

HOUSE BILL REPORT

HB 2557

As Passed Legislature

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 Concurred.

Passed Legislature.

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 Department of Social and Health Services is required to give notice to parents in writing that they have a right to civil action to obtain out-of-home placement in cases where the department does not accept a voluntary placement agreement.

In cases of out-of-home placement terminating within 180 days, a judicial determination that the out-of-home placement is in the best interests of the child need not be obtained.

Grammatical corrections are made.

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).