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**Early Learning & Children's  
Services Committee**

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**HB 1287**

**Brief Description:** Modifying foster children placement provisions.

**Sponsors:** Representatives Kagi, Hinkle, Walsh, Haler, Appleton, Simpson, Moeller and Kenney; by request of Department of Social and Health Services.

**Brief Summary of Bill**

- Requires foster parents, pre-adoptive parents, and relative care givers be provided notice of their right to be heard in court proceedings for children in out-of-home care.
- Requires dependency review hearings child in out-of-home care to establish whether both in-state and out-of-state placements for the child have been considered.
- Requires entry of a court order authorizing the Department of Social and Health Services (DSHS) to access the educational, medical, health, and mental health records of children who are in the custody of the DSHS.
- Requires entry of a court order authorizing persons providing care to children who are in the custody of the DSHS to authorize and manage certain school enrollment-related processes on behalf of the child.

**Hearing Date:** 2/1/07

**Staff:** Sydney Forrester (786-7120).

**Background:**

Dependency Review Hearings

When children are taken into the custody of the DSHS and found to be dependent and a result of abuse or neglect, periodic dependency review hearings are required in superior court until the dependency is dismissed. Dependency review hearings require the court to make certain

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determinations related to the status of the case, including a determination of whether the child has been placed in the least restrictive setting and whether placement with a relative has been given consideration and preference. State law currently grants foster parents, pre-adoptive parents, and relative care givers a right to an opportunity to be heard in these dependency review hearings. Foster parents, pre-adoptive parents, and relative care givers also are entitled to notice of these review hearings.

*Educational and Medical Records of Children in Out-of-Home Care*

When a child enters foster care or kinship care, the DSHS is required to provide care givers with the child's health and education records to the extent they are available. The availability of the child's records depends in part on where the records are maintained. Whether or not the entity maintaining the records has a clear understanding of the laws governing access to and sharing of health and education records also can impact the time it takes for the DSHS to access the child's records.

*The Safe and Timely Interstate Placement of Foster Children Act of 2006*

In July 2006, the Safe and Timely Interstate Placement of Foster Children Act of 2006 (Act) became federal law. The Act requires state courts to ensure foster parents, pre-adoptive parents, and relative care givers have the right to be heard in all proceedings regarding children in their care. The Act also requires the entry of orders related to: (1) accessing the educational and medical records of children in out-of-home care; and (2) authorizing and managing school enrollment related processes.

**Summary of Bill:**

When child is placed in out-of-home care as a result of suffering abuse or neglect, the court is required to enter orders: (1) authorizing the DSHS to obtain the child's most recent medical, health, mental health, and educational records; and (2) authorizing foster and kinship care givers to manage enrollment and other school-related processes and services on behalf of the child.

Foster parents, pre-adoptive parents, and relative care givers of children in the custody of the DSHS must be notified prior to each proceeding of their right to be heard in each proceeding under the state's dependency statutes relating to children in their care. The dependency review hearings for children in DSHS custody must establish in writing whether both in-state and out-of-state placement options have been considered for the child.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.