

# FINAL BILL REPORT

## SHB 1121

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Synopsis as Enacted

**Brief Description:** Revising legal custody of children.

**Sponsors:** By House Committee on Children & Family Services (originally sponsored by Representatives Veloria, Cooke, Tokuda, Wolfe, Dunn and Costa).

**House Committee on Children & Family Services**

**House Committee on Law & Justice**

**Senate Committee on Human Services & Corrections**

**Background:** In a dependency proceeding, a juvenile court may order that a child be temporarily placed outside the child's home. If a child is so placed, the agency that is charged with the child's care must present to the juvenile court a permanency plan identifying the long-term goals for the permanent care of the child. The agency may choose from a statutorily defined list of goals. These goals include adoption, long-term relative care, foster care, guardianship, or independent living, or return of the child to the parents, a guardian, or a legal custodian. The plan must encourage maximum parent-child contact and the resumption of parental custody.

One goal that is not on the list of long-term goals for a child's care is non-parental custody of the child through a permanent custody order. Permanent custody orders are court orders that transfer child custody from the parents of a child to a non-parental individual, such as a grandparent.

The content, scope, and procedures for obtaining a permanent child custody order are established by law. To grant an order, a court must find that the parent of the child is either unfit, or that placement of the child with the parent would detrimentally affect the child's growth and development. An individual, or individuals, receiving permanent custody of a child has the authority to determine the child's care, upbringing, education, health care, and religious training. As part of a permanent custody order, the court may award visitation rights to the parents and require them to provide child support and health insurance for the child.

**Summary:** Permanent custody orders are added to the list of long-term goals that an agency may select to implement in a dependency proceeding. In addition to the other statutorily listed long-term placement arrangements, an agency has the option of facilitating custody by a non-parental individual through a permanent custody order.

Entry of a permanent custody order by a court acts to dismiss a dependency proceeding and ends court supervision of the child. The court is relieved of conducting periodic permanency planning hearings to review the child's status. Once a court has entered a permanent custody order, the individual's custody over the child may be altered only through judicial modification of the order.

Because the court ordering permanent child custody (superior court) is a separate court from the one supervising the child's dependency (juvenile court), both courts are explicitly permitted to exercise concurrent jurisdictions.

**Votes on Final Passage:**

House 95 0

Senate 47 0 (Senate amended)

House 95 0 (House concurred)

**Effective:** June 11, 1998