

SENATE BILL REPORT

SHB 1333

As Reported By Senate Committee On:
Human Services & Corrections, March 29, 2007
Ways & Means, April 2, 2007

Title: An act relating to child welfare.

Brief Description: Concerning child welfare protections.

Sponsors: House Committee on Early Learning & Children's Services (originally sponsored by Representatives Hinkle, Kagi and Walsh).

Brief History: Passed House: 3/06/07, 96-0.

Committee Activity: Human Services & Corrections: 3/22/07, 3/29/07 [DPA-WM].
Ways & Means: 4/02/07 [DPA(HSC)].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

Staff: Kiki Keizer (786-7430)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Human Services & Corrections.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

Staff: Paula Moore (786-7449)

Background: After a child is removed from home because allegations of child abuse or neglect, the Department of Social and Health Services (DSHS) must identify an outcome, such as reunification, adoption, or a long-term placement or guardianship as the primary goal of the child's permanency plan of care. 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 12 months of the current placement.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 disposition order. At a review hearing, the court may return the child home if the parent has made sufficient progress.

If the parent fails to cure the deficiencies which led to the dependency, or if a statutory aggravating factor exists, then a petition may be filed to terminate parental rights. Federal law requires that after a child has been in foster care for 15 of the past 22 months, the state must file a petition to terminate parental rights unless the child is being cared for by relatives or a compelling reason exists that termination would not be in the best interest of the child, or the state has failed to offer necessary services to the parent.

A court order terminating the parent-child relationship divests the parent and the child of all legal rights, powers, privileges, immunities, duties, and obligations with respect to each other except past-due child support obligations owed by the parent.

The Joint Task Force on Child Safety for Children in Child Protective Services (CPS) or Child Welfare Services (CWS) custody was created in 2005 by SHB 2156. The legislation required the task force to review several issues relating to improving the health, safety, and welfare of Washington children in CPS or CWS custody and to make recommendations to the Legislature and the Governor regarding those issues.

After its meetings during the legislative interims of 2005 and 2006, the task force reached agreement on a number of recommendations relating to how cases involving allegations of child abuse and neglect should be handled. The recommendations were directed to a number of state agencies and commissions, including the Children's Administration, the courts, and the Commission on Children in Foster Care. Some of the recommendations of the task force contemplated legislative changes to existing law.

Summary of Substitute Bill: The DSHS must coordinate within its divisions, and with service providers with whom it contracts, to require that parents in dependency proceedings receive priority access to court-ordered services, to the extent that funding is appropriated in the operating budget. If court-ordered services are unavailable, the DSHS must notify the court.

Before the DSHS returns a child who has been removed to his or her biological parents, the DSHS must comply with a number of requirements. For example, the DSHS must identify any person who will act as a caregiver for the child and determine whether that caregiver is in need of any services in order to ensure the safety of the child, regardless of whether that caregiver is a party to the dependency. If the DSHS recommends services, and the caregiver does not engage in those services, then the child welfare worker must promptly notify the court. The DSHS must also perform background checks on all adults living in the home and notify the persons in the home of their ongoing duty to notify the DSHS of any persons residing in the home or acting as the child's caregiver.

If a child is removed from home due to allegations of abuse or neglect, returned home, and removed again, the court must hold a permanency hearing no later than 30 days after the later removal.

The Criminal Justice Training Commission must develop and deliver multidisciplinary team training sessions intended to improve the coordination and communication between agencies involved in investigations of child fatalities, sexual abuse, physical abuse, and neglect.

Each county must revise and expand its existing child sexual abuse investigation protocol to address investigations of child fatalities, sexual abuse, physical abuse, and neglect. Each county's protocol must incorporate the statewide guidelines for first responders to child fatalities developed by the Criminal Justice Training Commission.

The DSHS must identify all dependency cases in which permanency has not been achieved within 15 months of the child's placement in out-of-home care and identify the reasons for the non-compliance. The DSHS must report to the legislature before December 1 of each year.

