

SENATE BILL REPORT

ESB 5320

AS PASSED SENATE, MARCH 18, 1991

Brief Description: Delineating circumstances for removing a child from the home.

SPONSORS: Senators Sutherland, L. Smith, Stratton, Talmadge, Roach and Amondson.

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass.

Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Stratton, and Talmadge.

Staff: Lidia Mori (786-7755)

Hearing Dates: February 14, 1991; March 6, 1991

BACKGROUND:

After it has been proven that a child is dependent and a disposition hearing has been held, the court may either return the child home or enter an order for out-of-home placement. The court may enter an order for out-of-home placement only if it finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from his or her home. The court must also find that there is no parent or guardian available and willing to take custody of the child. The child may also be placed in out-of-home care if a manifest danger exists such that the child will suffer serious abuse or neglect if not removed from his or her home. There is concern that sometimes in such situations the rights of parents to their children are given more weight than the rights of children to a safe and stable home.

SUMMARY:

Manifest danger is defined to include emotional or mental illness or mental deficiency of such nature and duration as to render the parent incapable of providing proper care for the child and the other parent is incapable of providing proper care and protection for the child. Manifest danger also includes conduct toward any child that is abusive, cruel, or sexual in nature. It includes addictive or habitual use of intoxicating liquors or controlled substances where parental ability has been substantially impaired and the other parent is incapable of providing proper care and protection for the child. The definition of manifest danger also includes negligent treatment of the child by the parent.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR: None

TESTIMONY AGAINST: None

TESTIFIED: No one