

**Children & Family Services  
Committee**

**ESSB 5413**

**Brief Description:** *Improving accountability in child dependency cases.*

**Sponsors:** *By Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Long and Roach).*

**Brief Summary of Engrossed Substitute Bill**

- *The Department of Social and Health Services (DSHS) is required to facilitate a conference to identify the department's specific, measurable expectations regarding care and placement of a dependent child in a written service contract.*
- *Accreditation of all Children's Administration offices, within existing resources, and all private child-placing agencies who contract with department, is required by January 30, 2008.*

**Hearing Date:**

**Staff:** *Deborah Frazier (786-7152).*

**Background:**

*Any person may file a petition to have a child declared dependent. A dependent child is one who: 1) has been abandoned, 2) has been abused or neglected, or 3) has no parent, guardian, or custodian capable of providing adequate care, so that the child's psychological or physical development is in danger of substantial damage.*

*If the court issues an order to take the child into custody, the child is placed in shelter care. Parents must be notified that the child is in custody, the reasons for the removal from the home, and their legal rights, including the right to be represented by appointed counsel.*

*The duration of shelter care may not exceed 72 hours, excluding weekends and holidays.*

*A shelter care hearing must be held during this period. The court determines if the child should be released to the family home or if a continued out-of-home placement is required.*

*After the shelter care hearing, the child may remain out of home for 75 days before a fact-finding hearing is held to determine whether, by a preponderance of the evidence, the child has been proven to be dependent. During the out-of-home placement, the court may require actions by the parents and the Department of Social and Health Services (DSHS). Any out-of-home placement requires the development of a permanency plan for the child.*

*If the child is declared dependent, a disposition hearing is held immediately following the fact-finding hearing to establish conditions for the ongoing care of the child. The court must review the dependency at least every six months, from the beginning of the out-of-home placement or the date that dependency is established, to determine if continued court supervision is required. Dependency cases may result in termination of parental rights.*

*The court may order parents of a dependent child to pay child support.*

*All hearings related to dependency petitions are closed to the public unless the judge finds that certain persons have a direct interest in the case or the work of the court.*

#### **Summary of Bill:**

*Upon request of parents involved in a dependency case, after the shelter care hearing but not later than 25 days prior to the fact finding hearing, DSHS is required to facilitate a conference to identify the department's expectations regarding care and placement of the child in a written service contract. The expectations must be specific so that court can measure performance, and must correlate with the court's findings at the shelter care hearing.*

*At any stage of the dependency proceeding, the parents may request and the department must facilitate a case planning conference.*

*The court is required to suspend or defer a child support order if the court determines that the parent has reasonably complied with the services contract.*

*The required notification to parents of removal and placement of the child in shelter care is modified to inform parents that they can request the service contract conference.*

*When considering the allegation in a termination petition that conditions will not be remedied so that the child can be returned to the parent, the court may consider that a parent's use of controlled substances, or psychological incapacity, results in an inability to care for the child for periods of time that present a risk of imminent harm to the child.*

*The bill requires that the first dependency review be an in-court hearing. The first hearing must occur 6 months from the beginning of the out-of-home placement or no more than 60-90 days from entry of the disposition order. This hearing may be a permanency planning hearing. At this hearing, the court is required to consider the measurable progress of the agency and parent in meeting the disposition plan requirements.*

*The bill requires accreditation by the Council on Accreditation of all Children's Administration offices within existing resources by January 30, 2008. Accreditation by this date is required of all private child-placing agencies prior to contracting with department.*

*The department is required to inform parents about multidisciplinary teams, family group conferences, prognostic staffings, or case planning conferences prior to using these processes.*

*The bill sets forth the process for a parent to waive the right to a fact-finding hearing and to stipulate or agree to dependency orders. The process seeks to assure that the parent has knowingly and willingly stipulated and agreed to the order, and understands that this action may result in termination of parental rights.*

*The bill is named the Zy'Naia Nobles Accountability Act.*

***Appropriation:*** None.

***Fiscal Note:*** Available.

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