The act must be cited as "Sirta's law."

EFFECT OF CHANGES MADE BY RECOMMENDED STRIKING AMENDMENT(S) AS PASSED COMMITTEE (Human Services & Corrections): The court may make placement contingent on, or delay placement, based on the need of a caregiver in the home to engage in services to ensure the safety of the child. Services may be provided to caregivers other than parents. However, the act does not confer party status to any person not already a party or create an entitlement to services or a duty of the DSHS to provide services.

A parent's duty to notify court of new household members or caregivers extends as long as court has jurisdiction.

The hearing to be held if a child is returned home and subsequently removed is a review hearing, rather than a permanency hearing.

"Remedial services" are defined, and the DSHS may provide funds for such services for those unable to pay, if appropriated in the operating budget or otherwise available to the DSHS.

The Criminal Justice Training Commission, along with the DSHS, the WASPC, and the Washington Association of Prosecuting Attorneys, must develop a curriculum related to child abuse and neglect to be incorporated in the basic law enforcement training.

The JLARC must analyze gaps throughout the state in the availability and accessibility of services identified in the Federal Adoption and Safe Families Act.

The Administrative Office of the Courts, along with the AG's office and the DSHS, must compile an annual report, including information about cases that fail to meet statutory guidelines to achieve permanency for dependent children.

Foster parents must, if appropriate and they desire to, be available to help with a child's transition back to the natural family.

Parents who are defendants in dependency cases are included in the persons considered as priority populations for access to mental health treatment.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony (Human Services & Corrections): PRO: The bill is aimed at balancing preserving families and protecting kids, while maximizing the DSHS's accountability in child welfare cases and providing for adequate training of social workers.

It's important to move towards permanency quickly because finding stable placements for children is likely to minimize emotional problems. It's also easier for a parent to bond with a younger child.

On the other hand, it's important to keep in mind that some parents are good but just need help. It is hard to get your kids back once they are removed from home. Getting services, traveling to see the kids, and getting to court are all time-consuming and can be very costly.

It's important to get services to caregivers, even if they are not parties to a dependency.

OTHER: The bill should be amended to include the study of gaps in services to be conducted by the Joint Legislative Audit and Review Committee that was included as a provision in the Senate bill arising out of the Child Safety Task Force. Also, the service priority for parents in dependency actions needs to be stronger, like the existing priority for parents in drug treatment. Also, if parents don't have the means to obtain services, they should not be denied access to court-ordered services. Also, what is expected to happen after the DSHS notifies the court that court-ordered services are not available?

The DSHS should only have a duty to make services available to parents, not other caregivers, as set out in SSB 5381. The DSHS should be required to exert control over contractors, as reflected in SSB 5381.

If a child is returned home and subsequently removed because of allegations of abuse or neglect, the court should hold a review hearing, rather than a permanency hearing, which could fast-track a case toward termination of parental rights. It should not be assumed that a second removal means the court should give up on the family.

The Washington Association of Prosecutors should be involved in the development and delivery of training, along with the Criminal Justice Training Commission.

The bill should include a provision designed to involve foster parents in the child's transition back to his or her biological parents.

A provision could be included to allow the DSHS to petition for termination of the parental rights of a parent who has not been involved in a dependent child's life for 15 months.

Persons Testifying (Human Services & Corrections): PRO: Representative Hinkle, prime sponsor; Gary M., foster parent; Laurie Lippold, Children's Home Society of Washington; Char Wellner, Deborah Boudreau, citizens.

OTHER: Stella Farias, Washington Families United; Joanne Moore, Office of Public Defense; Mike Petcu, member of child safety task force; W.R. Dawson, Children's

Administration - DSHS; Andrew Morrison, Washington Defender Association; Tom McBride, Washington Association of Prosecutors.

Staff Summary of Public Testimony (Ways & Means): None.

Persons Testifying (Ways & Means): No one.