

SENATE BILL REPORT

SB 5692

As Amended by House, April 9, 2015

Title: An act relating to permanency plans of care for dependent children.

Brief Description: Addressing permanency plans of care for dependent children.

Sponsors: Senators Hargrove and Darneille; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Human Services, Mental Health & Housing: 2/09/15, 2/17/15 [DP].

Passed Senate: 3/04/15, 48-0.

Passed House: 4/09/15, 97-0.

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Majority Report: Do pass.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Hargrove and Padden.

Staff: Alison Mendiola (786-7444)

Background: Permanency Plan. When a child is ordered removed from the home of a parent, the Department of Social and Health Services (DSHS) or supervising agency assumes responsibility for developing a permanency plan no later than 60 days after assuming responsibility. The permanency planning process must include reasonable efforts to return the child to the home of the parent. The supervising agency must submit a written permanency plan to all parties and the court at least 14 days before the scheduled hearing.

The permanency plan must identify the primary goal of the case and may identify alternative goals. These goals could include returning the child to the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care; successful completion of a responsible living program; or independent living. Unless the court has ordered the filing of a petition to terminate parental rights, the plan must include what steps will be taken to return a child home. All aspects of the plan must include the goal of achieving permanence for the child.

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 plan must further specify what services the parents will be offered to allow them to resume custody, the requirements parents must meet to resume custody, and a time limit for each service and requirement.

Dependency Review Hearings. A court must review the status of all children found to be dependent at least every six months from the date a child was placed out of the child's parent's home or the date dependency is established, whichever is first. The purpose of these hearings is to review the progress of the parties and determine whether court supervision should continue.

The first review hearing must be an in-court review and be set six months from the beginning date of the child's placement out of home or no more than 90 days from the entry of the disposition order, whichever is first.

A child may not be returned home at a review hearing unless the court finds that a reason for removal no longer exists. If a child is returned home, casework must continue for six months, when there must be a hearing on the need for continued intervention.

If a child is not returned home at a review hearing, the court must establish in writing various determinations. Some of these determinations include the following:

- whether the supervising agency is making reasonable efforts to provide services to the family and eliminate the need for out-of-home placement;
- whether the parties complied with the case plan; and
- whether progress was made in correcting the problems that led to out-of-home care.

Federal Law. H.R. 4980 which passed into law in 2014, provides that all states must limit the use of another planned permanency living arrangement – i.e. long-term foster care – to youth ages 16 or older. States have until October 1, 2015, to comply with this requirement. Noncompliance would potentially jeopardize future Title IV-E funding. Washington's statute provides for long-term relative or foster care until the child is age 18.

Summary of Bill: Long-term relative or foster care is an option under a permanency plan if a child is between the ages of 16 and 18.

If a goal of long-term foster care has been achieved prior to the permanency planning hearing and the court determines that the plan for the child's care remains appropriate, the court must find that another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues to not be in the child's best interest to return home, be placed for adoption, be placed with another legal guardian, or be placed with a fit and willing relative. If the child is at the hearing, the court should ask the child about the child's desired permanency outcome.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We need to amend the law in two places to comply with federal law or else the state could be at risk of losing funding. The phrase "up to 18" needs to say "16 to 18" and that there is a judicial determination that another planned permanent living arrangement is the best permanency plan for the child.

Persons Testifying: PRO: Jennifer Strus, DSHS.

House Amendment(s): Although a permanency plan of care may only identify long-term relative or foster care for a child between ages 16 and 18, children under age 16 may remain placed with relatives or in foster care.

Clarifies that if the goal of long-term foster or relative care is achieved before a permanency planning hearing, the courts must find that the child's placement and plan of care is the best permanency plan for the child.