

HOUSE BILL REPORT

ESHB 1512

As Amended by the Senate

Title: An act relating to dependent children.

Brief Description: Changing provisions relating to dependent children.

Sponsors: By House Committee on Human Services (originally sponsored by Representatives Brough, Leonard, Chappell, Romero, Veloria, Riley, Karahalios, Horn, Wolfe, Ballasiotes, Talcott, G. Cole, Flemming and J. Kohl.)

Brief History:

Reported by House Committee on:
Human Services, March 1, 1993, DPS;
Passed House, March 11, 1993, 98-0;
Amended by Senate.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Patterson; Thibaudeau; and Wolfe.

Minority Report: Do not pass. Signed by 1 member: Representative Padden.

Staff: David Knutson (786-7146).

Background: When a child is found by the court to be dependent because of abuse, neglect, or a parent's inability to care for the child, he or she is often placed in foster care. For many children, their stay in foster care can last for years as their parents attempt to improve the deficiency which led the court to take their child away. The current process for terminating a parent and child relationship can take years, denying the child a permanent home or setting.

Summary of Bill: The list of aggravated circumstances the court must consider in determining whether to terminate the parent and child relationship is expanded to include; (1) use of intoxicating or controlled substances which render the parent incapable of properly caring for the child, (2)

psychological incapacity or mental deficiency of the parent which renders the parent incapable of properly caring for the child, and (3) severe abuse of a child under five. The agency having custody of a dependent child shall prepare a permanency plan and present it to the court between the 15th and 18th month of placement. The court is required to adopt a permanency plan prepared by the agency. A petition seeking to terminate the parent and child relationship may be based on a parent's failure to substantially improve the parental deficiency within 12 months, leading to a presumption that it is unlikely the condition will be remedied, allowing the child to return home.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment removes the provisions related to expedited termination of a parent's rights and includes additional factors for a judge to consider during the normal termination process. The presumption that a parent cannot improve parent deficiencies after 12 months will not arise unless the state ensures all necessary services have been provided to the parent. The amendment establishes a presumption that if there is a conviction or a court shows by clear and convincing evidence that sexual abuse occurred, the parent requesting residential time or visitation under chapters 26.09 and 26.10 RCW will be denied. When the parent of a dependent child is ordered to undergo substance abuse diagnostic, evaluation, and treatment services, the treatment program will inform the court of the parent's progress. Adults living with a child, adult dependent, or a person with developmental disabilities, are required to report abuse or neglect. The Department of Social and Health Services is required to use a risk assessment tool when investigating child abuse and neglect referrals. Law enforcement officers conducting child abuse investigations are authorized to seek temporary restraining orders against a person with unsupervised visitation rights if they are accused of sexually or physically abusing a child. The department is required to develop guidelines to identify all children in need of long-term care assistance.

Fiscal Note: Requested.

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

Testimony For: When parents are clearly incapable of correcting the problems which caused their child to be found dependent, the state should move deliberately to find a permanent home for the child. Many children stay in foster care too long because the state and the court are reluctant to terminate the parent-child relationship.

Testimony Against: None.

Witnesses: Darlene Flowers, Foster Parent Association of Washington State; Karl Jensen, foster parent; and Gerard Sidorowicz, Department of Social and Health Services.

VOTE ON FINAL PASSAGE:

Yeas 98