

FINAL BILL REPORT

SHB 1333

C 410 L 07

Synopsis as Enacted

Brief Description: Concerning child welfare protections.

Sponsors: By House Committee on Early Learning & Children's Services (originally sponsored by Representatives Hinkle, Kagi and Walsh).

House Committee on Early Learning & Children's Services

House Committee on Appropriations

Senate Committee on Human Services & Corrections

Senate Committee on Ways & Means

Background:

Dependency and Termination of Parental Rights.

If there are allegations of abandonment, abuse or neglect, or no parent who is capable of caring for a child, the state may investigate the allegations and initiate a dependency proceeding in juvenile court. If the court finds the statutory requirements have been met, the court will find the child to be a dependent of the state.

Whenever the court orders a dependent child to be removed from the home, the court will enter a dispositional plan which will include the obligations of the parties including the parents, the supervising agency or Department of Social and Health Services (Department), and the child. The dispositional order will contain an order for the placement of the child either within the home or outside the home. If the child is placed outside the home, he or she may be placed with a relative or in non-relative foster care.

Within 60 days of assuming responsibility for the child, the Department is required to provide the court with a permanency plan for the child. The permanency plan will contain the desired goal for the child which may include a plan to return the child home, adoption, long-term placement, or guardianship. The court must hold the permanency planning hearing when a child has been in out-of-home care for nine months. The hearing must take place within 12 months of the current placement.

The status of all dependent children must be reviewed by the court every six months. During the review the court will examine the progress of the parents in meeting the requirements of the dispositional plan. At this hearing the court may return the child to the home if the parent has made sufficient progress.

If the parent fails to make progress in curing the parental deficiencies that led to the dependency, or if one of the statutory aggravating factors exist, a termination petition may be filed. Federal law requires that after a child has been in foster care for 15 of the past 22

months, the state must file a petition to terminate parental rights unless the child is being cared for by relatives, there is a compelling reason why termination would not be in the best interest of the child, or the state has failed to offer the necessary services to the parent.

If the court finds the statutory grounds for termination are met, the court will terminate the parental rights and the parent will no longer have rights, privileges, or obligations toward the child.

Task Force.

In 2005 the Legislature formed a task force to review issues pertaining to the health, safety and welfare of children receiving services from Child Protective Services and Child Welfare Services (Child Safety Task Force). In 2006 the Child Safety Task Force reported several recommendations to the Legislature for improving Child Protective Services and Child Welfare Services.

Summary:

The act is to be known as "Sirita's Law."

Services.

The Department is required to coordinate within its divisions, and enter into contracts with service providers, to ensure that parents in dependency cases receive priority for court-ordered services. If the parent is unable to pay for the services, the Department must provide funds for the services to the extent funding is appropriated in the operating budget. If the services are unavailable to the parent, the Department must notify the court that the parent is unable to meet the requirements of the court order due to the inability to access the services.

The Department is required to assure that parents who are "defendants" in dependency cases are within the priorities established by the Regional Support Networks for mental health services.

Transition Issues.

Prior to placing a child in the home of a parent, the Department is required to identify all care givers for the child and assess whether they are in need of services. The Department may provide services to the care givers. If the Department recommends that the care giver engage in services, and the care giver fails to engage in the services, or follow through with the services, the Department must notify the court. The court may order the placement of the child in the parent's home be delayed or contingent upon the care giver receiving services.

The Department is also required to conduct background checks on all adults residing in the home and notify the parents that they have an on-going duty to notify the Department of any person who is residing in the home or acting as a care giver for the child.

Foster parents are authorized to be available to assist in transitioning a child back to the natural family if it is appropriate and the foster parent desires to be involved in the transition process.

Permanency Issues.

If a child is removed from a parent, returned to the home of the parent, and subsequently removed, the court must hold a review hearing. The court must decide what appropriate action to take including whether to change the permanency plan or require that a termination petition be filed. The court must use the best interest of the child as the primary consideration in deciding the appropriate action to take. The hearing must be held within 30 days from the date the child was removed from the home, and the best interest of the child must be the court's primary consideration.

Training.

The Criminal Justice Training Commission is required to develop a curriculum related to child abuse and neglect that must be included in the basic law enforcement training.

Counties are required to revise their child sexual abuse protocols to address child abuse, criminal neglect, and fatality investigations.

Reporting.

The Administrative Office of the Courts must compile a list of all cases which fail to meet the statutory guidelines for permanency for children and submit its report to the Legislature annually beginning on December 1, 2007.

The Joint Legislative Audit and Review Committee is required to analyze gaps in availability and access to services in dependency cases and report to the Legislature by December 1, 2007.

Votes on Final Passage:

House	96	0	
Senate	45	0	(Senate amended)
House			(House refused to concur)
Senate	40	0	(Senate amended)
House	98	0	(House concurred)

Effective: July 22, 2007