

HOUSE BILL REPORT

2SSB 5331

As Passed House - Amended:

April 11, 2021

Title: An act relating to establishing an early childhood court program for young children and their families involved in Washington's child welfare system.

Brief Description: Establishing an early childhood court program for young children and their families involved in Washington's child welfare system.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Gildon, Darneille, Dhingra, Hasegawa, Nguyen, Nobles, Warnick, Wellman and Wilson, C.).

Brief History:

Committee Activity:

Children, Youth & Families: 3/11/21, 3/22/21 [DP];

Appropriations: 4/1/21 [DP].

Floor Activity:

Passed House: 4/11/21, 87-11.

Brief Summary of Second Substitute Bill

(As Amended By House)

- Authorizes superior courts to establish early childhood court programs to serve the needs of infants and toddlers who are dependent and under age 3 and creates requirements for these programs.

HOUSE COMMITTEE ON CHILDREN, YOUTH & FAMILIES

Majority Report: Do pass. Signed by 10 members: Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Callan, Eslick, Goodman, Klippert, Ortiz-Self and Wicks.

Minority Report: Without recommendation. Signed by 3 members: Representatives

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Young.

Staff: Luke Wickham (786-7146).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 33 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Staff: Yvonne Walker (786-7841).

Background:

Baby Court.

Courts across the country have established specialized court programs for infants and toddlers receiving child welfare services, and this response is sometimes referred to as "baby court." Pierce County has a program like this called the Best for Babies Program (Best for Babies) designed to ensure that infants and toddlers entering foster care receive support and services to help ensure safety, well-being, and an environment that supports early brain development. This program provides:

- regular support and community team meetings with parents and families;
- frequent court hearings with the same judge and caseworker;
- increased visitation between infants, toddlers, and parents; and
- referral of every child to early intervention services.

Child Welfare (Dependency) Court Proceedings.

Anyone, including the Department of Children, Youth, and Families (DCYF), 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. These petitions must be verified and contain a statement of facts that constitute a dependency and the names and residence of the parents, if known.

When a child is taken into custody, the court is to hold a shelter care hearing within 72 hours. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the dependency case is being resolved.

If a court finds the need to maintain a child out of the home, the shelter care status remains until a dependency fact-finding hearing is held or the parties enter an agreed order of

dependency. The fact finding must be held within 75 days after the filing of the petition, unless exceptional reasons for a continuance are found.

If a court determines that a child is dependent, the court will conduct periodic reviews and make determinations regarding the child's placement, the provision of services by the DCYF, compliance of the parents, and whether progress has been made by the parents.

The DCYF must develop a permanency plan within 60 days from the date that the DCYF assumes responsibility for the child which must identify primary outcome goals for the case. The DCYF must submit this permanency plan to the parties and the court at least 14 days before a permanency planning court hearing. A permanency planning hearing must be held in all cases where the child has remained in out-of-home care for at least nine months, but no later than 12 months following out-of-home placement.

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.

Summary of Amended Bill:

Superior courts are authorized to establish early childhood court programs (ECCP) to serve the needs of infants and toddlers who are dependent and under age 3 at the time the case enters the program. An ECCP is defined as a therapeutic court that provides an intensive court process for families with a child under age 3 who is dependent.

A case may remain in the ECCP after the child is age 3 or older if the child is still dependent.

If a superior court creates an ECCP, it must:

- obtain a memorandum of understanding or other agreement with the DCYF, developed in collaboration with counsel for parents and children, that outlines how the two entities will coordinate and collaborate to implement the core components;
- have a community coordinator with experience and training in diversity, equity, and including measures that neutrally facilitates information sharing and collaboration among professionals, participation in meetings, identification of resources and supports the family's connection to these resources, builds relationships, identifies training needs, and supports the convening of team meetings;
- establish a community team that includes diverse membership including former parent participants, foster parents, parent and child advocates, an attorney for parents, a DCYF caseworker, and a judicial officer that serves as an advisory body to the court;
- hold more frequent status hearings and these hearings are separate from the existing review hearings and are intended to provide additional support to the family;
- aim to foster an environment in which all professionals increase their awareness of

