
**Human Services, Youth, & Early
Learning Committee**

HB 1873

Brief Description: Concerning office of public defense social service workers for parents in child welfare cases.

Sponsors: Representatives Ortiz-Self, Couture, Taylor, Reed, Simmons, Doglio, Orwall, Wylie, Reeves and Pollet.

Brief Summary of Bill

- Creates a pilot project administered by the Office of Public Defense (OPD) that provides indigent parents in dependency and termination cases with voluntary access to a social service worker contracted by OPD beginning at a shelter care hearing.

Hearing Date: 1/16/24

Staff: Luke Wickham

Background:

The Office of Public Defense.

The Office of Public Defense (OPD) was established in 1996 as an independent agency to implement the constitutional and statutory guarantees of counsel and ensure the delivery of state-funded indigent defense services.

The OPD administers a number of different programs, including the parents representation program, which contracts with attorneys to represent indigent parents, custodians, and legal guardians involved in child dependency and termination of parental rights proceedings.

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.

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 based on a risk of imminent harm to the child, 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 hearing 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 proving by clear, cogent, and convincing evidence that the:

- child is dependent;
- court entered a dispositional order;
- child was removed from the parent for a period of at least six months;
- services ordered under the dependency court order and all necessary services, reasonably available and capable of correcting parental deficiencies, have been expressly and understandably offered or provided; and
- continuation of the parent relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

The court may also terminate a parent's rights under certain circumstances if the whereabouts of the child's parent are unknown or if the parent has been convicted of certain crimes. If a court terminates a parent's rights, all rights, powers privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent are severed and terminated, and the parent has no standing to appear at any future legal

proceedings involving the child.

Summary of Bill:

The Office of Public Defense (OPD) is required to establish and administer a pilot program that provides indigent parents in dependency and termination cases with voluntary access to a social service worker contracted by OPD beginning at a shelter care hearing. This social service worker should provide parent support, advocate for the parent, and participate in community child welfare improvement and court improvement meetings.

The pilot program must be provided in at least five counties, and implemented by January 1, 2025.

The OPD must submit a report to the Legislature and the Governor that describes the pilot program and recommendations regarding maintaining or expanding the program by November 1, 2025.

Appropriation: None.

Fiscal Note: Requested on January 11, 2024.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.