

SENATE BILL REPORT

ESSB 6479

As Passed Senate, February 13, 2014

Title: An act relating to providing caregivers authority to allow children placed in their care to participate in normal childhood activities based on a reasonable and prudent parent standard.

Brief Description: Providing caregivers authority to allow children placed in their care to participate in normal childhood activities based on a reasonable and prudent parent standard.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Frockt, Fain, Darneille, Kohl-Welles, Rivers and Kline).

Brief History:

Committee Activity: Human Services & Corrections: 2/04/14, 2/05/14 [DPS, w/oRec].
Passed Senate: 2/13/14, 48-1.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6479 be substituted therefor, and the substitute bill do pass.

Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove.

Minority Report: That it be referred without recommendation.

Signed by Senator Padden.

Staff: Kevin Black (786-7747)

Background: A child who is dependent may be placed in out-of-home care by the Department of Social and Health Services (DSHS). A dependent child is a child who has been abandoned, abused, or neglected by a person legally responsible for the child's care; who has no parent or guardian capable of adequately caring for the child; or who is receiving extended foster care services.

Summary of Engrossed Substitute Bill: A caregiver for a child placed in out-of-home care by DSHS has the authority to provide or withhold permission to allow a child in their care who is 12 years of age or older to participate in normal childhood activities without prior approval of a caseworker, DSHS, or court, based on a reasonable and prudent parent standard.

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.

Normal childhood activities include but are not limited to extracurricular, enrichment, and social activities, and may include overnight activities outside the direct supervision of the caregiver for over 24 hours and up to 72 hours.

A reasonable and prudent parent standard is characterized by thoughtful parental decision making intended to maintain the child's health, safety, and best interest while encouraging the child's emotional and developmental growth. Authorizations must comply with the provisions of an existing safety plan developed by DSHS or court order and not be in conflict with specific direction provided by DSHS. Neither the caregiver nor DSHS may be held liable for injuries to a child based on authorizations under the reasonable and prudent parent standard unless the actions or inactions of either constitute willful or wanton misconduct.

Parents' interest in the normal childhood activities of their children in care must be a subject of family decision team meetings and meetings between the parent and caseworker. Caseworkers must communicate the expressed wishes of parents concerning their children's participation in normal childhood activities to foster parents so that the parents' wishes may be appropriately respected.

A background check is not required for persons who may have unsupervised access to children based on caregiver authorizations pursuant to the reasonable prudent parent standard.

Appropriation: None.

Fiscal Note: Requested on February 10, 2014.

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: Normalcy for youth in foster care is an issue we hear about every year. There are significant barriers for youth in foster care to participate in experiences that intact families take for granted. This bill empowers foster parents to provide natural parental guidance, and extends them the trust to do the job they are licensed to do. Right now foster parents do not have the authority to authorize a haircut or a trip outside the county. Other states, including Florida and California, have already implemented this. Many foster kids are at an age where they are learning new skills, participating in extracurricular activities, and making lifelong friends. The foster care system has features that prevent these foster kids' lives from being normal, such as requiring social workers to sign permission slips for field trips, or to allow them to go over to friends' houses. The social worker is not the best person to make this call, because the social worker does not know the child as well as the foster parent and may only see the child once per month. When the social worker does not get back to the child quickly, the child misses out on opportunities. We are hoping to improve the speed of decision making. This is a good bill to make foster kids lives more normative. We have a few concerns about the way the bill is drafted. There should be an upper limit of 72 hours on the time foster parents may authorize the child to be away from home without involving the social worker. Some youth are missing out on

activities that are really important for their growth, development, and socialization. We need to figure out how to keep from going too far, but also make sure we are not preventing youth from going to their school gymnastics tournaments.

Persons Testifying: PRO: Jon Brumbach, Mykell Daniels, The Mockingbird Society; Jennifer Strus, DSHS; Laurie Lippold, Partners for Our Children.