

HOUSE BILL REPORT

ESSB 6389

As Passed House:

March 1, 2000

Title: An act relating to court jurisdiction over permanency planning matters in dependency proceedings.

Brief Description: Extending juvenile court jurisdiction over permanency planning matters in dependency proceedings.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove and Long).

Brief History:

Committee Activity:

Judiciary: 2/25/00 [DP].

Floor Activity:

Passed House: 3/1/00, 98-0.

Brief Summary of Engrossed Substitute Bill

- Authorizes the juvenile court in a dependency proceeding to hear a petition for a permanent custody order for the child if permanent custody is a part of the permanency plan.
- Requires such a permanent custody order to be in the child's best interests and agreed to by the parent, guardian, or custodian, and by the petitioner in a custody proceeding.
- Provides that the Department of Social and Health Services may not continue to supervise a child's placement when a permanent custody order is entered and the dependency proceeding is dismissed.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Edie Adams (786-7180).

Background:

State law provides procedures for the protection and placement of dependent children«children who have been abused or abandoned by their parents or legal guardians. A child who is alleged to be a dependent child may be taken into custody and placed in shelter care until a dependency hearing takes place to determine whether the child is a dependent child and the services and interventions that are appropriate for the child.

Dependency proceedings are held in juvenile court. In a dependency proceeding, the court may order that a child be temporarily placed outside the child’s home. In this event, the agency that is charged with the child’s care must present to the juvenile court a permanency plan identifying the long-term goals for permanent care of the child, such as adoption, foster care, guardianship, and return of the child to the parents. In 1998, the Legislature added permanent legal custody as an allowable goal in a permanency plan for a dependent child.

Permanent legal custody proceedings are held in family court. These proceedings allow a court to transfer custody of a child from the parents to a non-parent, such as a grandparent. In order to grant custody to a non-parent, the court must find that the parent is either unfit, or that placement of the child with the parent would detrimentally affect the child’s growth and development. A person who receives permanent custody of a child generally has the authority to determine the child’s care and upbringing. As part of a permanent custody order, the court may award visitation rights to the parents and require the parents to provide child support.

The entry of a permanent custody order by a family court acts to dismiss any pending dependency proceeding with respect to that child and ends juvenile court supervision of the child. Once a court has entered a permanent custody order, the custody order may be altered only through judicial modification of the order.

Summary of Bill:

A juvenile court in a dependency proceeding may hear a petition for permanent legal custody of the child if the court-ordered permanency plan includes permanent legal

custody and if the person pursuing permanent legal custody is the person identified as the prospective custodian.

A juvenile court may enter a permanent legal custody order in this situation only if the following conditions are met: (1) the parents, guardians, or legal custodians of the child agree to the establishment of a custody order; (2) the custody order is in the child's best interests; and (3) the petitioner for a custody order in a custody proceeding, if not a party to the dependency proceeding, agrees to the entry of a custody order.

After the entry of a permanent legal custody order, and subsequent dismissal of the dependency proceeding, the Department of Social and Health Services may not continue to supervise the placement of the child.

Any order establishing or modifying permanent legal custody that is entered by the juvenile court in a dependency proceeding must be filed in the family court custody proceeding by the prevailing party, and once filed, survives dismissal of the dependency proceeding.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill passed the Senate unanimously. It is a well-worked bill. The Department of Social and Health Services supports the purpose and intent of the bill, although there are minor corrections or additions that could clarify the language.

Testimony Against: None.

Testified: Senator Stevens, prime sponsor; and Jacob Romo, Department of Social and Health Services, Children's Administration.