

HOUSE BILL REPORT

ESSB 5779

As Reported by House Committee On:
Children & Family Services

Title: An act relating to sibling relationships for dependent children.

Brief Description: Preserving sibling relationships for dependent children.

Sponsors: Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Kohl-Welles, McAuliffe, Winsley and Oke).

Brief History:

Committee Activity:

Children & Family Services: 3/31/03, 4/2/03 [DPA].

Brief Summary of Engrossed Substitute Bill
(As Amended by House Committee)

- Requires the court to address the relationship between a child and his or her sibling in dependency or termination proceedings.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 8 members: Representatives Kagi, Chair; Darneille, Vice Chair; Boldt, Ranking Minority Member; Bailey, Dickerson, Miloscia, Pettigrew and Shabro.

Staff: Sonja Hallum (786-7092).

Background:

If there are allegations of abandonment, abuse or neglect, or no parent who is capable of caring for a child, the Department of Social and Health Services (Department) may investigate the allegations. If the allegations meet the statutory criteria, the Department may file a dependency petition with the court (dependency). If the court finds the statutory criteria have been satisfied, the court will find the child to be a dependent of the state.

Once the court finds a child is a dependent, the court will enter a disposition order. The

disposition order contains the authorization for placement of the child, the services to be provided to the parent and child, the permanent plan for the child, and details regarding visitation and contacts between the parent, child, and any siblings.

The court is required to consider whether it is in the best interest of the child to have contact or visits with his or her siblings. There is no requirement that the court place the child with his or her siblings.

If the parent fails to correct the parental deficiencies that lead to the finding of dependency, including completing the court ordered services, the Department may file a petition requesting termination of parental rights (termination). If the court finds the state has proven the statutory requirements, the court may terminate the parent's rights to the child.

If the rights of the parent are terminated, the parent then has no further rights to the child than would any other non-related person. There is no requirement that the court consider the child's relationship to his or her siblings or to ensure continued contact with the siblings.

Summary of Amended Bill:

The Legislature recognizes the importance of sibling relationships and encourages the courts and public agencies to consider the sibling relationships when intervening in the family situations. The Legislature is not intending to create any new relationships which do not currently exist or to mandate sibling contact if the contact would jeopardize the health, safety, or welfare of the child.

A "sibling" is defined in the statute and the court is required to consider the relationship between the child and his or her sibling when entering its disposition order following the finding of dependency.

A presumption is created that it is in the best interest of the child to have contact, visitation, or be placed with the sibling so long as the court has jurisdiction over the sibling and the contact would not jeopardize the health, safety, or welfare of the child or sibling.

If a termination petition is filed, continued contact between the child and his or her sibling is required unless the contact would not be in the best interest of the child. If a termination order is entered terminating parental rights, the court must include a statement in the order addressing the status of the child's sibling relationships and the nature and extent of the sibling placement, contact, or visits.

Amended Bill Compared to Engrossed Substitute Bill:

The bill as amended changes the standard used to determine whether to prohibit contact between siblings once a termination petition is filed. The amended bill requires reasonable efforts to ensure visitation and contact between siblings unless it is not in the best interest of the child or siblings. The original bill requires reasonable efforts to ensure visitation and contact between siblings unless the health, safety, or welfare of the child or siblings is jeopardized.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: (Original bill) If a child is taken into state custody there is no requirement to maintain contact between siblings. It is not acceptable for children not to have contact with siblings. It is a lot of work to have the visitations with the family, but is it not right to keep the children from one another. It is like the children are being victimized twice: once when they are removed and again when they can't see their siblings. The stability of children in out-of-home placements is of utmost importance. Maintaining ties between siblings is important to providing stability.

Testimony Against: None.

Testified: Senator Stevens, prime sponsor; Art Cantrall, Department of Social and Health Services; and Laurie Lippold, Children's Home Society.