
Early Learning & Children's Services
Committee

HB 2092

Brief Description: Specifying that qualified grandparents are the priority placement option for children needing out-of-home care in dependency proceedings.

Sponsors: Representatives Short, Chase, Warnick and McCune.

Brief Summary of Bill

- Requires the court to place a child needing out-of-home care in a dependency case proceeding with a qualified grandparent unless the court finds by clear and convincing evidence that the placement is not in the child's best interests.

Hearing Date: 2/17/09

Staff: Sydney Forrester (786-7120)

Background:

Child Dependency Cases and Placements with Relatives.

The child dependency statute includes a number of preferences and requirements relating to placing a child who is removed from home with an appropriate relative or suitable person. An appropriate relative is one who is willing and available to care for and meet any special needs of the child, including facilitating visitation with siblings, if ordered, and who is qualified based on a background check. A suitable person is a non-relative with whom the child or child's family has a preexisting relationship, who has completed the required background check and appears to be suitable and competent to care for the child, and is willing to cooperate with the requirements of the child's case plan. Among relatives, no specific type of relative has priority for having a child placed with him or her. A relative placement, however, is given preference over placement with a suitable person during the entry of disposition orders following the dependency fact-finding hearing.

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.

Summary of Bill:

When ordering placement for a child needing out-of-home care in a dependency matter, the court must place the child with a qualified grandparent unless the court finds by clear and convincing evidence, the placement would not be in the child's best interests. A "qualified grandparent" is defined as the parent of the child's father or mother and related to the child by blood, marriage, or adoption, and who:

1. has a significant relationship with the child;
2. has performed parenting functions for the child on a regular or routine basis, or has served as the primary residential care provider for the child; and
3. is willing and able to be the selected placement option for the child.

In deciding whether placement with a qualified grandparent is in the child's best interests, the court must consider the following nonexclusive factors:

1. the love, affection, and strength of the relationship between the child and grandparent;
2. the length and quality of the relationship, including roles played by the grandparent and emotional ties;
3. the child's reasonable preference, if the court finds the child is sufficiently mature to express a preference;
4. the good faith of the grandparent in seeking the child placed with him or her;
5. the criminal history and adverse actions, if any, in the grandparent's past;
6. the number of placement changes the child already has experienced and the potential impact of an additional change in placement to the grandparent's home;
7. the child's current level of functioning at home, in school or early learning and child care programs;
8. whether placement with the qualified grandparent will allow the child to:
 - a. remain in the same school or early learning and child care program, or to continue participating in any extra curricular activities that contribute to the child's healthy development with peers;
 - b. participate in court-ordered visitation with parents and siblings;
 - c. access any court-ordered services intended to promote the child's health, safety, and well-being; and
 - d. participate in other activities designed to achieve the permanency goal for the child.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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