

SENATE BILL REPORT

2SSB 5331

As Amended by House, 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: Human Services, Reentry & Rehabilitation: 1/28/21, 2/05/21 [DPS-WM].

Ways & Means: 2/16/21, 2/18/21 [DP2S].

Floor Activity: Passed Senate: 2/25/21, 47-0.

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

Brief Summary of Second Substitute Bill

- Establishes the Early Childhood Court Program (ECCP) which superior courts may implement to serve the needs of infants and toddlers under the age of three who are dependent.
- Creates training requirements for judicial officers hearing cases in an ECCP.
- Provides that, the Administrative Office of the Courts is to administer the training requirements and evaluate the ECCPs, subject to appropriations.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: That Substitute Senate Bill No. 5331 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Gildon, Ranking Member; Dozier, McCune, Saldaña and Wilson, C.

Staff: Alison Mendiola (786-7488)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5331 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun, Carlyle, Conway, Darneille, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Liias, Mullet, Muzzall, Pedersen, Rivers, Van De Wege, Wagoner, Warnick and Wellman.

Staff: Trevor Press (786-7446)

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 that 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 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 that 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 of Second Substitute Bill: 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 research-based interventions of early childhood court programs. Additionally, the Legislature finds that the administrative office of the courts has secured funding for the first year of the early childhood court program, to support their evaluation efforts.

Early Childhood Court Program. A superior court may establish an early childhood court program (EECP) 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 EECP, it is to incorporate the following core components into the program:

- local community coordinators;
- community teams, which are stakeholders to the Court that serve as an advisory body to the Court and implement the EECP;
- more frequent review hearings;
- family teams which may include all parties to the case and other people or other service providers identified by the parent to be part of the support system for the

- parent involved;
- fostering an environment where all professionals involved in the ECCP increase their awareness of different forms of bias, trauma, and adversity that often accompanies poverty, mental health, and substance abuse;
- striving to ensure that families receive early, consistent, and frequent visitation that is developmentally appropriate for infants and toddlers; and
- individualized case plans for parents should address protective factors that mitigate or eliminate safety risks to the child.

Each ECCP must review its data to assess its effectiveness and participate in a statewide group of ECCPs. The statewide group is to share its data findings and hold statewide meetings to support alignment to the core components and statewide consistency.

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

- an initial eight hour training program that can include topic areas of the benefits to infants and toddlers of secure attachment with primary caregivers; a trauma-informed approach; the importance of maintaining children with their biological connections; the importance of reunification of children with their families; and the impact of trauma on child development; 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 Administrative Office of the Courts (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 may have a reasonable period of time to adjust to the requirements of this act.

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 on Original Bill (Human Services, Reentry & Rehabilitation): *The committee recommended a different version of the bill than what was heard.* PRO: This bill provides the framework for superior courts to adopt ECCPs,

promoting the emotional well-being of the infants and toddlers being a top priority. There will be less anxiety and stress for both the children and the parents. Permanency will be achieved in a more timely manner, which is better for everyone involved and saves money. Infants and toddlers are overrepresented in dependencies. Washington has the second highest rate of dependency children under the age of one in the country. COVID has threatened the stability of families—this will help everyone navigate the dependency process in a way that is more engaging and supportive of families. Washington is considered a leader in early education policies based on science and research. There is a program in Pierce County, also modeled after the Zero to Three national model. Adopting this state-wide model will help this model expand, and help with private and local funding efforts. This model incorporates the voice of those with lived experience in the child welfare system. Some parents never had a chance to parent, the increased communication and family involvement this model emphasizes will change this. Early exit from dependency means better outcomes and lower costs.

Persons Testifying (Human Services, Reentry & Rehabilitation): PRO: Senator Chris Gildon, Prime Sponsor; Rachel Sottile, Center for Children and Youth Justice; Ruth Kagi, Representative, Children’s Campaign Fund; Heather Cantamessa, Re-Unify Family Solutions LLC.

Persons Signed In To Testify But Not Testifying (Human Services, Reentry & Rehabilitation): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: This bill addresses childhood needs and makes financial sense. Estimate this would provide \$14,000 in savings per family served and exceeds per family costs by 64 percent. Longer term public savings should be substantially higher. This program is nationally recognized. Initial spending to launch three cohorts in Washington has been secured. Additional Health Resources and Services Administration funding is likely to be available.

Persons Testifying (Ways & Means): PRO: Rachel Sottile, Center for Children & Youth Justice.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S):

- Adds intent language finding that ECCPs that de-emphasize termination of parental rights and focus on the safe reunification with parents or family promote the long-term health of children and minimize the trauma and racial disproportionality of children in the dependency court system.
- Modifies the core components of ECCPs such that:
 1. the memorandum of understanding is developed in collaboration with counsel for

- parents and children;
2. the community coordinator is a person with experience and training in diversity, equity, and inclusion measures;
 3. the community team must include diverse membership including former parent participants, foster parents, parent and child advocates, an attorney for parents, a DCYF caseworker, and a judicial officer;
 4. more frequent status hearings are established by the judicial officer and these hearings are separate from the existing review hearings required by statute and are intended to provide additional support to the family;
 5. the court shall aim to increase awareness of professionals involved in the program of different forms of bias and trauma by identifying or developing training;
 6. ECCPs collect and review data related to race and ethnicity of program participants which must be shared with the Oversight Board for Children, Youth, and Families which must also share this data and hold or offer to assist in holding statewide meetings to support alignment to the core components and statewide consistency;
 7. the caseworker assigned to the program has received training and competency related to cultural anti-bias and anti-racism;
 8. each program must be responsive to community needs and adopt best practices related to family reunification and serving all families;
 9. ensuring that an attorney for the parent is present during every meeting of the program; and
 10. ensuring that parents receive all available and appropriate services.
- Includes diversity, equity, and inclusion training within the topics that may be included in the initial eight-hour training program for judicial officers presiding over ECCPs.
 - Specifies that any ECCP in operation when the bill is effective shall have until January 1, 2022 to comply with bill—instead of a reasonable time.