which is provided to foster-adopt parents that delineates the risks and potential benefits of being foster-adopt parents. Misunderstandings and emotionally painful consequences have arisen.

SUMMARY:

The Department of Social and Health Services is directed to develop and implement a complaint resolution process to review grievances pertaining to a division policy or procedure or the application of a division policy or procedure. The complaint resolution process is not to be used to contest a decision to return the child home when a court order has been entered to that effect or to contest a decision regarding visitation. The procedure may be used by clients of the department, individual complainants, and foster parents. If the grievance involves a decision by the department or private child placing agency to move a foster child from a foster family home or a relative home, the foster parent or relative must first use the complaint resolution process. A foster parent or relative may file a motion to intervene as a party in a dependency proceeding when the child at issue has resided in the foster or relative home for a period of 18 months or more. If the grievance remains unresolved 30 days after initiating the complaint resolution process, the foster parent or relative may agree to an extension of the complaint resolution process or may file an application for an adjudicative proceeding. The foster child shall remain in the foster home or relative home during the complaint resolution process unless the regional administrator determines that the child's safety is in jeopardy or that other compelling reasons exist necessitating the removal.

When a foster child has been residing in a foster home for 90 days or more and a decision is made to return the child home, the foster parent shall be given five days written notice. When a foster child has been residing in a group home or receiving home for 90 days or more, the pertinent caretaker shall be given five days notice.

If a decision is made by the department or a child-placing agency to move a child to another placement, the foster parent or relative care provider in whose home the child resides shall receive written notice of the right to use the complaint resolution process. The notice shall also state that if the complaint remains unresolved after use of the complaint resolution process, the foster parent or relative may file an application for an adjudicative proceeding.

The department is directed to establish the specific criteria needed to be a foster-adopt parent and to create a license for that category of foster parent. Procedures regarding placement of children into foster-adopt homes shall be incorporated into the training for caseworkers. The department is directed to develop a form that constitutes an agreement between the department and each foster-adopt parent. The form shall specify no guarantee exists that the parental rights to a child placed in a foster-adopt home will be terminated. The form shall also state that if parental rights to a child in a foster-adopt home are terminated, the foster-adopt parents will be allowed first consideration to adopt the child. If a child has resided in a foster-adopt home for a

period of 12 months or more, the foster-adopt parents may file a petition for termination of parental rights.

When a child resides in the home of a foster parent or relative pursuant to a disposition order, the court shall allow the foster parent or relative to attend dependency review proceedings pertaining to that child for the purpose of providing information to the court about the child.

Appropriation: none

Revenue: none

Fiscal Note: requested

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

TESTIMONY FOR:

Foster parents look forward to having a grievance review process. Washington State Foster Parent Association supports the possibility of administrative review for those cases that are not able to be resolved through the department's grievance process. There was support expressed for the prohibition against departmental retaliation against foster parents.

TESTIMONY AGAINST:

Private child-placing agencies are concerned that the grievance process or the ability of foster-adopt parents to file a petition for termination of parental rights may result in the expenditure by the agency of substantial legal fees for which they are not reimbursed. Concern expressed that the bill creates custodial rights in foster parents. The department is already instituting a grievance process and is allowing foster parents to attend dependency review hearings and present testimony.

TESTIFIED: Margaret Casey, WA State Catholic Conference; Colleen Waterhouse, DCFS (con); Arlene Sibica, Executive Director, WA State Foster Parents Association

HOUSE AMENDMENT(S):

The ability of the foster parent to file an application for an adjudicative proceeding if the complaint resolution process fails to resolve the complaint within 30 days is removed. The prohibition against subjecting someone using the complaint resolution process to reprisals or retaliatory actions from the department is removed. The requirement is removed that a foster child remain in the foster home while the department is utilizing the complaint resolution process unless the child's safety is in jeopardy.

The language is deleted which requires that a foster family be informed in writing of the reasons upon which the department has decided to remove a foster child from the foster home.

The requirement that the department establish rules specifying the criteria necessary to be a foster-adopt parent and create a license for that category of foster parent is removed. The requirement that specific placement procedures regarding foster-adopt placements be incorporated into training for caseworkers is removed. The direction to the department that it develop a form which constitutes an agreement between the department and each foster-adopt parent is deleted.

The provision allowing foster-adopt parents to file a petition seeking termination of parental rights if a child has resided in the foster-adopt home for a period of 12 months or more is removed.

The provision allowing a foster parent to file a motion to intervene as a party in a dependency proceeding if the child at issue has resided in the foster home for a period of 18 months or more is removed.