

FINAL BILL REPORT

ESHB 2591

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Synopsis as Enacted

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).

House Committee on Early Learning & Human Services
Senate Committee on Human Services, Mental Health & Housing

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 progress of the parents in correcting parental deficiencies. After a period of time, if the parents fail to take corrective measures needed to allow the child to return home safely, the court can eventually terminate 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 caregiver 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 may be used by caregivers to provide the court with information about the child in their care.

Administrative Office of the Courts Annual Dependency Report.

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 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:

The DSHS must 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.

The 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. A caregiver's report may not include information about a child's biological parent that is not directly related to the child's well-being.

The AOC must 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 must also be submitted to a representative of the Foster Parent Association of Washington State.

Votes on Final Passage:

House	96	0
Senate	47	0

Effective: June 9, 2016