

SENATE BILL REPORT

SHB 1121

As Reported By Senate Committee On:
Human Services & Corrections, February 18, 1998

Title: An act relating to dependent children.

Brief Description: Revising legal custody of children.

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

Brief History:

Committee Activity: Human Services & Corrections: 3/20/97, 4/2/97 [DPA]; 2/18/98 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl and Schow.

Staff: Joan K. Mell (786-7447)

Background: In a dependency proceeding, a juvenile court may order that a child be temporarily placed outside the child's home. In ordering this out-of-home placement, the court must give preference to placement with relatives of the child if the relatives are willing, available, and suitable to have the child stay with them.

After the child is placed out of the home, 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 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.

Current law establishes the content, scope, and procedures for obtaining a permanent child custody order. To grant an order, the 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 of Amended Bill: 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 adoption, long-term relative care, foster care, guardianship, and independent living as agency options for long-term placement of a dependent child, an agency also 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), concurrent jurisdiction by both courts is explicitly permitted.

Amended Bill Compared to Substitute Bill: The underlying statutory language relating to parental preference in out-of-home placements is reinstated. Permanent custody order is defined.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill is good because it enables grandparents to obtain custody of grandchildren. Grandparents can provide nurturing, care and support to grandchildren, and grandchildren are grateful for the opportunity.

Testimony Against: None.

Testified: PRO: Jennifer Strus, DSHS; Norris Johnson, John B. Weers, Vivian Weers, Mary Weers, United Grandparents Raising Grandchildren.