

# SENATE BILL REPORT

## SB 5908

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As of February 27, 1997

**Title:** An act relating to expedited termination of parental rights.

**Brief Description:** Providing for expedited termination of parental rights.

**Sponsors:** Senators Thibaudeau, Long, Kohl, Winsley and Patterson.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/27/97.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Richard Rodger (786-7461)

**Background:** A petition requesting the termination of parental rights may be filed after a child has been found dependent for a period of six months or longer. The court has the ability to order the Department of Social and Health Services (DSHS) to file a termination petition without waiting for the child to be dependent for six months. That process is referred to as an "expedited termination" process.

Before the court can order an expedited termination, three conditions are required: (1) the supervising agency has recommended termination; (2) termination is in the best interest of the child; and (3) it is not reasonable to provide further services to reunify the family.

The statute provides a list of "aggravated circumstances" for the court to consider in reaching its decision to order the expedited termination process. The aggravated circumstances includes a list of criminal offenses which, if committed by the parent, would justify the expedited termination. The list also and specifies against whom those offenses must have been committed. It has been suggested that the list of offenses should be expanded and their application should be broadened to cover additional victims.

At the time of filing a petition seeking termination of parental rights under the regular process, DSHS is required to allege that all ordered services have been offered and provided and all necessary services capable of correcting deficiencies in the foreseeable future have been offered or provided.

**Summary of Bill:** The "aggravated circumstances" for filing of an expedited termination of parental rights are expanded and modified. The following new offenses are added to the list of criminal offenses: (1) Sale of Purchase of a Minor Child; (2) Child Molestation 1 or 2; and (3) Sexual Exploitation of a Minor.

Two additional grounds are added to the list of aggravating circumstances for the court to consider in determining whether to order the filing of an expedited termination petition: (1) a judicial finding that the parent is a persistent offender; and (2) when a parent failed to take

reasonable steps to prevent the child or the child's minor sibling from being a victim of any of the listed criminal offenses. The court must consider whether the parent had a reasonable opportunity to exercise protection and whether the parent acted upon such opportunity. The court must make the finding, that a parent failed to take reasonable steps to protect the child, by clear and convincing evidence.

The conviction of a parent of Rape of a Child 1 applies to any conviction for this offense.

The conviction of a parent of Rape of a Child 2 or 3, Criminal Mistreatment of a Child 1 or 2, Assault 1 or 2, or Assault of a Child 1 or 2 are extended to cover expedited terminations for all of the children of that parent.

Citations are added to the existing offenses (murder, manslaughter, homicide by abuse). Under current law, these offenses applied when the victim was the child's other parent, sibling, or any other child. Rape 1 is added as an additional offense, and a stepparent is added to the list of possible victims.

At the time of filing a petition seeking termination of parental rights, DSHS must allege that all ordered services potentially capable of correcting deficiencies in the near future have been offered or provided.

**Appropriation:** None.

**Fiscal Note:** Requested on February 19, 1997.

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