

SENATE BILL REPORT

ESHB 1512

**AS REPORTED BY COMMITTEE ON HEALTH & HUMAN SERVICES,
APRIL 2, 1993**

Brief Description: Changing provisions relating to dependent children.

SPONSORS: 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)

HOUSE COMMITTEE ON HUMAN SERVICES

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Majority Report: Do pass.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, McAuliffe, McDonald, Moyer, Niemi, Prentice, Sheldon, and Winsley.

Staff: Richard Rodger (786-7461)

Hearing Dates: March 25, 1993; April 2, 1993

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:

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 13.

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. 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.

Appropriation: none

Revenue: none

Fiscal Note: requested

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:

The bill will violate the American Civil Disabilities Act and is unconstitutional. The "severe abuse" section of the bill should reference the current ability of the parent to protect the child. Consideration should be given to a parent who is abused by the other parent. DSHS will be unable to prove "documented multiple failed treatment attempts."

TESTIFIED: Representative Brough, prime sponsor; Gerard Sidorowicz, DSHS; Judy Turpin, NWWLC; Judy Odegaard, Children's Home Society (pro); Marie Strough, Exc. Dir. WPAS (con); Meryl Cowsin, WSCADU