

FINAL BILL REPORT

SHB 1239

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Synopsis as Enacted

Brief Description: Addressing parenting plans and residential schedules in dependency proceedings.

Sponsors: House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Walsh, Goodman, Haler, Roberts, Appleton, Moeller and Kenney).

House Committee on Early Learning & Children's Services
Senate Committee on Human Services & Corrections

Background:

Children's dependency cases are initiated in the juvenile division of the superior court because Washington's juvenile courts have exclusive original jurisdiction over dependency matters. When the permanency plan for a dependent child calls for a third-party custody arrangement, the juvenile court may hear and decide such matters when:

- the child's parent(s) and the third party agree to the order; and
- the juvenile court finds the order is in the child's best interests and approves the order.

When the permanency plan for a dependent child calls for reunification with only one of the child's parents, or when implementation of the permanent plan requires the entry or modification of a parenting plan, the child's parents must file and pursue a separate action in the family court because the juvenile court does not have authority to hear parenting plan cases. Waiting for the finalization of the parenting plan case through the family court may result in delaying permanency for the child if entry or modification of the parenting plan is necessary and sufficient for dismissal of the dependency.

Summary:

The juvenile court overseeing a child dependency case may also hear and decide matters to establish or modify a permanent parenting plan in order to implement a permanent plan of care for the child and dismiss the dependency. The juvenile court's authority over parenting plan matters is subject to the following:

- The court must make a written finding that the parenting plan is in the child's best interests.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Matters relating to child support and division of marital property must be referred to or retained by the family law division of the superior court.

When hearing and deciding matters for agreed parenting plans, the juvenile court may:

- appoint a guardian ad litem to represent the child's interests;
- appoint an attorney to represent the child's interests; or
- interview the child in chambers under the same conditions as permitted in family court.

A parent who does not agree to the juvenile court deciding matters necessary to develop or modify a parenting plan needed to dismiss the child's dependency case, may file a motion for transfer of the case to the family court. The juvenile court may grant the motion only if it finds the transfer of the case to the family court is in the child's best interests.

The filing fee for the entry or modification of a parenting plan must be waived for indigent parents whose parenting plans are being decided in the juvenile court as part of the dependency process.

Votes on Final Passage:

House	95	0	
Senate	47	0	(Senate amended)
House			(House refuses to concur)
Senate	46	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 26, 2009