

SENATE BILL REPORT

SSB 5474

As Passed Senate, March 16, 2003

Title: An act relating to improving services for kinship caregivers.

Brief Description: Creating a kinship caregiver's authorization affidavit.

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

Brief History:

Committee Activity: Children & Family Services & Corrections: 2/21/03, 2/28/03 [DPS].
Passed Senate: 3/16/03, 48-0.

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5474 be substituted therefor, and the substitute bill do pass.

Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Staff: Tony Rugel (786-7754)

Background: A task force for kinship care was convened and met in the summer and fall of 2002. The task force reviewed various options and concerns regarding kinship care. One of these concerns is that children being raised by kin face barriers to medical care and school attendance because their kin cannot verify that they are the primary caregivers.

Summary of Bill: An affidavit lasting six months is created that allows a kinship caregiver to enroll a minor in school, as well as authorize dental and emergent medical treatment for the minor. At the end of six months, the kinship caregiver must choose among the following: return the child to the parents, notify the department that the parents are not available, or petition for permanent legal custody. If a parent is not available to sign the affidavit, law enforcement must be notified. In addition, civil and criminal liability is limited for those who act in good faith in relying on the affidavit when providing dental or medical care to the minor.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Testimony was given in general support for providing a method to get kids enrolled in school and get them medical and dental care when possible.

Testimony Against: None.

Testified: PRO: Darlene Flowers, Foster Parents Assoc. of WA State; Kristie Lund, Kinship Caregiver; Rick Bartholomew, WA State Bar Assoc.; Janet Helson, Columbia Legal Services; Laverne Lamoureux, DSHS; Edith Owen, Pierce Co. Relatives Raising Children; Laurie Lippold, Children's Home Society.

House Amendment(s): The House amendment does the following: Clarifies that a kinship caregiver may be 18 years of age or older. Expands the definition of kinship caregiver to include caregivers related to the child by adoption and to specify that a kinship caregiver may include a brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great." Removes the limitation on medical care, to which a kinship caregiver may be authorized to consent, to emergent medical care. Specifies that an affidavit shall not be valid if a kinship caregiver is unlawfully harboring a minor. Extends the period of validity of an affidavit from six months to 12 months and provides that an affidavit is renewable. Removes the requirements of the kinship caregiver that must be completed upon the expiration of an affidavit. Adds education services to the services for which an individual may not be subject to criminal or civil liability or professional disciplinary action for providing, in good faith reliance on an affidavit. Extends the period of time within which a kinship caregiver must provide notification that the child has ceased to reside with the caregiver from immediately to three days, excluding weekends and holidays. Replaces the requirement that the parent or legal custodian of the child consent to the affidavit with the requirement that the parent or legal custodian be notified of the affidavit. Removes the requirement that the kinship caregiver notify law enforcement if the caregiver is unable to contact the child's parents. Adds requirements that a kinship caregiver must satisfy as proof of the caregiver's efforts to reach the parent or legal custodian of the child. Makes technical corrections.