

FINAL BILL REPORT

2SSB 5331

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Synopsis as Enacted

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.).

Senate Committee on Human Services, Reentry & Rehabilitation

Senate Committee on Ways & Means

House Committee on Children, Youth & Families

House Committee on Appropriations

Background: Dependency Court. 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.

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

If the parent fails to make progress in curing the parental deficiencies which led to the dependency, or if one of the statutory aggravating factors exist, a termination petition may be filed. Federal law requires that after a child has been in foster care for 15 of the past 22 months, the state must file a petition to terminate parental rights unless the child is being cared for by relatives, there is a compelling reason why termination would not be in the best interest of the child, or the state has failed to offer the necessary services to the parent.

If the court finds the statutory grounds for termination are met, the court will terminate the parental rights and the parent will no longer have rights, privileges, or obligations toward

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the child.

National Baby Court Models. Zero to Three is a national organization dedicated to working on issues related to increasing the well-being of babies and toddlers. The Zero to Three National Infant-Toddler Court Program is funded by the U.S. Department of Health and Human Services. Zero to Three reports there are infant-toddler court programs at 99 sites throughout 30 states and of the 680,000 children in foster care in the U.S., 31 percent are age three and younger. Zero to Three also designed the Safe Babies Court Team in 2005, which focuses on reducing trauma and improving how court, child welfare, and child-serving organizations work together to support young children in, or at-risk of entering, the child welfare system.

In Washington State, children under the age of three represent 42 percent of dependency cases filed in 2018. Of all children who entered into care in Washington, 25.6 percent are infants under one year, the second highest rate in the country.

Best for Babies Program. The Pierce County Juvenile Court operates the Best for Babies Program which is a court-based program designed to ensure that infants and toddlers entering foster care receive support and services to help ensure safety, wellbeing, and an environment that supports early brain development, a Safe Babies Court Team approach. The Best for Babies Program started in 2016, and ensures the needs of infants and toddlers in dependency are addressed through:

- regular support and community team meetings with infants' and toddlers' parents and families;
- building trusting relationships between parents, caregivers, legal team, judges, and advocates;
- frequent court hearings with the same judge and social worker;
- increased family time for infants, toddlers and parents; and
- referral of every child to early intervention services.

Summary: The Legislature finds there is an urgent need to provide greater supports to young children and their families involved in Washington's child welfare system. The Legislature also finds that early childhood court programs provide timely, research-based, and trauma informed interventions. Statewide standards are necessary to the quality and accountability of evidence-based, evidence-informed, and trauma-informed interventions of early childhood court programs. The Legislature finds that the Administrative Office of the Courts (AOC) has secured funding for the first year of the early childhood court program (ECCP), to support their evaluation efforts.

Early Childhood Court Program. A superior court may establish an ECCP to serve the needs of infants and toddlers under the age of three, who are dependents. If a child turns three while in the program, the child and their family continue to participate in the program. If a superior court creates an ECCP, it is to incorporate the following core components into the program:

- a local community coordinator who is a person with experience and training in diversity, equity, and inclusion measures who is dedicated to:
 1. supporting the convening of community team meetings;
 2. more frequent status review hearings than currently required, intended to provide additional support to the family;
 3. coordinating and participating in family team meetings;
 4. identifying community-based resources and supporting the family's connection to these resources; and
 5. building relationships and forming new partnerships across traditional and nontraditional services and systems.
- identifying training needs to early childhood court professionals and facilitating the provision of training;
- family team meetings neutrally facilitated by the community coordinator;
- ensuring that parents are critical participants in the ECCP;
- ensuring that families receive early, consistent and frequent visitation that is developmentally appropriate for infants and toddlers;
- ensuring that the individualized case plan for parents involved in the ECCP should address protective factors that mitigate or eliminate safety risks to the child;
- encouraging a respectful, strength-based, compassionate approach to working with parents;
- supporting the development of agreements that encourage:
 1. stakeholders participation in any available statewide structure that supports alignment to the approach of the ECCP, cross-site cooperation, and consistency;
 2. program data is regularly and continuously reviewed to ensure equity and inform and improve practice; and
 3. stakeholder use of technical assistance, training, and evaluation to assess effectiveness and improve outcomes.
- each ECCP must collect and review its data, including data related to race and ethnicity of program participants, to assess its effectiveness and share this data with the Oversight Board for DCYF (DCYFOB):
 1. The DCYFOB is to share this data and hold or offer to assist in holding statewide meetings to support alignment to the core components and statewide consistency.
- the caseworker assigned to an ECCP must have received training and competency related to cultural antiracism, and antiracism;
- each early childhood court program must be responsive to community needs and adopt best practices related to family reunification and serving all families;
- an attorney for the parent must be present during every meeting of the early childhood court program; and
- ensuring that parents voluntarily participating in the early childhood court program receive all available and appropriate services.

A community team is established by the court and consists of stakeholders that serve as an

advisory body to the court and who implement the ECCP. The community team is to include, but not be limited to, former foster parents, foster parents, parent and child advocates, an attorney for parents, a DCYF caseworker, and a judicial officer.

A community team aims to:

- foster a learning environment and encourage an interdisciplinary approach to meet the needs of young children and families;
- identify and respond to challenges to accessing resources and needed systems reforms;
- support multidisciplinary trainings; and
- recommend local court policies and procedures to improve families receipt of equitable and timely access to resources and remedial services for the parent and child.

Training Requirements. Judicial officers who preside over ECCP hearings are to participate in required trainings, as follows:

- an initial eight-hour training program including specific elements as prescribed in statute; and
- after the initial training, annually attend a minimum of eight hours of continuing education of pertinence to the ECCP.

The Administrative Office of the Courts. Subject to appropriation, the AOC is to administer the certification of training requirements and evaluate the ECCPs to ensure the quality, accountability, and fidelity of the programs' evidence-based treatment. Evaluations are to be posted on AOC's website. AOC may provide, or contract for the provision of, training and technical assistance related to program services, consultation and guidance for difficult cases, and ongoing training for court teams.

Any currently operating program has until January 1, 2022 to adjust to the requirements of this act.

Votes on Final Passage:

Senate	47	0	
House	87	11	(House amended)
Senate	47	1	(Senate concurred)

Effective: July 25, 2021