

HOUSE BILL REPORT

HB 3085

As Reported by House Committee On:
Children & Family Services
Appropriations

Title: An act relating to family decision meetings.

Brief Description: Encouraging the use of family decision meetings regarding children in the child welfare system.

Sponsors: Representatives Kagi, Boldt, Dickerson, Orcutt, Shabro, Pettigrew, Darneille and Morrell.

Brief History:

Committee Activity:

Children & Family Services: 2/2/04, 2/4/04 [DPS];
Appropriations: 2/9/04, 2/10/04 [DP2S(w/o sub CFS)].

Brief Summary of Second Substitute Bill

- Requires the Department of Social and Health Services to develop implementation recommendations regarding meaningful family involvement and family decision meetings and present them to the Legislature by January 1, 2005.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Darneille, Vice Chair; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey, Dickerson, Miloscia, Pettigrew and Shabro.

Staff: Cynthia Forland (786-7152).

Background:

The Department of Social and Health Services (DSHS) is required to provide child welfare services throughout the state. Child welfare services are defined by state law as public social services, which strengthen, supplement, or substitute for parental care and

supervision for the purpose of:

- preventing or remedying, or assisting in the solution of, problems that may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;
- protecting and caring for dependent or neglected children;
- assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve those conflicts;
- protecting and promoting the welfare of children, including the strengthening of their own homes where possible or where needed; and
- providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

The DSHS is also specifically required to perform the following:

- develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children;
- within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, that is, homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, and pregnant and parenting teens;
- investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and, on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court or another community agency;
- offer, on a voluntary basis, family reconciliation services to families who are in conflict;
- monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided; and
- provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement, within amounts appropriated for that specific purpose.

Summary of Substitute Bill:

It is established as the policy of the state to encourage and support meaningful family involvement in the decision making related to planning for children involved in the child welfare system, in those instances where family is available and family involvement is in the best interest of the child.

The DSHS is required to establish as a policy the use of family decision meetings in

cases in which a child is involved in the child welfare system. It is provided that a family decision meeting is a family-focused intervention facilitated by dedicated professional staff that is designed to build and strengthen the natural caregiving system for the child. The purpose of the family decision meeting is to establish a plan that provides for the safety and permanency needs of the child. Family decision meetings may include, but are not limited to, family group conferences, family mediation, family support meetings, or other professionally recognized interventions that include extended family and rely upon the family to make shared decisions about planning for its children.

The DSHS is required to develop written policies and protocols identifying the key decision points at which family decision meetings must be held including, but not limited to, a change in a child's placement.

When the DSHS determines that the use of a family decision meeting is appropriate, and the child's parent or parents and other family members agree to the meeting, an initial meeting must be held as soon as possible following the family's agreement to participate.

If the DSHS elects not to conduct a family decision meeting or the family does not agree to the meeting, the reasons for not conducting a family decision meeting must be clearly documented in the written service plan of the child developed by the DSHS.

If the DSHS conducts a family decision meeting, the meeting must result in the development of a written family plan that may include service recommendations, placement recommendations, and a permanency plan. The DSHS is required to incorporate the family plan developed at the family decision meeting into the service plan for the child to the extent that the family plan protects the child, builds on family strengths, and is focused on achieving permanency for the child within a reasonable time. If the family plan is not incorporated into the service plan for the child, the DSHS is required to document the reasons in the service plan.

The DSHS is required to develop policies for conducting family decision meetings in accordance with the bill throughout the state by January 1, 2005.

Substitute Bill Compared to Original Bill:

It is clarified that it is established as the policy of the state to encourage and support meaningful family involvement in the decision making related to planning for children involved in the child welfare system, in those instances where family is available and family involvement is in the best interest of the child.

The DSHS is required to establish the use of family decision meetings as a policy, rather than as a goal.

The DSHS may only conduct a family decision meeting if the child's parent or parents

and other family members agree. An initial family decision meeting must be held as soon as possible following the family's agreement to participate, rather than as soon as possible following a child's involvement in the child welfare system.

Explicit direction requiring family decision meetings to be conducted in accordance with the bill throughout the state by January 1, 2005 is removed. The DSHS is required to develop policies for conducting family decision meetings in accordance with the bill throughout the state by January 1, 2005.

The definition of "family decision meeting" is changed to provide the following:

- Family decision meetings not only may include, but are also not limited to, the examples provided in the definition.
- Family unity meetings and child and family wrap-around meetings are eliminated from the provided list of examples of family decision meetings.
- Family support meetings are added to the provided list of examples of family decision meetings.
- It is provided that family decision meetings rely upon the family to make shared decisions about planning for its children.
- The attachment needs of the child are eliminated from the list of items for which the plan established as a result of the family decision meeting is to provide.

The definition of "reasonable inquiries" is eliminated, since the term is not used in the bill.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) This is a new version of the family team decision meeting bill that the committee heard earlier, with "team" removed. Staff of the DSHS have undertaken several initiatives to increase family involvement, including family group conferencing and family support meetings. The DSHS is committed to expanding shared decision making. This practice is a key foundation of the Family to Family Initiative. The bill could result in significant fiscal and workload impact for the DSHS. The bill should be amended to recognize current service models while providing the DSHS with sufficient flexibility to use other models, as appropriate. The bill should be amended to provide that the DSHS establish the use of family decision meetings as a policy, rather than a goal. The bill should be amended to provide that family decision meetings should occur only when the parents and family are willing to participate. The DSHS should be required to develop policies and protocols by the deadline in the bill, rather than be

required to conduct family decision meetings by that date. This bill gets at meaningful involvement of families. The amendments proposed by the DSHS sound reasonable, and will hopefully reduce the fiscal note. The bill provides flexibility around the type of meetings that are most appropriate.

(With concerns) The terms "family decision meetings" and "family group conferencing" need to be coordinated and consistent.

Testimony Against: None.

Persons Testifying: (In support) Representative Kagi, prime sponsor; LaVerne Lamoureux, Children's Administration of the Department of Social and Health Services; and Laurie Lippold, Children's Home Society.

(With concerns) Sherry Appleton, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by 27 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Staff: Amy Skei (786-7140).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Children & Family Services:

The second substitute bill does not establish family decision meetings as a policy. The DSHS is instead required to develop implementation recommendations regarding family decision meetings and meaningful family involvement, including strategies for implementing these policies within existing resources, by January 1, 2005.

Appropriation: None.

Fiscal Note: Available on substitute bill.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after

adjournment of session in which bill is passed.

Testimony For: Involvement of families in the early stages of contact with the child welfare system keeps children out of foster care. We support the amendment. Other states are implementing more meaningful family involvement in the foster care system with good results. The research shows that using family decision meetings results in more children being placed securely with their families and less reentry into the child welfare system. This is good for both children and state budgets.

Testimony Against: None.

Persons Testifying: Laurie Lippold, Children's Home Society.

Persons Signed In To Testify But Not Testifying: None.