

SENATE BILL REPORT

SB 6345

AS REPORTED BY COMMITTEE ON CHILDREN & FAMILY SERVICES,  
FEBRUARY 7, 1992

**Brief Description:** Prohibiting denial of custody, placement, or visitation of a child based on the person's beliefs concerning the criminal activity of the child's parent.

**SPONSORS:** Senators Roach and Oke

**SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES**

**Majority Report:** That Substitute Senate Bill No. 6345 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chairman; Craswell, and Stratton.

**Minority Report:** Do not pass.

Signed by Senator Talmadge.

**Staff:** Steve Boruchowitz (786-7526)

**Hearing Dates:** February 6, 1992; February 7, 1992

**BACKGROUND:**

Currently, if after a fact-finding hearing a child is to be removed from his or her parents, the court has two options. It may order a program designed to alleviate the immediate danger to the child and to aid the parents so that the child may not be damaged in the future. Alternatively, it may order the child removed from the home and into the custody and care of a relative, DSHS, or a foster home. Preference is to be given to placement with a relative with whom the child has a relationship and is comfortable and who is willing to care for the child.

**SUMMARY:**

Placement of a child with relatives may not be denied solely upon the relative's belief or disbelief concerning alleged criminal acts, or criminal convictions, of the child's parent.

In addition, the court may not deny visitation rights to a person solely based upon that person's belief or disbelief concerning alleged criminal acts, or criminal convictions, of the child's parent.

**EFFECT OF PROPOSED SUBSTITUTE:**

Additional language is added requiring that reasons for such denial are explained, and that potential reasons for denial are discussed and attempts are made to resolve problems.

Placement and visitation may be limited or denied only if the court determines that such action is necessary to protect the child's health or safety.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

Placements and visitations are being ordered that remove a child from relatives willing to provide the needed care. Some denials are based on issues not directly related to the safety and health of the child. In some cases, placement was denied without full explanation, despite a relative's willingness to overcome objections.

**TESTIMONY AGAINST:**

Relatives may unintentionally be contributing to a child's emotional and other problems by seeming to take sides in a case brought against the child's parents. It may be in the best interests of the child to deny placement with a relative. The new language may encourage courts to overlook such problems and give undue emphasis to the wrong factors in a case.

**TESTIFIED:** Mary Bennett (pro); Jim Galbraith, Facts for Freedom (pro); Diana Roberts, DSHS (con); Shirley Olsen (pro); Dawn Larsen, WA Coalition of Sexual Assault Programs (con); Tom Skelly, Equal Justice for All (pro); Patrick McDonald; Gene and Mary Gooseman (pro)