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## Early Learning & Human Services Committee

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### HB 2591

**Brief Description:** Notifying foster parents of dependency hearings and their opportunity to be heard in those hearings.

**Sponsors:** Representatives Hargrove, Kagi, Walsh, Dent, Caldier, Senn, Frame, Muri, Zeiger, McBride, Ormsby and Gregerson.

#### Brief Summary of Bill

- Requires the Department of Social and Health Services to provide foster parents with timely and adequate notice of their right to be heard before each dependency court proceeding.
- Requires a court to make written findings regarding whether foster parents were notified of dependency court hearings, whether the court received a caregiver's report was received by the court, and whether the court provided the caregiver an opportunity to be heard.
- Requires the Administrative Office of the Courts to include in their Annual Dependency Report information regarding whether foster parents received timely notification of court hearings and whether caregivers submitted reports to the court.

**Hearing Date:** 1/27/16

**Staff:** Luke Wickham (786-7146).

#### **Background:**

##### Dependency Proceedings.

Any person or the Department of Social and Health Services (DSHS) may file a petition in court to determine if a child should be a dependent of the state due to abuse, neglect, abandonment, or because there is no parent, guardian, or custodial capable of caring for the child. Once a child is found dependent, the court conducts periodic reviews and makes determinations about the child's

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placement and the parent's progress in correcting parental deficiencies. After a period of time, if the parent fails to take corrective measures needed to allow the child to return home safely, the court can eventually terminate the parent's parental rights.

#### Foster Parent Notice of Dependency Court Proceedings.

The DSHS must provide the child's foster parents, preadoptive parents, or other caregivers with notice of their right to be heard prior to each dependency court proceeding. This notice must be provided to any foster parent, preadoptive parent, or other caregivers with whom a child has been placed by the DSHS before shelter care and who is providing care to the child at the time of the proceeding.

The DSHS created a form that may be provided to and used by caregivers titled "Caregiver's Report to the Court," which can be used by caregivers to provide the court with information about the child in their care.

#### Administrative Office of the Courts Annual Dependency Report.

The Administrative Office of the Courts (AOC) and the Washington State Center for Court Research has produced an annual Timeliness of Dependency Case Processing Report (Report) since 2007. The Report includes designated performance measures, including:

- whether a fact-finding hearing occurred within 75 days;
- whether a first review hearing occurred within six months;
- whether the first permanency planning hearing occurred within 12 months;
- whether subsequent permanency planning hearings occurred every 12 months;
- whether permanency was achieved before 15 months in out-of-home care;
- whether termination of parental rights petition was filed within 15 months of out-of-home care;
- case tracking from dependency filing to legally-free status; and
- whether adoption was completed within six months of the termination order.

#### **Summary of Bill:**

The DSHS shall provide a child's foster parents, preadoptive parents, or other caregivers with timely and adequate notice of their right to be heard prior to each dependency proceeding. Timely and adequate notice means notice at the time the DSHS would be required to give notice to parties in the case and by any means reasonably certain of notifying the foster parents. For emergency hearings, the DSHS must give notice to foster parents as soon as is practicable.

The court must establish in writing after each hearing for which the DSHS is required to provide notice:

- whether adequate and timely notice was provided by DSHS;
- whether a caregiver's report was received by the court; and
- whether the court provided the caregiver with an opportunity to be heard in court.

The AOC shall include in its annual Report information regarding whether foster parents received timely notification of dependency hearings and whether caregivers submitted reports to the court. This Report shall also be submitted to a representative of the Foster Parent Association of Washington State.

**Appropriation:** None.

**Fiscal Note:** Available.

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