

SENATE BILL REPORT

SHB 1815

As Passed Senate, April 11, 2017

Title: An act relating to the rights of an alleged parent in dependency proceedings.

Brief Description: Concerning the rights of an alleged parent in dependency proceedings.

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Kilduff, Rodne, Senn, Muri, Lovick, Ortiz-Self, Orwall and Frame; by request of Department of Social and Health Services).

Brief History: Passed House: 3/06/17, 87-11.

Committee Activity: Human Services, Mental Health & Housing: 3/15/17, 3/28/17 [DP, w/oRec].

Floor Activity:

Passed Senate: 4/11/17, 47-2.

Brief Summary of Bill

- Changes the existing definition of parent for purposes of child welfare proceedings to mean a biological parent, adoptive parent, or an individual who has established a parent-child relationship through the Uniform Parentage Act, unless that person's parental rights have been terminated.

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; Carlyle, Hunt and Walsh.

Minority Report: That it be referred without recommendation.

Signed by Senator Padden.

Staff: Alison Mendiola (786-7444)

Background: Parentage under the Uniform Parentage Act. In 2002, the Legislature adopted the Uniform Parent Act (UPA). Under the UPA, parentage may be established based on a presumption, acknowledgment, or adjudication. A person is a presumed parent if the child

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was born in the context of marriage or domestic partnership, or shortly thereafter, or if the person resided with the child and openly held the child out as the person's own for the first two years of the child's life.

A person is an acknowledged parent if the person signs an acknowledgment of paternity that is later filed with the State Registrar of Vital Statistics. A person is an adjudicated parent if the person's parentage was determined in a court proceeding. A judgment and order establishing parentage may include terms requiring provision of child support and payment of birth-related costs, establishing residential provisions for the child, and requiring amendment of the child's birth certificate. Temporary orders may be issued while the action is pending.

The procedures and timelines for challenging parentage vary depending on whether the parentage is presumed, acknowledged, or adjudicated. In general, a challenge must be brought within a maximum of four years of the child's birth or establishment of parentage. A signatory may rescind a paternity acknowledgement by filing an action within 60 days of acknowledgement, or by the next court hearing concerning the child, whichever is sooner, and may challenge the acknowledgement only for limited reasons past that point.

There are specific procedures for when genetic testing can be ordered in a parentage action and when a motion for genetic testing can be denied. With certain exceptions, genetic testing must be ordered when supported by a sworn statement of a party alleging or denying the requisite sexual contact between the parties for conception of a child. Parentage of a presumed, acknowledged, or adjudicated parent may be disproved only by admissible results of genetic testing.

Child Welfare Court Proceedings. 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.

The definition of parent for purposes of child welfare proceedings is the biological or adoptive parent of a child unless the legal rights have been terminated by a court proceeding.

Summary of Bill: The definition of parent for purposes of dependency and termination of parental rights court proceedings is changed to mean a biological parent, adoptive parent, or an individual who has established a parent-child relationship under the UPA, unless the legal rights of that person have been terminated through a court proceeding.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This is a straightforward bill with a high impact. This bill has been presented to the Legislature before. There are different definitions of parent. The dependency definition is very narrow as it only includes biological and adoptive parents. The Uniform Parentage Act (UPA) is more broad and includes presumed, acknowledged, and adjudicated parents. A parent could have rights under the UPA but not the dependency statute.

Persons Testifying: PRO: Representative Christine Kilduff, Prime Sponsor; Jennifer Strus, DSHS.

Persons Signed In To Testify But Not Testifying: No one.