

HOUSE BILL REPORT

ESHB 2595

As Passed House
February 10, 1994

Title: An act relating to permanency planning and guardianship for dependent children.

Brief Description: Changing provisions relating to children removed from the custody of parents.

Sponsors: By House Committee on Human Services (originally sponsored by Representatives Leonard, Padden, Karahalios, Thibaudeau, Patterson, Rust, Pruitt, Ogden, Caver, G. Cole, Scott, King, J. Kohl and L. Johnson; by request of Attorney General).

Brief History:

Reported by House Committee on:
Human Services, February 3, 1994, DPS;
Passed House, February 10, 1994, 95-0.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Leonard, Chair; Thibaudeau, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Caver; Karahalios; Lisk; Padden; Patterson and Wolfe.

Staff: Dave Knutson (786-7146).

Background: A dependency petition may be filed for any child who: has been abandoned; is abused or neglected; has no parent capable of caring for him or her; or is developmentally disabled and services cannot be provided in the home. If a dependent child is removed from the home, the child's caseworker must prepare a plan for the child to assure that a permanent home is found for the child as soon as possible. This "permanency plan" may include returning the child back to his or her parent, adoption, guardianship, or a long-term placement with a relative or in foster care.

It has been suggested that changes in the law will reduce unnecessary delays in achieving permanency and stability for the child.

Summary of Bill: Prior to the child being removed from the home, the court must find that preventive services have been provided and failed to resolve the problem, unless the safety of the child cannot be protected at home. When a dependent child is removed from the home, the permanency plan may include a plan of independent living for a child who is age 16 or older. The plan must identify services provided for a successful transition from foster care to independent living.

Permanency planning is required to start at the same time child welfare services are provided. The planning continues whenever the child is removed from parental custody until the goal is met or the dependency is dismissed.

The plan's identified outcomes and goals may change with the circumstances. Permanency planning goals should be met within 15 months of out-of-home placement. A hearing is required if the child is out-of-home for at least 15 months and in all cases shall be held no later than 18 months after placement.

The agency having custody of the child shall file the permanency plan with the court and mail copies to the parties and their counsel 10 working days prior to a permanency planning hearing.

At the permanency planning hearing, the court shall determine whether the goal has been met and review the status and plan to ensure it remains appropriate. If the court orders the child returned home, casework supervision shall continue for at least six months for a review hearing and consideration of the need for continued intervention.

After the first permanency planning hearing, additional planning hearings shall be held at least every 12 months, until the goal is achieved or the case is dismissed. Status review hearings shall continue to be held every six months, unless a "dependency" guardian has been appointed.

The agency with custody of the child may file a termination or guardianship petition at any time after a finding of dependency. A fact-finding hearing shall be held unless the agency dismisses the petition, or an agreed order is entered.

"Dependency guardians" are authorized. A dependency guardian is a person, nonprofit corporation, or tribe appointed for the limited purpose of assisting the court in the supervision of the dependency. In establishing a guardianship, the best interest of the child standard is used instead of the best interest of the family.

The court shall specify the dependency guardian's authority over the estate of the child. The dependency guardian's rights and duties are specified. While the guardianship is in effect, the dependency guardian shall be a party to any dependency proceeding. Any party may request modification or termination of the guardianship order. The Department of Social and Health Services may intervene in any guardianship to modify or terminate its provisions.

The court may modify or terminate the guardianship if it finds that, by a preponderance of the evidence, there has been a "change of circumstances" and the order is in the child's best interest. A hearing is required unless all parties agree.

When terminated, a dependency guardian has no rights or responsibilities for the child and has no legal standing to further participate in dependency proceedings.

The child shall remain dependent when the guardianship is terminated and shall be returned to the parent, Department of Social and Health Services, a child placing agency, or a home not requiring licensing.

The child shall not be returned to the parent unless the original reason for removal no longer exists and it is in the child's best interest to be returned. The Department of Social and Health Services may transfer foster care funds to provide family preservation services and other preventive services to children at imminent risk of out of home placement.

Fiscal Note: Available.

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

Testimony For: By beginning the process of permanency planning at the time child welfare services begins, the length of stay in foster care for children can be reduced.

Testimony Against: None.

Witnesses: Christine Gregoire, Attorney General (pro); Laurie Lippold, Children's Alliance (pro); Sid Sidorowicz, Department of Social and Health Services (pro); and Margaret Casey, Washington State Catholic Conference (pro).