

SENATE BILL REPORT

SB 5510

As of February 11, 2009

Title: An act relating to notification in dependency matters.

Brief Description: Regarding notification in dependency matters.

Sponsors: Senators Stevens, Hargrove, Swecker and Shin.

Brief History:

Committee Activity: Human Services & Corrections: 2/10/09.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

Background: The dependency statute provides in a number of places that various persons are to receive notice for a number of different hearings; however, the statutes do not require that parents receive written notice of the consequences of their failure to participate in services.

If certain aggravated circumstances exist, the Department of Social and Health Services (DSHS) need not provide reasonable efforts to reunify the parent and child before seeking a petition to terminate parental rights. The court must find, by clear and convincing evidence, that one or more of the following aggravating circumstances exist:

- parent has been convicted of rape of the child in the 1st, 2nd or 3rd degree;
- parent has been convicted of criminal mistreatment of a child in the 1st or 2nd degree;
- parent has been convicted of assault in the 1st or 2nd (with child as victim) or assault of a child in the 1st or 2nd degree;
- parent has been convicted of murder, manslaughter or homicide by abuse;
- parent has been convicted of attempting, soliciting, or conspiring to commit one of the above crimes;
- parent has been found to be a sexually violent predator;
- parent has had parental rights terminated on another child for failure to participate in services;
- parent has abandoned another infant; and
- parent has been convicted of incest or sex offense and the child subject to the dependency has been born as a result.

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: DSHS or other supervising agency must provide written notice to the child's parents, before the dispositional hearing on the dependency petition, that concurrent permanency planning will occur along with an explanation of what concurrent planning is. The notice must also state that a parent's failure to participate in services could have serious consequences, including termination of parental rights.

After the dependency has been established, if the parent has not participated in services for six consecutive months, DSHS must send another notice to the parent advising them that failure to participate in services could have serious consequences, including termination of parental rights.

A parent's failure to have contact with a child for 15 consecutive months is added to the list of aggravating circumstances for which DSHS need need not provide reasonable efforts to reunify the child and the parent.

Appropriation: None.

Fiscal Note: Requested on January 27, 2009.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The best solution for a foster child is to return home, but in the event that cannot happen then the child should have permanency as quickly as possible and this bill would help accomplish that. Anything that expedites a permanency decision will help the child. This bill will help parents to know the consequences of their actions or inactions much sooner in the process. Parents need to be notified of the seriousness of dependency and the child's needs. Some parents have shown renewed interest in the dependency case when they receive the notice of termination of parental rights (TPR). The notice that a TPR could occur needs to come earlier in the dependency process so that parents are encouraged to become more involved.

OTHER: Placing the provision regarding no contact for 15 months under the aggravated circumstances section means that the department would not have to provide reasonable efforts for that length of time. This language is poorly placed and there is amendatory language that would be more appropriate. The department supports the intent of the bill but it does have a fiscal impact and is not in the Governor's proposed biennial budget.

Persons Testifying: PRO: Robert Adams, Foster Care Justice Alliance; Gary Malkasian, Foster Care Justice Alliance.

OTHER: David Del Villar Fox, Children's Administration.