

# SENATE BILL REPORT

## ESSB 6792

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As Amended by House, March 12, 2008

**Title:** An act relating to dependency matters.

**Brief Description:** Concerning dependency matters.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove and Stevens).

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/29/08, 2/05/08 [DPS].  
Passed Senate: 2/15/08, 47-0.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6792 be substituted therefor, and the substitute bill do pass.

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

**Staff:** Jennifer Strus (786-7316)

**Background:** In 2007 the Children's Administration (CA) at the Department of Social and Health Services (department) began the phase-in of a policy requiring social workers to have monthly visits with children in out-of-home care. This phase-in requires that by April 2007 social workers will have monthly visits with all children aged zero to five who are out-of-home unlicensed relative placements. The next three phases include in the order, children aged six to 18 in out-of-home unlicensed placements; children aged six to 18 in foster care placements; children ages zero to five in foster care placements; and children ages six to 18 in foster care placements. The effective date of the policies affecting the last three phases are to be determined.

CA often enters into agreements with Child Placing Agencies (CPA) to provide foster care and other case managements services to children. Generally, the CPAs conduct monthly face-to-face visits with the child in out-of-home care and the child's caregiver. By policy, the CA social worker must also conduct a 30-day visit.

During the 2007 session, the Legislature passed ESSB 1624 which, among other things, provided a process by which a dependent child, in certain situations, can petition the court to reinstate previously terminated parental rights. During the implementation of this bill, several issues came to light: the burden of proof in a parental rights reinstatement petition was not

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specifically stated; although a child under 12 could seem to file a petition for reinstatement of parental rights, no process for doing so had been established; and no opportunity for the court to grant a final order of reinstatement was included.

Currently, the department could be held liable for its negligence in providing services under or administering the reinstatement of parental rights statute.

At a shelter care hearing in a dependency matter, the court must determine whether an order expelling the allegedly abusive parent from the home will allow the child to remain safely in the home rather than placing the child in out-of-home care. The court must also determine whether orders for examinations, evaluations, or immediate services are needed; however, the court may not order a parent to undergo examinations, evaluations, or services at the shelter care hearing unless the parent agrees to it.

In a judicial proceeding under chapter 26.44 RCW, the court may issue a restraining order removing the alleged abuser from the home if to do so would keep the child safe.

A HOPE center is an agency licensed by the department to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for 30 days while services are arranged and a placement coordinated.

A Responsible Living Skills Programs (RLSP) is an agency license by the department to provide transitional living services that emphasize the achievement of independent living skills competency. To be eligible for placement in an RLSP, the minor must be dependent under Chapter 13.34 RCW and must have lived in a HOPE center in a secure crisis residential center.

**Summary of Engrossed Substitute Bill:** To be eligible for placement in a HOPE center, a minor must be either a street youth or a youth who, without placement in a HOPE center will continue to participate in increasingly risky behavior. Minors may also self-refer to a HOPE center. Payment for a HOPE center bed is not contingent upon prior approval by the department.

If a minor's caseworker determines that placement in an RLSP would be the most appropriate placement given the minor's current circumstances, prior residence in a HOPE center or secure CRC is not required before placement in an RLSP.

The court may order that a hearing be held on the merits of a petition to reinstate parental rights if it finds by a preponderance of the evidence that reinstatement is in the child's best interests. The court, upon the child's motion, or upon the court's own motion, may hear a petition filed by a child younger than 12. If the court grants the child's petition, a temporary order of reinstatement is entered. After the child has been placed with the parent for six months, and the placement has been successful, the court must hold a hearing and enter a final order restoring the parent's rights and dismissing the dependency.

The state, the department, and its employees are not liable for civil damages resulting from acts or omissions under the parental reinstatement section of the law unless the act or omission constituted gross negligence.

At a shelter care hearing, the court must determine whether an order expelling an allegedly abusive household member from the home of the nonabusive parent, guardian, or custodian will allow the child to remain safely in the home.

At a shelter care hearing, uncertainty by a parent, guardian, legal custodian, relative, or suitable other person that the alleged abuser has in fact abused the child cannot be the sole basis upon which the child is removed from the care of the parent, guardian, legal custodian, relative, or suitable other person, nor can it be the sole basis upon which to preclude placement with either a relative or a suitable person.

Under chapter 26.44 RCW, the court may enter a restraining order to protect an allegedly abused or neglected child and if the child's caretaker is willing and does comply with the restraining order, uncertainty by the caretaker that the alleged abuser has abused the alleged victim must not, alone, be a basis to remove the alleged victim from the caretaker.

The provision allowing a child to petition the juvenile court to reinstate previously terminated parental rights within three years of the exhaustion of any right to appeal the termination order, if the order is appealed, is removed.

The department must monitor out of home placements and conduct face-to-face meetings with children in out-of-home care and their caregivers on a monthly basis. Within existing funds, when a child's case is managed by an accredited CPA, the CPA must conduct the monthly face-to-face meeting and provide the department with a written request within 15 days of the meeting. In these cases, the department need only have a face-to-face meeting on a quarterly basis.

**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 on Original Bill:** PRO: Is in favor of the bill but would like the portion of the existing reinstatement of parental rights statute that states that a child cannot petition for reinstatement until three years after the exhaustion of the parent's right to appeal the termination order to be removed.

**Persons Testifying:** PRO: Stella Farias, Washington Families United.

**House Amendment(s):** Removes provisions allowing the court to order certain evaluations for parents at shelter care hearings in dependency cases. Revises provisions relating to children's rights in dependency proceedings to establish the rights under a pilot program in four Washington counties. Removes a provision already enacted by the Legislature through another bill (HB 3205).