

SENATE BILL REPORT

SB 6196

As Reported By Senate Committee On:
Human Services & Corrections, February 4, 1998

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: Senators Hargrove and Long; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Human Services & Corrections: 1/14/98, 2/4/98 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6196 be substituted therefor, and the substitute bill do pass.

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

Staff: Joan Mell (786-7447)

Background: The Department of Social and Health Services has requested technical amendments to RCW 13.34.130 and 13.34.270 (dependency statutes) and 74.13.350 and 74.13.021 (public assistance).

RCW 74.13.350, enacted last session, enables parents to enter into a voluntary placement agreement with respect to a developmentally disabled child. This statute was created to avoid putting parents in the emotionally difficult position of having to say they cannot care for their child.

While this new provision was enacted, the language from RCW 13.34.130 was not simultaneously stricken. With the new statute subsection (1)(b)(iv) is no longer needed. Parents can enter into a voluntary placement agreement and avoid the court fact finding process.

Summary of Substitute Bill: Parents can challenge a department rejection of voluntary out-of-home placement in cases of developmentally disabled children via a dependency proceeding to the voluntary placement agreement statute that allows parents to challenge a department's decision not to agree to voluntary out-of-home placement via court intervention. Dependency is established if: the child had a developmental disability; the child's developmental disability was such that the parent, guardian, or legal custodial could not provide the necessary care for the child; the child would benefit from placement outside the home; and services appropriate to the child's needs could not be provided in the home.

In cases of out-of-home placement ending before 180 days, a judicial determination that the placement is in the best interests of the child is not required.

Substitute Bill Compared to Original Bill: The original bill would have eliminated criteria for out-of-home placements from the dependency statutes. The substitute bill leaves these criteria in statute and adds statutory language entitling a parent to petition a court for out-of-home placement if the department does not agree to out-of-home placement.

Appropriation: None.

Fiscal Note: Requested.

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

Testimony For: Criteria for out-of-home placement is not needed in the dependency statutes given recent enactment of volunteer out-of-home placement agreements.

Testimony Against: None.

Testified: Jennifer Strus, DSHS (pro).