

HOUSE BILL REPORT

HB 2557

As Amended by the Senate

Title: An act relating to technical clarifying changes to developmentally disabled children's out-of-home placement.

Brief Description: Concerning judicial review for certain out-of-home child placements.

Sponsors: Representatives Tokuda, Cooke and O'Brien; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Children & Family Services: 1/30/98, 2/3/98 [DP].

Floor Activity:

Passed House: 2/10/98, 96-0.

Senate Amended.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass. Signed by 11 members: Representatives Cooke, Chairman; Boldt, Vice Chairman; Bush, Vice Chairman; Tokuda, Ranking Minority Member; Kastama, Assistant Ranking Minority Member; Ballasiotes; Carrell; Dickerson; Gombosky; McDonald and Wolfe.

Staff: Douglas Ruth (786-7134).

Background: A law enacted during the 1997 session eliminated the Children's Administration's responsibility for caring for developmentally disabled children whose parents are incapable of caring for them. Under prior law, these children were considered dependent children and were placed in the care of the Children's Administration. In 1997, the dependency laws were modified to eliminate these children from the definition of dependent children. At the same time, the responsibility for the care of these children was transferred to the Division of Developmental Disabilities.

The 1997 law also created voluntary placement agreements to allow developmentally disabled children to receive the same services as had been provided them by the Children's Administration pursuant to dependency findings. The agreements permit a disabled child's parents to contract with the Children's Administration to place their child

in out-of-home care. Procedures were created to insure judicial oversight of the placement. One component of this oversight was a judicial determination, made within 180 days of placement, that such a placement is in the best interest of the child.

Summary of Bill: The dependency chapter is amended to remove references to "developmentally disabled dependent "children. This is a technical change required to make these sections consistent with changes made in the 1997 session.

The bill additionally relieves the department of the obligation of obtaining judicial review of a placement within 180 days if the placement ends before 180 days have passed.

Grammatical corrections are made.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment expresses in statute parents' right to file a dependency petition for out-of-home placement of their child if the department refuses to enter into a voluntary placement agreement. The department is required to notify parents in writing of this right. In conjunction, the amendment does not eliminate the remaining reference to developmentally disabled children in the dependency statute. The preserved reference allows a court to place a developmentally disabled child in an out-of-home placement.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: These changes make minor changes to increase the effectiveness of the new voluntary placement agreements.

Testimony Against: None.

Testified: Jennifer Strus, Director, Division for Program & Policy, Department of Social and Health Services (pro).