

HOUSE BILL REPORT

SHB 1821

As Amended by the Senate

Title: An act relating to good cause exceptions during permanency hearings.

Brief Description: Concerning good cause exceptions during permanency hearings.

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Freeman and Santos).

Brief History:

Committee Activity:

Early Learning & Human Services: 2/19/13, 2/22/13 [DPS];
Appropriations: 2/28/13, 3/1/13 [DPS(ELHS)].

Floor Activity:

Passed House: 3/6/13, 97-0.
Senate Amended.
Passed Senate: 4/17/13, 48-0.
Senate Amended.
Passed Senate: 4/24/13, 46-0.

Brief Summary of Substitute Bill

- Expands the circumstances for which a court may enter a "good cause exception" in lieu of filing of a parental termination petition.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Kagi, Chair; Freeman, Vice Chair; Walsh, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Farrell, Goodman, MacEwen, Overstreet, Roberts, Sawyer and Zeiger.

Staff: Lindsay Lanham (786-7120).

HOUSE COMMITTEE ON APPROPRIATIONS

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.

Majority Report: The substitute bill by Committee on Early Learning & Human Services be substituted therefor and the substitute bill do pass. Signed by 31 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Alexander, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Carlyle, Cody, Dahlquist, Dunshee, Fagan, Green, Haigh, Haler, Harris, Hudgins, Hunt, Jinkins, Kagi, Maxwell, Morrell, Parker, Pedersen, Pettigrew, Pike, Ross, Schmick, Seaquist, Springer, Sullivan and Taylor.

Staff: Mary Mulholland (786-7391).

Background:

The Adoption and Safe Families Act of 1997 requires states to begin parental termination proceedings after a child has been placed in foster care for 15 of the previous 22 months, unless it is not in the child's best interest or the child is residing in a relative placement. In Washington, courts may also enter a "good cause exception" in lieu of filing of a termination petition. A "good cause exception" provides the legal reasoning as to why filing a parental right's termination petition is not appropriate. If entered by the court, the good cause exception must be reconsidered at each review hearing for a given case.

Currently, in statute the following reasons have been established as "good cause exceptions:" the child is being cared for by a relative; the Department of Social and Health Services (DSHS) has not provided to the child's family such services as the court and the DSHS have deemed necessary for the child's safe return home; or the DSHS has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

Summary of Substitute Bill:

The circumstances for which a court may enter a "good cause exception" to prevent the filing of a termination petition are expanded to include the following:

- a parent has been accepted into a dependency treatment court program or long-term substance abuse or dual diagnoses treatment program and is demonstrating compliance with treatment goals; or
- the DSHS has been unable to pay for and provide to the child's family such services as the court and the DSHS have deemed necessary for the child's safe return home and the parent has filed a declaration under penalty of perjury stating his or her financial inability to pay the cost of the same service.

The good cause exception that permits the DSHS to not file a parental termination petition when the DSHS has not provided the child's family such services as the court and the DSHS have deemed necessary for the child's safe return home is restored.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment:

- Specifies that a parent's declaration must state a parent's financial inability to pay for court-ordered services and must also state that the DSHS is unwilling or unable to pay for the same service.

- Adds that the good cause exceptions pertaining to substance abuse treatment and financial inability to pay for a service are only valid until June 30, 2015.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Early Learning & Human Services):

(In support) When a safety concern is found in the home and the court concurs with the DSHS, parents are ordered to complete specific services to address that concern. There are two parent groups that need additional time to successfully complete services. After completing a drug and alcohol assessment, parents who are struggling with chemical dependency or addiction may be referred to 12-month program or in some instances the recommended treatment may be a 24-month program. If a parent is in compliance with the treatment program, a termination petition should not be filed at the 15-month mark because the parent is addressing the safety concerns and engaging with certified providers. Because judges want permanency for children, courts are often reluctant to extend the termination timeline for parents who have struggled with chemical dependency and relapses. Parents often relapse early in the program. As such, some parents need additional time to receive treatment so that they are able to successfully reunify with their children.

The second good cause exception proposed in this bill is for parents who have been recommended to participate in a given service and the parent is unable to pay for the service. Parents can be at a loss as to what to do. The parent is ordered to do a service; however, the parent has no way to pay for the service. Although the DSHS may pay for the initial assessment, the DSHS may not pay for the recommended service. When a parent indicates that they will participate in services but the parent and the DSHS are not able to pay for the service, the court should have the option of entering a good cause exception. By not entering a termination petition, the DSHS and the parent can engage in conversation about how to remedy the safety concern through the offering of free services.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) A return home is the primary goal of the child welfare system. The provision of services is key for reunification to occur. The added allowable good cause exemptions are necessary to ensure that parents have the opportunity to engage in services to help make safe reunification possible. The bill should help lead to safe reunifications for children that ultimately will reduce foster care expenditures. A child is only out of the foster care system when a permanent plan is achieved.

(Opposed) None.

Persons Testifying (Early Learning & Human Services): Representative Freeman, prime sponsor.

Persons Testifying (Appropriations): Laurie Lippold, Partners for Our Children.

Persons Signed In To Testify But Not Testifying (Early Learning & Human Services): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.