
Early Learning & Human Services Committee

HB 1800

Brief Description: Concerning filing a petition seeking termination of parental rights.

Sponsors: Representatives Hargrove, Kagi and Walsh.

Brief Summary of Bill

- Requires a court to order the filing of a termination of parental rights petition under certain circumstances when a child has been in out-of-home care for at least 12 months following the filing of a dependency petition.

Hearing Date: 2/10/15

Staff: Luke Wickham (786-7146).

Background:

Dependency Court System.

The Department of Social and Health Services (DSHS) may file a petition in court alleging that a child should be a dependent of the state due to abuse, neglect, or because there is no parent, guardian, or custodian capable of adequately caring for the child.

If a court determines that a child is dependent, then the court will conduct periodic reviews and make determinations regarding the child's placement, the provision of services by the DSHS, compliance of the parents, and whether progress has been made by the parents.

Under certain circumstances after a child has been removed from the custody of a parent for at least six months pursuant to a finding of dependency, a petition may be filed seeking termination of parental rights.

Adoption and Safe Families Act.

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.

The Adoption and Safe Families Act of 1997 (ASFA) requires child welfare agencies to file a petition seeking termination of parental rights if a child has been in out-of-home care for 15 of the most recent 22 months, unless the court makes a good cause exception as to why the filing of a termination petition is not appropriate.

Good Cause Exceptions Not to File a Termination Petition.

In Washington, good cause exceptions not to file a termination petition when a child has been in out-of-home care for 15 out of the last 22 months include, but are not limited to, the following:

- The child is cared for by a relative.
- The DSHS has not provided services that the court and the DSHS have deemed necessary for the child to safely return home.
- The DSHS has documented in the case plan a compelling reason why filing a termination petition would not be in the child's best interests.
- The parent is incarcerated or the parent's prior incarceration is a significant factor in why the child has been in out-of-home care, the parent maintains a meaningful role in the child's life, and the DSHS has not documented another reason to file a termination petition.
- The parent has been accepted into a dependency treatment court program or long-term substance abuse program and is demonstrating compliance with treatment goals until June 30, 2015.
- The parent files a declaration stating the parent's financial inability to pay for court-ordered services and the DSHS was unwilling or unable to pay for the same services necessary for the child to safely return home until June 30, 2015.

Department Policy Regarding Filing Termination Petition.

The DSHS may file a termination petition after a child has been removed from the custody of a parent pursuant to a dependency petition for 6 months, and before being ordered to file such petition.

According to the DSHS policy, a termination petition must be submitted to the Office of the Attorney General by the end of the child's 12th month in out-of-home care or sooner, when it is in the child's best interest and:

- the child is in out-of-home care 12 of the last 19 months;
- the child is determined by the court to be abandoned;
- the child is in out-of-home-care for a period of at least 6 months since a dependency finding; or
- if aggravating circumstances are found by the court, the DSHS must file a termination petition within 60 days.

A termination of parental rights petition may be considered earlier in the dependency process when the parents have failed to engage in services and the child has been in care for 90 days since the disposition.

Summary of Bill:

Requires that the court order a petition seeking termination of the parent and child relationship be filed if:

- the child has been in out-of-home care for at least 12 months following the filing of a dependency petition;
- the parents have been noncompliant with court-ordered services and have made no progress toward correcting parental deficiencies; and
- the court does not make a good cause exception.

Appropriation: None.

Fiscal Note: Available.

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