

# SENATE BILL REPORT

## SSB 5510

---

---

As Amended by House, April 9, 2009

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

**Brief Description:** Regarding notification in dependency matters.

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

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/10/09, 2/23/09 [DPS].

Passed Senate: 3/04/09, 49-0.

---

### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5510 be substituted therefor, and the substitute bill do pass.

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

**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;

---

*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.*

- 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.

**Summary of Substitute Bill:** Two items are added to the form DSHS currently sends to parents:

- that concurrent permanency planning will occur along with an explanation of what concurrent planning is, and
- that a parent's failure to participate in services could have serious consequences, including termination of parental rights.

The department is not required to add the two new items to the notice until such time as the forms are reprinted.

**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.

**House Amendment(s):** Language is added that placement with relatives is preferred but in deciding placement the court needs to weigh the child's attachment to the current provider in

determining the best interests of the child. The court, when deciding on a permanency plan for the child, must consider factors affecting the best interest of the child including the child's history, attachment status, and how separation from the primary caregivers has affected the child. In a termination of parental rights proceeding when the court is determining if conditions causing dependency have been remedied, an additional factor is added that the court must consider: failure of the parent to have contact with the child for an extended period of time if the parent was provided an opportunity to have a relationship and received documented notice of the consequences that could occur if they do not have contact. The actual inability of the parent to see the child because of incarceration or military service is not in and of themselves sufficient.