

# FINAL BILL REPORT

## ESSB 5413

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Synopsis as Enacted

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

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

**Senate Committee on Human Services & Corrections**  
**House Committee on Children & Family Services**  
**House Committee on Appropriations**

**Background:** In May of 2000, Zy’Nyia Noble, age three, died from lethal blows to her body. Zy’Nyia was a dependent child, who was known to the state’s Department of Social and Health Services. Upon her death, a fatality review team conducted an investigation and issued a report, making findings and recommendations. The report concluded that "lack of continuity" affected decision making in the case: "The committee concluded that this issue of assuring continuity of child welfare cases is critical in improving our system to protect and care for children."

Under current law, a dependency action is filed and a shelter care hearing is held within 72 hours of a child being placed out of the home. Following shelter care, the child may remain out of home for 75 days, or longer, before a fact-finding hearing is held to determine whether the child is dependent. During this time frame, there may be a court order setting forth specific requirements that the parents and department must follow, but the order may not be specific. It depends upon the case.

Following fact finding, a disposition hearing is held to establish conditions for the ongoing care of the child. These matters must be reviewed every six months until a termination hearing is held and permanent placement is established for the child. Not all cases end in termination; in fact, most cases do not.

**Summary:** Upon a parent’s request, the department must facilitate a conference to develop a written service agreement that sets forth expectations regarding the care and placement of the child. This service agreement cannot violate the court’s order at shelter care. The agreement must be signed by the parties. The agreement is the unifying document for the dependency case.

The written notice given to parents when their child is removed from the home must include language that informs parents that their right to counsel continues beyond shelter care, and that a variety of methods may be used to process their case. These processes must be described to parents.

A petition in termination cases may allege a parent’s use of controlled substances or psychological incapacity presents a risk of imminent harm to the child.

Review hearings must be held in court no more than 90 days from the entry of the disposition order. At this hearing, the court must consider both the parent's and the agency's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements.

Due process requirements must be met when entering stipulated or agreed orders of dependency.

When a child is returned home from shelter care a second time in the case, the department may reconvene the multidisciplinary team and a law enforcement officer must be present and file a report to the department.

The department must promulgate rules that create good cause exceptions to the establishment and enforcement of child support.

**Votes on Final Passage:**

Senate	48	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House	91	0	(House amended)
Senate	48	0	(Senate concurred)

**Effective:** July 22, 2001