

SENATE BILL REPORT

SB 5875

As Reported By Senate Committee On:
Human Services & Corrections, February 21, 2005

Title: An act relating to interests of parents and alleged fathers under the juvenile court act.

Brief Description: Clarifying the interests of parents and alleged fathers under the juvenile court act.

Sponsors: Senator Hargrove.

Brief History:

Committee Activity: Human Services & Corrections: 2/17/05, 2/21/05 [DP, DNP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland and McAuliffe.

Minority Report: Do not pass.

Signed by Senator Carrell.

Staff: Kiki Keizer (786-7430)

Background: The law allows the state to take into custody a "dependent child." A dependent child is one who has been abandoned or abused or neglected by a person legally responsible for the child's care or a child who has no parent, guardian, or custodian capable of caring for him or her, such that the child is in danger of substantial damage to his or her development.

The state provides services to parents and children in child dependency cases.

The laws relating to dependent children strive to ensure the right of children to a safe, stable, and permanent home. Whenever possible, the legislature has declared that the family unit must remain intact. However, when a child's rights to basic nurture, physical and mental health, and safety are at stake, the child may be removed from the home and, when certain statutory conditions exist, the parents' rights may be terminated. Termination of parental rights breaks the legal bond between the child and his or her natural parents and makes the child available for placement in an adoptive family.

Summary of Bill: The term "parent" is defined to mean an individual who has established a parent-child relationship in accordance with the Uniform Parentage Act, unless that individual's parental rights have been terminated.

The bill establishes the circumstances under which an alleged father may receive notice of a dependency petition, be appointed counsel, and have the opportunity to establish his parentage.

An alleged father is a man who claims that he is the biological father of a child, or who is alleged to be the biological father by the mother or another one of the child's relatives, but whose parentage has not been legally established.

The alleged father must receive notice of a petition and shelter care hearing when no other parent-child relationship has been established, and the child has only an alleged father. The court may appoint counsel to an indigent alleged father upon a finding that the alleged father believes that he may be the biological father of the child and is willing to cooperate in establishing parentage.

The Department of Social and Health Services (DSHS) must refer the alleged father to a support enforcement agency for a determination of parentage. While the determination of parentage is pending, the DSHS may offer services to the alleged father but is not required to do so and cannot be ordered by a court to do so. While the determination of parentage is pending, the DSHS need not, and cannot be order by a court, to provide visits to the alleged father or any of his relatives, although it may recommend placement of the child or visitation with the alleged father or his relatives if that is in the best interests of the child.

If the alleged father fails to cooperate with a referral to a support enforcement agency, the court may order genetic testing of the alleged father, the child, or any other party to the proceeding.

If the court finds that the DSHS has made reasonable efforts to refer the alleged father to a support enforcement agency, and the alleged father has failed to submit to genetic testing as ordered by the court within a reasonable period of time, the court can adjudicate parentage against the position of the father and find the alleged father's failure to cooperate constitutes the aggravated circumstances necessary to terminate parental rights.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: Under current law, there is a possibility that someone who claims to be the father of a child in a dependency proceeding might be entitled to services before establishing his parentage and accepting the corresponding legal responsibility to provide the child with monetary support. Someone claiming to be the father of a child who is the subject of dependency proceeding should be required to prove parentage before being entitled to services.

Testimony Against: None.

Who Testified: PRO: Ray L. Weaver, Division of Child Support, DSHS; Tom McBride, Washington Association of Prosecuting Attorneys.