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**Children & Family Services  
Committee**

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**HB 2156**

**Brief Description:** Regarding dependency and termination of parental rights.

**Sponsors:** Representatives Hinkle, Kagi, Nixon, Pettigrew, McDonald, Dickerson, Pearson, Springer, Rodne and Williams.

**Brief Summary of Bill**

- Requires that if a child has been removed from the parent's home twice, the child may not be returned home again unless the parent can show by clear and convincing evidence that the reasons for removal no longer exist
- If the child is removed from the home a third time, or if the parent fails to remedy the reasons for removal within fifteen months, the supervising agency must file a petition for termination of parental rights.
- Requires permanency planning to occur sooner.
- Requires the court to hear the supervising agency's plan to ensure the safety of the child before the child may be returned home.
- Adds failure to contact the child to the list of aggravating factors for the purpose of termination of parental rights.

**Hearing Date:** March 1, 2005.

**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 State may investigate the allegations and initiate a dependency proceeding in juvenile court. If the court finds the statutory requirements have been met, the court will find the child to be a dependent of the State.

Whenever the court orders a dependent child to be removed from the home, the court will enter a dispositional plan which will include the obligations of the parties including the parents, the supervising agency or Department of Social and Health Services (Department), and the child. The

dispositional order will contain an order for the placement of the child either within the home or outside of the home. If the child is placed outside the home, he or she may be placed with a relative or in non-relative foster care.

Within 60 days of assuming responsibility for the child, the Department is required to provide the court with a permanent plan for the child. The permanent plan will contain the desired goal for the child which may include a plan to return the child home, adoption, long-term placement, or guardianship, including a dependency guardianship. The court must hold the permanency planning hearing when a child has been in out-of-home care for nine months. The hearing must take place within twelve months of the current placement.

The status of all dependent children must be reviewed by the court every six months. During the review the court will examine the progress of the parents in meeting the requirements of the dispositional plan. At this hearing the court may return the child to the home if the parent has made sufficient progress.

If the parent fails to make progress in curing the parental deficiencies which led to the dependency, or if one of the statutory aggravating factors exist, a termination petition may be filed. If the court finds the statutory grounds for termination are met, the court will terminate the parental rights and the parent will no longer have rights, privileges, or obligations toward the child.

#### **Summary of Bill:**

The length of time before a permanency planning hearing must be held is shortened. The court must hold the permanency planning hearing when a child has been in out-of-home care for six months. The hearing must take place within six months of the current placement. However, if the child is a dependent and is returned to the home of the parent, and then subsequently removed from the home, the permanency planning hearing must take place within 2 months of the current placement.

Before the court may return a dependent child who has been placed in an out-of-home placement to the child's parent, the agency who is supervising the child must present a plan to the court describing how the agency will ensure the safety of the child once returned home.

If a child has been removed from the home of a parent and a dependency is ordered, if the child is returned home to the parent, but must be removed due to risk to the child, the parents must thereafter meet a higher standard to have the child returned home a second or third time. Prior to placing a child with a parent for the second time, the parent must show by clear and convincing evidence that the reasons for removal of the child no longer exist.

If the child is removed from the parent's home a third time due to parental deficiencies that place the child at risk, the agency in charge of supervising the child must file a petition for termination of parental rights. Additionally, if the parent fails to remedy the deficiencies which led to the finding of dependency after fifteen months, the supervising agency must file a petition for termination of parental rights.

The failure of a parent to have any contact with his or her child for at least one year is added to the list of aggravating factors. This would permit a court to terminate parental rights if the court finds

only two factors: 1) that the child is a dependent; and 2) the parent failed to contact the child for at least one year.

The court is permitted to continue a hearing on a termination petition if the court finds that the parent was unable to remedy the parental deficiencies that led to the removal of the child due to extenuating circumstances beyond the control of the parent.

**Appropriation:** None.

**Fiscal Note:** Requested on February 22, 2005.

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