

SENATE BILL REPORT

ESSB 5779

As Passed Senate, March 18, 2003

Title: An act relating to sibling relationships for dependent children.

Brief Description: Preserving sibling relationships for dependent children.

Sponsors: Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Kohl-Welles, McAuliffe, Winsley and Oke).

Brief History:

Committee Activity: Children & Family Services & Corrections: 2/18/03, 2/21/03 [DPS].
Passed Senate: 3/18/03, 48-1.

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5779 be substituted therefor, and the substitute bill do pass.

Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Staff: Edith Rice (786-7444)

Background: A dependent child is one who has been abandoned, is abused or neglected, or has no parent capable of adequately caring for him or her. The Department of Social and Health Services must coordinate services for child dependency cases. This includes developing service plans and activities to address the family's needs, and ensuring that dependent children who have siblings have regular visits with them. When a court determines that a child should be removed from a home because he or she is dependent, the court must consider whether it is in the child's best interest to have contact with siblings. However, there has been no legal requirement that the court consider placing a child with siblings if they are also placed out of the home. If parental rights are terminated, there has been no statutory requirement that the court consider sibling status. It is not unusual for siblings to be placed apart. Advocates in this area speak of the trauma of being removed from an abusive home as being secondary to that of being separated from siblings.

Summary of Bill: It is the intent of the Legislature to recognize the emotional ties siblings form without creating legal obligations that do not already exist. When ordering a child removed from the home in a dependency proceeding, the court presumes that placement, contact or visits with siblings who are also placed out of the home is in the best interest of the child, unless to do so would jeopardize the child's health, safety or welfare. In the event that parental rights are terminated, the court must note the sibling status in the termination order. If the child is placed with the Department of Social and Health Services, the department must take reasonable steps to ensure that the child maintains relationships with siblings.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: We know the value of healthy family relationships is positive. Children benefit from maintaining sibling relationships where possible.

Testimony Against: None.

Testified: Laverne Lamoureux, Department of Social and Health Services, Children's Administration, (pro, suggestions); Laurie Lippold, Children's Home Society (pro).

House Amendment(s): The standard used to determine whether reasonable efforts shall be made to ensure visitation and contact between siblings (once termination petition is filed) is changed. If there is reasonable cause to believe the best interests of the child or siblings would be jeopardized is the new standard.