

# HOUSE BILL REPORT

## ESHB 2591

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**As Passed House:**  
February 12, 2016

**Title:** An act relating to notifying foster parents of dependency hearings and their opportunity to be heard in those hearings.

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

**Sponsors:** House Committee on Early Learning & Human Services (originally sponsored by Representatives Hargrove, Kagi, Walsh, Dent, Caldier, Senn, Frame, Muri, Zeiger, McBride, Ormsby and Gregerson).

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 1/27/16, 2/2/16 [DPS].

**Floor Activity:**

Passed House: 2/12/16, 96-0.

**Brief Summary of Engrossed Substitute Bill**

- Requires the Department of Social and Health Services to provide foster parents, pre-adoptive parents, and caregivers 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, pre-adoptive parents, or caregivers were notified of dependency court hearings, whether the court received a caregiver's report, and whether the court provided the foster parents, pre-adoptive parents, or caregivers 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.

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### HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

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*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 be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins, Kilduff, Ortiz-Self, Sawyer and Walkinshaw.

**Minority Report:** Do not pass. Signed by 1 member: Representative Scott.

**Minority Report:** Without recommendation. Signed by 1 member: Representative McCaslin.

**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 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, pre-adoptive 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, pre-adoptive 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 within the AOC 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 Engrossed Substitute Bill:**

The DSHS shall provide a child's foster parents, pre-adoptive parents, or other caregivers who are providing care for a child at the time of a hearing 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, pre-adoptive parents, or other caregivers 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 the DSHS;
- whether a caregiver's report was received by the court; and
- whether the court provided the foster parents, pre-adoptive parents, or caregivers with an opportunity to be heard in court.

Caregiver's report is defined as a form provided by the DSHS to a child's foster parents, pre-adoptive parents, or caregivers that provides those individuals with an opportunity to share information about the child before a court hearing. Caregiver's reports may not include information about a child's biological parent that is not directly related to the child's well-being.

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.

**Staff Summary of Public Testimony:**

(In support) It is human nature that if you pour your heart into something that is put on the shelf, you are unlikely to keep pouring your heart out. This bill ensures that foster parents are given notice of hearings. Foster parents are often in the best place to provide information about children in their care. If the law was being followed, there wouldn't be a problem, but by tracking this, the notification will be more likely to happen. Many foster parents might be willing to continue fostering youth if their caregiver's reports to the court were actually received by the court. After submitting a caregiver's report to the court to a social worker, a foster family did not have their caregiver's report circulated. After not circulating that report, the court did not hear from the foster family and removed the child from the foster family

and returned her to her biological parents. This child returned to the same foster family later on, and some of the trauma that the foster child experienced might have been avoided if the court had heard from the foster family in the first place. Caseworkers and supervisors will sometimes tell foster parents not to appear for court hearings, and this bill would shed light on how many foster parents are notified and appear.

(Opposed) None.

**Persons Testifying:** Representative Hargrove, prime sponsor; and Kim Emmons.

**Persons Signed In To Testify But Not Testifying:** None.