- different forms of bias and the trauma that accompany poverty, mental health, and substance use by identifying or developing training;
- ensure that families receive early, consistent, and frequent visitation for children and parents;
 - ensure that the individualized case plan for parents involved should address protective factors that mitigate or eliminate safety risks to the child;
 - support the development of agreements that encourage stakeholder participation;
 - collect and review data to assess its effectiveness and share this data with the Oversight Board for Children and Families (oversight board);
 - the oversight board will share data findings and hold or offer to assist in holding statewide meetings to support alignment to the core components and statewide consistency;
 - ensure that the caseworker assigned to the program receive training and competency related to cultural anti-bias and anti-racism;
 - ensure that each program is responsive to community needs and adopt best practices related to family reunification and serving all families;
 - ensure that an attorney for the parent is present during every meeting of the program; and
 - ensure that parents receive all available and appropriate services.

Judges who preside over the ECCP hearings must participate in required training, including:

- an initial eight-hour training program that can include certain topic areas related to:
 - infant attachment with primary caregivers;
 - diversity, equity, and inclusion;
 - trauma-informed approaches;
 - the importance of maintaining children with their biological connections;
 - reunification; and
 - the impact of trauma on child development; and
- a minimum of eight hours of continuing education related to the program after the initial training.

Subject to amounts appropriated, the Administrative Office of the Courts shall perform, or contract for, an evaluation of the ECCPs to ensure the quality, accountability, and fidelity of the programs' evidence-based treatment.

Any ECCP currently in operation must have until January 1, 2022, to adjust its practices to comply with the bill.

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 (Children, Youth & Families):

(In support) In 2018 infants and toddlers made up 42 percent of Washington's dependency filings. That same year, of all the children who went into foster care, 25 percent were infants under age 1. This is the second highest rate in the country. The COVID-19 pandemic has threatened the stability and connection that babies and families need. The Safe Babies Court Team created by the national ZERO TO THREE partner is a nationally recognized framework to create equitable access to resources in the community. Pierce County began this work, and now is the time to expand and have a standard of practice. A public-private partnership is being pursued to implement the ECCPs. Private funding has been secured to add three ECCPs across the state. This bill codifies the state's commitment to these programs and makes sound financial sense.

The team approach is exemplified by the early childhood courts. In Washington, the state has centered its policy on science and research. Early childhood courts are informed by that science demonstrating the importance of the initial connection between a baby and parent. The data is clear from the experience so far that the ECCPs reap great rewards for families. The focus on the well-being of the child and the reunification of that child are some of the most promising components of the program. If safe reunification is not possible, early childhood courts have been very successful in placing children with relatives. This bill focuses on training court staff, requiring team meetings, basing early childhood courts on the science, and avoiding toxic stress. The hope is that early childhood courts will become an evidence-based program that can be replicated in courts across the state.

Early childhood courts provide an innovative approach to serving families with infants in the dependency court process. Early childhood courts aim to empower parents to feel like they are part of a team that is serving the family. The Pierce County Best for Babies empowers families by holding more hearings so that these families do not feel like they are lost in the system. Parents have expressed that they felt hope for the first time after entering the program. This is a problem-solving court that uses everyone working together to strategize and listen. In Best for Babies, there are monthly check-ins, and supportive relationships are built with parents.

Children benefit when professionals work as a team as they do in the ECCPs. Families sometimes maintain their relationships with foster parents after reunification because of the team approach.

Early engagement is the key to providing good outcomes for children. The most therapeutic process should be used to support families and young children in need.

(Opposed) The DCYF creates trauma in families when children are removed.

Staff Summary of Public Testimony (Appropriations):

(In support) None.

(Opposed) None.

Persons Testifying (Children, Youth & Families): (In support) Senator Gildon, prime sponsor; Rachel Sottile, Center for Children and Youth Justice; Ruth Kagi, Children's Campaign Fund; Julie Hoffman, Amara; and Tonia McClanahan.

(Opposed) Kimberlee Elbon.

Persons Testifying (Appropriations): None.

Persons Signed In To Testify But Not Testifying (Children, Youth & Families): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.